DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 December 2000

Tuesday, 5 December 2000

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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.

GAMING MACHINE AMENDMENT BILL 2000

Debate resumed from 29 June 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (10.32): Overall, the ALP and the opposition will not be supporting the Gaming Machine Amendment Bill 2000. We are taking this course because, in the main, the fundamental reasoning behind this legislation does not appear to us to be contributive or positive. This legislation is based on an element of envy and a considerable element of malevolence.

During this debate we will hear the accusation of conflict of interest directed at the opposition. At the outset I would like to address that point. The application of the provisions of this legislation is hardly likely to affect the Labor Party. An examination of the Gambling and Racing Commission's report on contributions that are made by clubs to the community reveals that amongst the most generous clubs are the Canberra Labor Club, the Canberra Tradesmen's Union Club and the Woden Tradesmen's Union Club.

In fact, aside from the provision that relates to the election of boards of management, implementation of this legislation will not affect the ALP in any shape or form. The clubs associated with the ALP and the workers' movement are amongst the more generous in town. If members look at the Gambling and Racing Commission's report they will see who makes up the top four clubs in category one. Also, I suggest that they look at what the report says about category two.

So this legislation, if implemented, is not likely to make a great deal of difference to the ALP. Who would it make a difference to? It would make a considerable difference to the Liberal Party because it would allow them to try to hobble the fundraising and the funds that are made available to their main opponent and opposition.

Mr Smyth: You do get a benefit. So there is a conflict of interest.

MR QUINLAN: That is the motivation except, Mr Smyth, you are not bright enough to look at the numbers first. So the answer to who stands to gain the most out of this legislation is the Liberal Party of the ACT.

You will find that the ALP and the Liberal Party incurred expenditures of about the same order during the last election. Of course, according to Liberal Party standards, such an outcome is absolutely unfair and unbalanced—"Fancy the opposition having as much money to spend on promotion in an election campaign as we have. Better stop that." This is the Liberal Party that got $9,500 from FAI, the company that built the Waldorf Apartments so-called—in fact, the Waldorf hotel across the road from this building—and got concessions of half a million dollars funded by the taxpayer. Half a million dollars from the taxpayer, 9½ grand to the Liberal Party—what a good deal. And we might later in the day refer to the 250 Club and the Free Enterprise Foundation—those people whose vested interests appear to be best served by the Liberal Party and who throw money at them.

So when we hear the term "conflict of interest" later this morning, please remember that the application of the bill that we are now considering will not impact on the ALP because the clubs that support the ALP actually support the community far more than most of the others.

I have to say that the government's public statements on the subject of the distribution of poker machine revenue are up there with its worst forays into propaganda. In a skewed report, the government isolated the contributions to charity. It then made a series of public statements demonising the club industry for non-contribution to the community. I have to say that in this place I have a grudging admiration for the debating skills of one Gary Humphries. Despite that, I was the one who introduced into this place the term "I've been Gary-ed" because of his continued propensity to twist the truth and to use facts selectively to the point—

Mr Moore: On a point of order, Mr Speaker: the imputation is very clear here: what Mr Quinlan has just said will prevent him from ever using the term "Gary-ed" again because he has now explained that he uses it to call somebody a liar.

Mr Stanhope: We all know what a "Gary" is. Nobody has ever been under any misapprehension. I think we have all been "Gary-ed".

Mr Moore: Mr Stanhope will now need to withdraw that as well.

MR SPEAKER: It has been recognised; it has been accepted.

MR QUINLAN: Mr Speaker, on the point of order: I think at last week's sitting you quite happily accepted, although misinformed from the government side of the house, an imputation in relation to Mr Corbell. I do not think there can be any worse imputation than the one that was accepted last week in this place.

Mr Moore: On the point of order, Mr Speaker: the point that I was taking was that Mr Quinlan was talking about twisting the truth. I think that is where he has gone too far. That is how he now defines "Gary-ed", and both are unacceptable according to our standing orders.

MR SPEAKER: Did you make any reflection in terms of the truth, Mr Quinlan?

MR QUINLAN: I did, Mr Speaker, and I very happily withdraw the term "twist the truth".

MR SPEAKER: Thank you.

MR QUINLAN: My addition to the lexicon of this place of "I've been Gary-ed" will now refer to misinforming the Assembly. Either way, it does little credit to Mr Humphries.

The report that produced this skewed position—the one that Mr Humphries and I understand Mr Moore have dined out on—contains a core figure of net gaming machine revenue and is the product of gross gaming machine revenue less overheads. However, the club industry is permitted to deduct only 15 per cent of gross revenue in respect of overheads. This arbitrary rule has been imposed despite the fact that the clubs have put out their own document, unchallenged by the government, explaining what their overheads are.

ACIL Consulting produced figures to demonstrate what the clubs' overheads are. However, the government has ignored this work. In an unexplained move, the government has ruled that only 15 per cent of gross revenue for overheads can be deducted from poker machine revenue. This arrangement helps to strengthen the government's argument, and I rather think that borders on misinformation.

The opposition can support some of the main thrust of this legislation in terms of the need for the club industry to contribute to—and this is the definition used in New South Wales—community development and support. We can support the removal of penalties for late payment of taxation so that the regime that applies to the club industry is consistent with what applies to other taxpayers within the territory. I think that is reasonable and fair.

We are a little bemused by the requirement for larger clubs to be incorporated. The only explanation that I understand has been put forward is that this will save the ACT administration a little work because of responsibilities being passed upstairs at the federal level. This will mean that some of the unincorporated larger clubs will be faced with having to undertake considerably more work. But, again, this is one of those imbalances that favour the current administration. Although we do not actually support that requirement, we will nevertheless charge ahead with it.

We view the club industry's responsibilities in contributing to the community to include contributing to community support in the general sense. There are some clubs that contribute heavily to charity, and in that respect I refer to the Canberra Tradesmen's Union Club. Before I left home this morning I noticed on the sideboard a little lapel badge issued by the CFMEU's children's health trust. The Canberra Tradesmen's Union Club makes a considerable effort to support charities which service the community and the CFMEU's children's health trust is one of its main beneficiaries.

I do not know whether there is a Canberra Chamber of Commerce children's trust; I doubt it. I doubt if the caftan and sandalwear people have a children's trust. But the CFMEU does and the Tradesmen's Union Club of the ACT is one of the major contributors within the club industry to charity. Nevertheless, there is an implication that

these clubs are run only for the benefit of the Labor Party and unions—a convenient definition which leads to distortion in the public forum.

Many clubs have been created to support local sport. Others support associated local sporting bodies because sometimes banks require the social club, the central club, to be a separate entity from the sporting club. I know of a couple of those examples. However, contributions to associated sporting bodies are not regarded as being contributions to sport.

We have a government in this town that is prepared to spend tens of millions of dollars providing facilities for our elite sports, that gives direct grants for training facilities to elite sporting bodies with very highly paid professional players and that bails out sports where there might be a photo opportunity or two. But at the same time we have a government that has a begrudging attitude in relation to middle-level sport right down to junior sport. These are the sports bodies that are the feeder areas for the elite clubs. But obviously there are not enough photo opportunities there. These clubs are to be penalised. The contributions that are made to the Tuggeranong Vikings by their social club are to be excluded. The government may be changing its position on this but these contributions are certainly excluded from the public pronouncements made by people on that side of the house when they are denigrating the club industry.

This is the government that talks about a healthy Canberra. This is the government that crows about the level of participation in sport in the ACT. In demonising the club industry in order to make a point, the government has understated the position severely. Its statements, which have been over the top, have denigrated the work of so many people associated with clubs who work for nothing.

I am associated with a couple of clubs and all of the board members get paid nothing. One of the clubs, which makes nothing and is running at a loss, supports an ACTAFL side, a first grade cricket side and junior cricket and junior football. It also supports lawn bowls, which gives citizens of all ages, including retired people, the opportunity to exercise and live in a healthy city. But all of the money that is paid to an associated body, called the football club, is not eligible for inclusion under this legislation. The efforts of the board members, who have to meet with the bank about once a month in order to beat off the creditors, mean nothing to this government.

As I said earlier, I think unnecessary costs are imposed by the requirements in this legislation relating to incorporation in order to enable this government to make a minor administrative saving. Notwithstanding that, we are happy with the removal of penal provisions.

I want to address the appointment of boards. This legislation provides that club members are to appoint 51 per cent of board. To the naive, this seems a fair enough provision. However, many of the clubs, whether they be ethnically based clubs or sporting clubs—and, generally speaking, the founders of those clubs worked very hard over an extended period to get the bricks and mortar together—have structured constitutions to ensure that their original purpose is not taken over by a cluster of social members.

This provision demonstrates that the authors of this legislation are not in touch with their own community. I trust and hope that we have the numbers in place to at least defeat that provision. Otherwise there will be process of larger clubs consuming smaller clubs or social clubs taking over from sporting, ethnic or cultural clubs and their constitutions going out the window.

It is also clear to me from reading this legislation that those on the other side of this house are not really in touch with the role that clubs play within the community. Clubs tend to be recreational outlets for most of the people in Canberra. The people of Canberra who do not earn the salaries that are paid to people inside this place are able, because of the existence of a club industry, to go to a well-managed, non-threatening facility and environment and enjoy some recreation.

These places can be compared with the current image of most of the nights spots in Canberra, and I would say that the only well-managed, non-threatening night spots you can go to in Canberra are prohibitively expensive. I have had a direct association with a place called the Charnwood Inn. That notorious blood house is now the Ginninderra Labor Club. Members on the government side should go out and ask the people of Charnwood, the West Belconnen citizens and the people who run businesses in the Charnwood shopping centre what difference the club industry has made to them and their environment. Yet, you lot demonise the club industry for your own grubby political purposes.

I would like to refer next to the community facilities that the club industry provides. (*Extension of time granted.*) I refer to such community facilities as Ainslie Oval, which I think was the venue for the last interstate women's soccer competition. Wanniassa Oval, which is now Viking Park, is a great sporting facility which was paid for out of club industry money. Another is the Tuggeranong Basketball Centre which, given the right moment on the right nights during the right competition would be populated by politicians seeking photo opportunities.

I think it is clear that in the ACT the club industry and the community are even more interwoven than they are in New South Wales. We accept that the club industry ought to pay a reasonable proportion of money towards community welfare and the advancement of the community. But clubs that provide and support middle-level and junior sport in the ACT should not have to suffer the indignity that they have suffered as a result of the distorted publicity that has been directed at them in recent times.

I have a couple of letters with me which were written by Tennis ACT and sent to the Gambling and Racing Commission. Tennis ACT gives zero to category one charities but it promotes tennis in schools and it promotes tennis for the disabled. In fact, it does such a good job that the government gives it extra money to do that. So we have this crazy contradiction that Tennis ACT is listed in the report as not pulling its weight in terms of community contributions when in fact it has become an arm of government in taking a role in promoting healthy sport for both young people within schools and the disabled.

This does not just apply to tennis. Virtually all the rugby clubs promote junior football. Rugby clubs like Royals promote many of the associated sports such as softball that do not have other sources of income.

Mr Stanhope: At the least the clubs that the Chief Minister called bludger clubs—he reckons they are bludging.

MR QUINLAN: He made some derogatory remarks about jacuzzies and jet skis.

Mr Stanhope: He thinks they are all bludging—ripping the community off.

MR QUINLAN: Yes. In closing, I have to say that this town ought to be very proud of its club industry. This government should seek to work with the club industry and not make cheap political points to denigrate this industry.

MS CARNELL (Minister for Business, Tourism and the Arts) (10.57): Mr Speaker, listening to Mr Quinlan you may have been tempted to think that we were not debating the Gaming Machine Amendment Bill 2000 but some piece of legislation to close down the club industry, to destroy the whole social fabric of the club industry in the ACT and, of course, that we will see the end of western civilisation as we know it.

I think it is a good idea to have a look what the bill actually seeks to do. The bill requires that clubs make a compulsory community contribution at 5 per cent of the net—not gross—gaming machine revenue, increasing to 7 per cent over a three-year period. We are not talking about 100 per cent of net gaming machine revenue or 100 per cent of gross gaming machine revenue but 5 per cent. Five per cent of net gaming machine revenue—"net" meaning after expenses have been taken off and so on—is not a lot, is it?

Mr Berry: It is not after expenses. You have mislead us. Mr Speaker, I take a point of order. The Chief Minister may have mislead us with that remark.

MS CARNELL: I am not the Chief Minister, and if he did he is not here.

Mr Berry: Sorry, the former disgraced Chief Minister may have mislead us when she said it was after expenses. It does not include all expenses—only the expenses that you have arbitrarily determined.

MS CARNELL: Mr Speaker, that is not a point of order.

MR SPEAKER: There is no point of order.

MS CARNELL: Mr Speaker, 5 per cent of net gaming machine revenue is not a lot.

Why is this legislation in place at all? It is now before us because members of this Assembly have chosen to ensure that the club industry has a monopoly on gaming machines in this city. We decided to do this because the club industry said categorically that they are operating in the broad community interest and therefore the profits from gaming machines go back to the community. That is a fine statement; it is one that we would all support emphatically.

What is so wrong then with a piece of legislation that suggests a contribution of 5 per cent of net gaming machine revenue—not net profit of the whole of an organisation, because they have lots of other parts of their operations? The bill provides that such community contributions must have the effect of contributing to, developing or

supporting the social fabric of the territory or another community. Community funds may also be used to assist sport or other recreational activity conducted in the territory or with participants predominantly based within the territory. So the funds can go to sport and they can go to things that improve the social fabric.

The Chief Minister has made available guidelines for approving community contributions. I think many of the clubs and members of this Assembly have seen this document, which makes very clear the sorts of organisations that are appropriate. The document states:

> Donations to the following types of organisations would comply with the Act:
>
> (1) Charitable organisations, whether incorporated or not and including philanthropic foundations, formed or carried on primarily for charitable, benevolent, philanthropic or religious purposes …

This would include organisations such as the Salvation Army, St Vinny's, Red Cross, World Vision, and public appeals generally. In other words, charitable organisations that are helping our community or the broader world community do not have to be incorporated. The document continues:

> (2) Sports Organisations or events … which are not directly related to the gaming machine licensee.

So all of the people that Mr Quinlan was saying would—shock, horror!—be thrown out on the streets are actually included. Mr Stefaniak will say something more about that in a minute. The document continues:

> (3) Non-Profit Organisations include schools, hospitals, retirement villages, community organisations and other non-profit organisations established in the interests of the community, including:

So work done in schools by clubs is covered, contrary to what Mr Quinlan said a few minutes ago with regard to Tennis ACT. The document continues:

> Direct donations to the Public—includes direct donations to individuals or target groups such as scholarships, the purchase of food or supplies for the poor/needy, aged or underprivileged;

The document also lists ethnic organisations and multicultural activities; ACT events, including things like Sky Fire; and volunteer organisations such as the Volunteer Bush Fire Brigade, Rotary and Lions. These categories are in. The document then states:

> (4) Public Assets (for public benefit) including infrastructure assets owned by clubs which are provided to the general public. These contribution amounts include expenses to build, upgrade and maintain public assets such as museums, gymnasiums, ovals, fields, sporting facilities …

So the public assets that Mr Quinlan was talking about are in, not out. The document continues:

> (5) Associated organisations may receive donations which comply with the Act if they can be demonstrated to be community building, do not relate to the primary purpose of the contributing club—

in other words, money that is not set aside just to encourage people to use poker machines—

> and do not include payment to individuals to perform particular duties which could be construed as a salary or a salary supplement.

In other words, you cannot include payments to staff, entertainers and others that are associated directly with running the club.

Mr Speaker, those are pretty broad guidelines. What is not included is contributions to lobby or umbrella groups or organisations unless the donation is used directly for community benefit, and I have already spoken about that. You cannot claim for entertainment that is provided to patrons of a club. In other words, you cannot claim for things that you need to generally run the club.

Mr Quinlan: To bring them in to play the poker machines—no, you could not do that.

MS CARNELL: Fine, Mr Quinlan agrees with that. Expenditure by a licensee on commercial activities will also be disallowed. In other words, you could not include building an extension on the club or a Christmas promotion to encourage people to come to your club to play the poker machines. That is pretty reasonable, I would have thought. You cannot claim capital expenditure that I suppose might be related directly to the enhancement of gaming machines generally to improve the profitability of your club.

You cannot include the purchase of holiday units for the use of members only or sporting facilities whose usage is restricted—facilities that are not available to the community generally. In other words, you cannot include measures that are taken by clubs to encourage club membership and to encourage people to use poker machines. This is quite logical. Also, donations made to political parties, political candidates, lobby groups or trade unions are not covered because, again, that is not about enhancing the general social fabric of our broad community.

This does not stop clubs contributing to those things. Of course it does not—they can do that with the other 95 per cent of net gaming machine revenue that is not covered by this legislation. This is 5 per cent of net gaming machine revenue.

Mr Speaker, why are we asking the Assembly to approve the legislation to make larger clubs become incorporated bodies under corporations law? We are doing so for a wide range of reasons. These are very large businesses. Why do we have corporations law at all in this country? We do so so that the community generally, and maybe shareholders in particular, can see in a transparent way what those large companies are doing. The requirements under corporation law are quite specific, quite transparent, and quite open to public scrutiny, and so they should be.

We are not asking small clubs to do so. This requirement will apply only where the annual gross revenue is greater than $500,000 a year. Any entity that has a gross revenue of more than $500,000 a year would be incorporated under almost all scenarios that I can

think of. Why? Because they have responsibilities to governments, to the community generally and they should be transparent. And that is what Corporations Law does—nothing more or nothing less. It just adds to transparency and this is what this Assembly has been very definite about.

Why have we decided that we should put forward an amendment that would further enhance the accountability and regulatory requirements of clubs by suggesting that the capacity of associated organisations to appoint the majority of the boards or the directors of these clubs should be taken away? The membership should be able to appoint or vote for the majority of directors because, again, this will improve accountability.

Clubs in this city have a capacity to have poker machines. No other people do. Clubs have a monopoly on poker machines and on that basis surely the members of a club—not somebody else; not some other organisation that is not democratically elected—should be able to determine who the directors are. The members themselves, the community, the people who want to input into a club, surely should be able to elect the people, or at least the majority of the people, that run the club. That seems so basic.

Should we have clubs that purport to support particular sporting organisations but those sporting organisations do not actually elect the majority of the directors? Well, I would not have thought so. If we in this place support democracy and transparency then surely the members should be able to elect the directors, or at least a majority of the directors, of a club.

Mr Speaker, these are not dramatic amendments. They are about transparency, openness, community building and social capital. Why are those opposite so negative? Why would they be shouting from the rooftops that this will bring the club movement to its knees? Why would transparency or democracy or putting aside 5 per cent of net gaming machine revenue bring the club industry to its knees? There is no reasonable answer to that except possibly that some clubs, and I cannot really believe this, are scared of transparency and openness and of their members electing the directors. For some reason unknown to me, they do not want to have to give 5 per cent of their net gaming machine revenue to the general community, to be used for sports fields, sports clubs and charities and all of those sorts of things. They would not have a monopoly on poker machines if they had not convinced this house that they were set up in the community interest. We have in front of us the capacity for the clubs generally to show, in a transparent way that nobody can argue with, that that is exactly what they are doing.

I know that the majority of clubs do not have a problem with this legislation, particularly now that the guidelines for approving community contributions have been spelled out so clearly by the Chief Minister. There is no reason to oppose this piece of legislation, unless some clubs have something to hide—and I cannot believe that that is the case—or, alternatively, the clubs that are run or are owned, shall we say, by the Labor Party or the trade unions, are not contributing appropriately to the community generally. Mr Quinlan said that was not the case, that they are contributing over and above all other clubs. If that is the case, they have nothing at all to fear.

But we have a right to know, the community has a right to know, where the money, where the profit from poker machines, is going. It has to go back into this community. It cannot be going to other places, to other organisations outside the ACT. Maybe this is

not happening but this legislation will make sure that we can see where it is going, that we can have the information we need and that the community, the beneficiaries of these clubs and of poker machines, is given the opportunity to see in a transparent way where the money is going. Poker machines do have a social harm; let us see the social benefit.

MR STEFANIAK (Minister for Education and Minister Assisting the Attorney-General) (11.13): Mr Speaker, I am going to confine my remarks to the sporting activities of clubs. A lot of what Mr Quinlan said about sporting activities would have been correct 12 months ago because there were some problems with the initial legislation. The government recognised this and the Treasurer brought in new legislation to the Assembly to amend the act and counter the problems.

There was a different set of community contributions in the original legislation—2 per cent, I think, in the first year to sport or associated things and 3 per cent to various charities. There was no juxtaposition between the two, and that rose to 2½ per cent and 5 per cent, respectively, after three years. That would have caused problems for a large number of our clubs, which provide immense support to the sporting community, in that most of their excess money goes towards assisting sporting clubs in their areas.

Other clubs, of course, would not necessarily have been affected or they might have been affected to a lesser extent. Invariably they would have spent their money on charitable things because they do not necessarily support sport to the same extent as do sporting clubs.

What we have on the table now recognises the justifiable genuine concerns of clubs, especially sporting clubs. I think all members would have been lobbied on that. I certainly was and I was very happy to go and see my colleagues about it. I am delighted with proposed new section 60B(1) on page 6 of the bill. Proposed new section 60B(1), which deals with approval of community contributions, states:

> The Commission may approve contributions made by a licensee that is a club to a specified organisation for a specified purpose as **community contributions** if satisfied the contributions will have the effect of—
>
> (a) contributing to, or developing or supporting the social fabric of the Territory or another community; or
>
> (b) assisting sport or other recreational activities conducted in the Territory, or with participants predominantly based within the Territory.

That is basically commonsense. If a club wants to give all of its 5 per cent, rising now to 7 per cent, to charities, it can do so. If it wants to give all of that 5 per cent, rising to 7 per cent, to sporting activities in the community, it can do so. I assume, too, that if it wants to have a little bit of a mix, it can do that as well. That is eminently sensible, and I do not think too many organisations now have a real problem with that. What that does is protect the legitimate interests of amateur sport and the various sporting bodies that receive very significant assistance from the clubs in this territory. I refer to the little organisations, the little sporting groups, that would really be doing it tough were it not for the assistance they receive. The legislation will enable this to continue.

I am also very happy to see the guidelines for approving community contributions because there were some difficulties in how that would be assessed. I recall having a briefing some months ago from a Treasury official in relation to this. I think it was early days in terms of what the legislation would contain but quite clearly some clubs had put in some things that no-one in their right mind could possibly say were going towards sport. But they were not counting other things, such as ovals, which, in my opinion, quite clearly were for the benefit of the overall community. I will give an example.

The Tuggeranong Valley Rugby Union and Amateur Sporting Club has saved the taxpayers of this territory probably about $30,000 to $40,000 a year by taking over Erindale Oval. They have spent four million bucks so far. The West Belconnen Leagues Club is saving the territory probably about $20,000 a year by looking after and maintaining their magnificent oval. There are some other proposals. I certainly hope the proposal by Western District Rugby Union Club to take over Jamison Oval for rugby and cricket comes to fruition. There would be considerable benefits from such an arrangement. Those activities, which save the territory taxpayer money, certainly should be counted in a club's contributions. Therefore, I am very happy to see reference to community contributions in clause 4.

The guidelines for approving community contributions provide that, in general terms, expenditure in the sporting area will need to relate to sport and other recreational activities, including sporting organisations or events and other organised recreational activities. The guidelines refer to donations to clubs and organisations that would comply with the act. In relation to sporting organisations, they state:

> (2) Sports organisations or events (including some recreational activities) which are not directly related to the gaming machine licensee. This is to distinguish expenses of licensees primarily for the benefits of members from benefits of the community at large.

I am particularly pleased to see paragraph (4) of this section of the guidelines, which reads:

> Public Assets (for public benefit) including infrastructure assets owned by clubs which are provided to the general public. These contribution amounts include expenses to build, upgrade and maintain public assets such as museums, gymnasiums, ovals, fields and sporting facilities which are—

I am not too sure if the latest version has the words "free" or "not free"—

> for use by the general public and are not restricted by membership of a club.

The ACT Rugby Union runs football matches at Erindale Oval, which is now called Viking Park. Members of other clubs who are not members of the Tuggeranong licensed club—I do not think that anyone in the Western District Rugby Union Club would be a member of the Tuggeranong Valley Club—go down there to play or watch football games. They might pay their $5 entrance fee or, if they are players, they probably have a player's pass which would be purchased by their club from the ACT Rugby Union.

That money would go to the ACT Rugby Union. Similarly, it is my understanding that gate takings from matches at the West Belconnen Leagues Club go to the parent sporting body.

It is important to note that basically members of the public who are involved in these activities either as players or spectators and who are not members of the licensed club will benefit from the fact that the licensed club, the host club, provides facilities which are available to the public. I think this greatly contributes not only the sporting fabric of the territory but also to the social fabric of the territory. So this is a particularly good section of the guidelines.

The Gaming Machine Amendment Bill 2000, which is effectively a new act, recognises the very extensive contribution made by many, but not all, licensed clubs. My colleague the Treasurer has brought in a provision for 5 per cent, rising to 7 per cent, because, whilst most clubs are doing a great job, there are some that could be doing better. The legislation certainly recognises the fact that there are in our community many clubs whose primary contribution under this scheme will be to the sporting fabric of the territory.

I want to place on the public record my appreciation for what they have done to date and for what is going to happen in the future. Their contributions, which this legislation addresses, will assist thousands of kids and other participants in the territory. The contributions they make will not only go towards helping improve our sporting prowess and increase our mass participation rates, which are the highest in the country, but also will impact on the social fabric of this territory of which sport is such an absolutely essential and important ingredient.

I am glad to see the provisions in the bill before the Assembly that relate to donations to sport being regarded as community contributions. A lot of people have been listened to and their fears have been allayed. What we have now on the table is a package which will be very beneficial to sport. Certainly, the fears of a lot of those clubs which initially some 12 months ago did have some concerns in this area have been allayed.

MR OSBORNE (11:22): This may well be my first debate in relation to poker machines in my six years in this place and I must admit to being a little bit nervous. I have been accused by Ms Tucker of being a coward on this issue because of my longstanding association with West Belconnen Leagues Club. Many times she has pointed her finger at me and said, "You have to vote on this" but I have taken what I consider to be the moral high ground and done the right thing and stayed out of it. But, unfortunately, I have been dragged back into this through my leaving West Belconnen. I have to say that, through my association not only with West Belconnen but other clubs in the ACT—the Vikings or Southern Cross clubs, for example—I am very aware of the contribution that sporting clubs make to the community.

I think that when this legislation is passed—and I will be supporting the legislation with a few little changes—the majority of clubs will far exceed the limit that is set. However, the fact still remains that the club industry does have a distinct advantage over many other businesses and organisations, and that is they have poker machines. I do not think anyone in this place would deny the amount of money that poker machines generate and also the damage that they potentially can do to families across the territory.

So I think we do need to be more vigilant in looking at how clubs spend money derived from poker machines. This is why I have been working with the government and members of this place on ways to ensure that this legislation is passed.

I had a problem with the first model that was put up, which I think had a split of 4 per cent and 3 per cent. Some of the clubs that I have dealt with—the Vikings, for example—have spent well over a million dollars on sporting groups and affiliated clubs within their organisation which contain thousands and thousands of people. I feel that perhaps they should be included in the category of charity and community benefit because they are putting money back into the community and enabling people to partake in different sporting activities.

I am pleased with the way that the legislation is heading. However, I want to make the point that although I am a supporter of the clubs, I think some of them need to lift their game. They are given a tremendous benefit through poker machines and therefore have a decided advantage over their opposition. However, as I said earlier, obviously poker machines have the potential to cause damage and suffering to families.

Mr Speaker, as I said, I will be supporting the legislation. Although I have agreed to some changes, I have not as yet agreed to Mr Moore's amendments and I look forward to listening to the debate on them. I have already had a discussion with Mr Quinlan but I have had only a very brief discussion with Mr Moore.

I look forward to the debate on the issue of political donations because I think it is a live issue. I think the Labor Party extracts quite a significant benefit from the club industry. They receive a lot of money through the stance that they take in this place on poker machines, and one could argue that there is a conflict of interest there. I suppose the point is that the Labor Party needs that money to get re-elected.

Mr Berry: We don't need that money to get elected.

MR OSBORNE: "We don't need that money," Mr Berry says. One could argue that there is a real conflict of interest there, but the Labor Party does not seem to think so. The standing orders do not rule it out; and they do not rule me out—I thought it was a judgment call and a perception issue. I think that at some stage in the future perhaps the Labor Party will need to revisit the issue of whether or not it is a conflict of interest. I am sure Liberal Party will continue to remind them of that.

I look forward to the debate on Mr Moore's amendments. I look forward to Mr Quinlan's arguments as to why it is undemocratic. I am more than happy to support this legislation, which addresses the very important issue in this community of placing some greater scrutiny on clubs.

MS TUCKER (11.28): The Greens will be supporting part of this legislation, the community contributions part. As members are well aware, we have raised issues about poker machines, how the clubs are working and whether hotels should have poker machines, et cetera. The discussion has gone on for a long time. A select committee has looked at the issue, and we now have a gambling commission. So there has been some progress.

This bill is a small step to acknowledge the huge potential for making money from poker machines and to ensure that the windfall gain clubs have results in broader communities benefit. The social harm created by poker machines is certainly felt in the broader community. There are suggestions about how this social harm can be acknowledged by the industry. It is the polluter-pays principle, if you like, being applied to a social issue. The polluter-pays principle usually relates to environment issues, but it can equally apply to a social issue, as in this case.

We need to find some way of getting the industry to accept that it has a responsibility to make some effort to compensate for the social harm it creates. Let us not forget that most of this profit comes from people losing their money. We know that people from low-income brackets who lose their money are much more greatly affected. There are huge consequences not only for the individual gamblers but for their families and for the general community.

The Productivity Commission and the Assembly Select Committee on Gambling recommended that a levy be imposed on all forms of gambling and that the fund resulting from the levy be independently administered. There have been different ideas about exactly how that money should be spent. The Productivity Commission had the idea of the broader community benefit being included in how that money would be spent. The select committee said that it should go to problem gambling education and research. I am of the view that it should go to services for problem gambling education and research.

In speaking to the Chief Minister earlier, I alerting him to the fact that I intend to raise this proposal again and ask the Assembly to support my call to him to ask the gambling commission to undertake a feasibility study of the implementation of such a levy in Canberra. That would seem to be a sensible first step in progressing this discussion. That is a debate we can have on another day.

Labor will be putting some amendments. We will be supporting several of them but not all. In two places the bill provides for an inappropriate handing over of a policy function to the gambling commission. As members are well aware, the commission was not set up to have a policy function. It was set up to have a research function and a monitoring/regulatory function. The policy function should rightly stay with this parliament. Those two areas need to be corrected. Mr Quinlan has amendments to that effect which we will support.

In the funding of government services in the ACT and across Australia, conservative governments are putting quite a strong emphasis on partnerships between government and industry and community. That is fine in principle. However, it is dangerous if responsibility for essential public services, which many people in the community and certainly the Greens believe are the responsibility of government, is handed over to industry.

In the United States sectors such as education have been totally co-opted because they know that their funding has been linked to revenue from gambling. The education sector has inadvertently found itself in partnership with the gambling industry and co-opted by

that agenda because it is reliant on revenue from gambling for its funding. That is not a good situation, and I would not imagine that people here would think it was.

I was interested to see in the commission's report tabled last week that over 30 primary schools were receiving some kind of donation from clubs. That might be fine. We do not know what the donations were. We do not know whether a dinner was donated for a raffle or whether significant funds were donated.

It would be useful if the information the clubs give the commission regarding exactly how much they give to whom was publicly available. It may well be publicly available—I do not know. We rang the commission and asked whether it was publicly available and they did not know. Maybe they have found out since. I have not heard back. I am concerned that they did not know, and I intend to pursue this.

I mentioned to Gary Humphries this morning that we need to talk with the industry, and I want to talk with government, about whether there are any good arguments for not making this information publicly available. I cannot imagine what those arguments would be. It would be a way of us being able to keep track on how much our public institutions are becoming reliant on gambling through contributions from clubs. Environment ACT was mentioned too. I think we need to keep a watchful eye on that. I will be pursuing in more detail the issue of public disclosure of contributions that clubs make.

I will be supporting one of the three parts of the bill. I will speak to the amendments as they come up in debate.

MR MOORE (Minister for Health, Housing and Community Care) (11.35): I support this important legislation that helps ensure that profits from the gambling industry are distributed as equitably as possible to people within the community. I think there is some validity to Ms Tucker's concern that when you tie people to the gambling industry it becomes self-sustaining and therefore difficult to turn around.

My view is that gambling will always be with us and that it is important therefore to regulate it. As the industry has such a significant impact on the community in a wide range of ways Ms Tucker has investigated at length, we must make sure that the industry assists building a healthier society. That means supporting not only community organisations but also sporting organisations—and not just the peak sporting organisations, which quite a number of clubs already do—to help ordinary people to improve fitness and participate in the community in a wide range of ways.

There is something very special about revenue from poker machines. The government will be protected in a range of ways by allowing a small number of clubs the full benefit of poker machines. There are measure in place to ensure that others who would like to install poker machines—namely, the hotels and the casino, which are quite keen to have poker machines—are prevented from doing so. The clubs have a special privilege. It is basically a ticket to print money. There is no doubt about that. We give a significant privilege to a small group of people.

The argument has always been that in return for that privilege the club would make a major contribution back to the community. An independent commissioner's report tabled in the Assembly last week shows the contribution clubs make to the community, and it is appalling. That does not apply to all clubs. Anybody who reads the report will see that some clubs are making a significant contribution to the community. Contributions vary across a range.

This legislation says that there will be a community contribution. Carefully drafted guidelines say what we mean by a community contribution, but basically it is a contribution to our community charitable organisations, sport, schools, hospitals and those sorts of things—the sense in which we normally use the term "community contribution".

This is good legislation. It ought not to have been necessary, but time after time in this Assembly over at least the last five years, and I think longer, members of the Labor Party, in spite of their conflict of interest, which I have raised on a number of occasions—

Mr Berry: I take a point of order, Mr Speaker. Mr Moore said that the members of the Labor Party have a conflict of interest. There are provisions in the standing orders to deal with that. It is out of order.

MR SPEAKER: There is no point of order. You may draw my attention to the standing order if you so wish.

Mr Berry: Mr Speaker, there has been no decision of the Assembly in respect of that matter, and it is untrue and misleading for Mr Moore to say so. He has misled the house.

MR SPEAKER: You did not suggest it was untrue, did you, Mr Moore?

Mr Berry: Mr Speaker, I would advise you to stay out of the politics of this and—

MR SPEAKER: Don't tell me that as Speaker I am becoming political. I am trying to assist the discussion.

Mr Berry: I am just advising you. I am just giving you a bit of sound advice, with my long experience in the matter.

MR SPEAKER: Be careful.

MR MOORE: Mr Speaker, allow me to rephrase it to make Mr Berry feel a little bit more relaxed. I will withdraw everything I have said about conflict of interest and put it another way. Members may have read an editorial in the *Canberra Times* some time ago expressing the view that the Labor Party had a significant conflict of interest in coming into this Assembly and voting to support their nest egg, as I recollect it was described. There is no doubt that this is a nest egg for the Labor Party. I think the *Canberra Times* was absolutely right.

Yet members in this Assembly are still voting on an issue I believe they ought not to vote on but step aside from. That is a belief that I have held for quite a number of years and raised in this place a number of times and with individual members. There is a special privilege associated with poker machines. There is a special nest egg for the Labor Party. The *Canberra Times* had it absolutely right.

If members have not read that editorial, I think it is well worth their doing so, because it clearly explained what ought to happen. We did not need that editorial to tell us. Mr Osborne, when he was getting some advantage from a particular club, demonstrated the right way to act. He stood aside from any vote on the matter in the Assembly. Now that time has passed, so Mr Osborne is now free to vote on these issues. But for somebody going to the next election with the advantage of over a million dollars from poker machines coming into their party, that is something that ought to be considered very carefully.

That is not to say there ought not to be donations to political parties. I accept donations to political parties. I accept that the Labor Club can make donations to the Labor Party. That is part of their reason for being. I do not think any of us have a particular problem with that. But we have a problem if that undermines the original intention of poker machines, which was to ensure that the community gets an adequate return from the very special privilege we give to clubs. I repeat that with quite a number of clubs this already happens. But the report tabled by Mr Humphries the other day showed that it does not happen in all cases.

I have another concern that I seek to address in the amendments I have circulated. When a club donates a significant sum of its money to a political party, those in the community who are most needy—charitable organisations such as the Smith Family and others—miss out. There is a very easy way for us to ensure that they do not miss out. Where a donation is made to a political party, then an equivalent donation should be made to a charitable organisation as well. That is a very sensible way of dealing with a privileged position. The other way of dealing with it is for us to say, "Let us do away with this special privilege altogether. Let anybody who wishes to have poker machines apply for them." We could still keep a cap on the number but allow them to be in casinos and hotels. I am not suggesting that.

Mr Quinlan: Has Mr Moore moved an amendment?

MR SPEAKER: No, he has not. We are discussing the bill in principle.

Mr Quinlan: I just thought he might discuss the bill in principle. He will want to talk again on his amendment.

MR MOORE: I take Mr Quinlan's point of order.

MR SPEAKER: No, there is no point of order.

MR MOORE: In talking at the in-principle stage, I have referred to the amendment I have circulated in my name.

Mr Quinlan: So you are not going to speak to it later then?

MR MOORE: I may well speak to it. I advise members, as is the normal approach to these things, Mr Quinlan, that I propose to move amendments to seven clauses. The first six are sensible things like making sure the definitions of political parties and such things fit in with the Electoral Act. I do not think the Labor Party is likely to have difficulties with any of those. They are to make sure that there is good record keeping and so on.

The amendment to clause 7 is the crunch. It will enable us to protect our community organisations. If a donation is made to a political party, then an equivalent donation ought to be made to those groups defined in the guidelines—basically, community and sporting groups.

This is very sensible legislation. It is long overdue. It is worth remembering that there were attempts by the government to get people to do this voluntarily, and that did not happen.

I make it clear to members that I will be moving my amendments as an Independent member without approval of the government. They will take their own position on the legislation. These are my amendments, initiated by me. I gave drafting instructions without any discussion with the Liberal Party. I showed them a copy of the amendments after they were drafted.

Mr Berry: Oh, yes!

MR MOORE: The sensitivity of the Labor Party is most interesting. We heard Mr Quinlan a short while ago talk about demonising clubs for grubby political purposes. Nobody is demonising the clubs in the slightest. We think they have the potential to do a huge amount of community good. We think they already do do a huge amount of community good. We need to make sure, though, that that community good is commensurate with the special privilege clubs have with regard to poker machines. That is what we are interested in, and that is what this legislation seeks to achieve.

Mr Quinlan was yelling very loudly during most of his speech. He knows that the best form of defence is attack; that a bit of anger makes people feel uncomfortable and might help deliver his point and get him somewhere.

We have in front of us very good legislation that will enhance the community. I talk to many community groups that and ask, "Can we be provided with more funding through Healthpact or the health portfolio for a good idea?" There are huge demands well beyond what we can afford. This legislation means that it will not be just the department of health or the Department of Education and Community Services deciding which groups get money. There will be a range of other opportunities when somebody has a good idea goes to the clubs. It is not a case of raking in the revenue, adding to the bottom line of government. It is about delivering a community good in a very clear way without bureaucracy.

This is very good legislation. I am flabbergasted that the Labor Party would oppose this in principle, as Mr Quinlan indicated. They should reconsider that stand. I can understand why they would oppose my amendments. I think they would be wrong. But that is a different story. To oppose this legislation would be just to protect their own

privileged position, their own nest egg. They should either support the legislation or, better still, step outside and not vote on it.

MR BERRY (11.49): One thing that is most striking about this debate is the amount of dishonesty that has found its way into the debate from the government benches. I will try to touch on all instances of it, and people can make up their own minds about it.

The Liberals—Mr Stefaniak and Ms Carnell—promised at the election before last that they would do nothing to upset the position of the licensed clubs in the ACT. But as soon as they were elected they moved to disadvantage the licensed clubs. That is the first level of dishonesty that has entered this debate. I have a circular. If you want it, Bill, I will make sure you get a copy, and you can sit in a corner somewhere red faced and embarrassed about it. You made the promise and so did the disgraced former Chief Minister. That is a promise you can put alongside the Belconnen pool promise.

The other dishonesty is about who is part of the community. The government benches set out to create the impression that the 160,000 people who are members of clubs are not part of the community and that they should be excised from any consideration of where the money from clubs goes. Any money that goes to the interests of 160,000 members is to be excised.

There is another level of dishonesty. The government has seized upon a figure of 15 per cent for the costs and expenses for clubs, when it is around 30 to 35 per cent. They have arbitrarily seized upon that figure to unfairly inflate the requirements of this legislation. There are about 300,000 club memberships in the ACT. These are shared amongst about 160,000 people.

There is another level of dishonesty that I point to. All of a sudden the $37 million which the government collects from the licensed clubs does not count anymore. Last year they collected $37 million, and that does not count. This is another level of dishonesty the government has introduced into the debate. That community contribution has been ignored in this debate. Mr Humphries and Mr Moore say the clubs' contributions to the ACT is appalling. What a dishonest and misleading thing to say when they know full well that last year $37 million came into government coffers and was distributed for ACT budgetary matters on an as-needs basis. How can you deny that that is a contribution from the clubs? How can you come into this place, barefaced and blush free and ignore those realities?

This goes back to the ideological and philosophical position of the Liberals, who see collectivism as a bit of a threat and a good thing to undermine. Most importantly, it is about shifting responsibility for dealing with welfare to other areas in the community. That is something John Howard has had high on his agenda. So it is not surprising to me that with a government that consists of somebody trained by Peter Reith this sort of ideology would find its way into the lexicon.

This is an attack on the licensed club industry for philosophical and ideological reasons.

Mr Moore: No, it is not.

MR BERRY: Mr Moore interjects, "No, it is not." Then why is it, Mr Moore, that in the amendments you foreshadowed you require those clubs that make a political donation to a party to—

Mr Moore: Make a dollar-for-dollar donation.

MR BERRY: That is right. It becomes a dollar-for-dollar donation to charities. You say that is not an attack—

Mr Moore: It is not an attack on the clubs.

MR BERRY: This is a political and ideological position, Mr Moore. It surprises me, Mr Moore, if you could ever find the spirit of honesty, that you would not apply that to other political donations from businesses to your Liberal mates. No, you would not do that, would you?

Mr Moore: Everywhere there is a privileged position.

Mr Stanhope: Are you going to accept our amendment to apply it to the Liberal Party's donors?

MR BERRY: That is what is going to happen. We are going to come forward with a requirement that every political donation, to be lawful, has to have an equal donation to a charity. That is what is going to happen. How is that going to go down? We are going to oppose your amendment, because it is ideological, but if it gets up that is what we are going to do, and you can oppose it. We can look through the list of people who have given you massive donations—FAI, which gave you several thousand dollars in the wake of a huge tax waiver, and three quarters of a million dollars on the Waldorf Apartments. They will have to double that.

Mr Osborne: Casino Canberra.

MR BERRY: Mr Osborne interjects something about Casino Canberra. If anybody has been offered a donation by Casino Canberra in relation to poker machines—

Mr Osborne: It is the Liberal Party.

MR BERRY: They have been given one, have they?

Mr Osborne: Yes, $15,000.

MR BERRY: If it is $15,000, they will have to double it. If there are any strings attached to that $15,000 donation, you ought to report it to the police.

Mr Osborne: Talk more about your amendments. We are interested.

MR BERRY: That includes any donations you get too, Mr Osborne. Any political donations will have to be doubled.

We heard Michael Moore on the subject of conflict of interest. Mr Moore was not interested in a conflict of interest when the former Chief Minister and he supported legislation to increase the value of pharmacies by way of a transfer of the methadone program. You were blind to the fact that it was a conflict of interest for the former health minister to increase the value of her pharmacy because of a potential increase in throughput from a transfer of government contracts to the pharmacy by way of the methadone program. You could not see that that was a conflict of interest. You cannot see, Mr Moore, the conflict of interest in the FAI donation to the Liberal Party and the massive tax waivers that FAI were given. You could not see, Mr Moore, the conflict of interest in the massive $11 million tax waivers to Rio Tinto when the Chief Minister holds shares in that particular organisation. You are blind to that conflict of interest.

MR SPEAKER: I think we had better get back to some relevancy here.

MR BERRY: Mr Berry, you are blind to the conflict of interest—

MR SPEAKER: The Gaming Machine Amendment Bill is being discussed, Mr Berry.

MR BERRY: Mr Speaker, you allowed debate on the issue of conflict of interest, and I want to say a few things on it as well. I am sure you will be even-handed on the matter. You are blind, Mr Moore, to the conflict of interest which emerged around donations from the AHA to you to prepare legislation so that people could be encouraged to smoke in licensed premises. Shame on you, health minister. Shame on you for not recognising the conflict of interest, seeing that you are being so self-righteous.

Mr Moore: I take a point of order, Mr Speaker. Mr Berry is in great danger. In fact, it is my perception that he has misled the house two or three times in this area. I hope he is able to support these assertions with some backup. I do not think he can.

MR BERRY: Or otherwise you will move to censure me. Being censured by the Liberals is a badge of honour in this place, mate. There is another one, Mr Moore. What about the time when the National Centre for Epidemiology and Population Health had a funding fall-off because the Commonwealth had not funded them, and you, in conjunction with the centre, were asking the then Labor government for additional funding? Do you remember that? This was when you were studying for your degree in population health.

MR SPEAKER: Mr Berry, would you mind coming back to the bill. I do not understand the relevance of this.

MR BERRY: This is about conflict of interest. This is when you were studying for your degree in population health, Mr Moore. Do you remember saying to one of my staff members in the course of lobbying for these extra funds, "This is my future"? No, we forgot about that. Anything you say on conflict of interest, Mr Moore, you can forget. Everybody should forget, because you have no credibility. You have only one eye on the subject, and the one eye is directed at the Labor Party. That is what it is about. It is also about your failure in this place to achieve the level of support you will need next time to get elected. The Labor Party does not have that problem.

MR SPEAKER: Relevance.

MR BERRY: Now that I have totally discredited anything that Michael Moore says on conflict of interest, I will not be shamed by this person into abandoning the licensed clubs of the ACT as a consequence of my membership of a number of clubs in the ACT. One of them happens to be the Labor Club. I am a life member of the Labor Club. My badge number is No 72, so I am an early life member. I am not ashamed at all of the fact that I joined the Labor Club and became an early life member. I saw the Labor Club making a contribution to politics in this place.

Other clubs were formed for various social reasons. I have no shame about that. I will not be ashamed of protecting licensed clubs in this place from the political machinations of the government benches opposite. I promised before the last election, for example, that there would be no change to the arrangements for licensed clubs in the ACT unless they wanted it, and I intend to stick to that promise.

I treat my promises seriously, and I intend to defend them because of the hundreds of thousands of people who benefit from them as members and the thousand of workers who work in licensed clubs, the profits from which go back into the community, to the 160,000 members, or to the $37 million that was collected last year and brought into this place.

I will not walk away from the licensed clubs, even though there is a political agenda, alive and well in this place, to attack the base of the licensed clubs in the ACT—a political agenda amongst the Liberals opposite and their travelling companion Mr Moore. I will not be shamed into walking away from licensed clubs just because I belong to the Labor Club, the Tradies Club, the Belconnen Soccer Club, the West Belconnen Leagues Club and Western District Rugby Union Club. I do not think I am a member of any others, but if I am that is all well and good. I think they make a huge contribution to the community without this politicking around the edges which has been generated by the Liberals opposite. It has been a shameful episode and one that deserves to be stopped dead in its tracks.

Mr Moore: Mr Speaker, I seek to make a personal explanation.

MR SPEAKER: I think we might hear Mr Rugendyke first, if you do not mind.

MR RUGENDYKE (12.04): Mr Speaker, on the whole, I support the main thrust of this bill, which is to require licensed clubs to make mandatory minimum community contributions. In short, the club industry possesses a golden goose in the form of gaming machines. The industry enjoys a massively profitable monopoly, and it is appropriate that measures be adopted to ensure that there is a return to the community for the privilege.

I believe that there are far too many gaming machines in the ACT and that there is immeasurable unnoticed pain in the community because people are pouring too much money into the insidious habit of playing these machines. Members are aware that the Productivity Commission issued a report on poker machines last year. It said that Canberrans spend much more than average on poker machines. The average spending was $470 nationwide, but in Canberra it was $560, the second highest behind New South Wales. I know that I cannot afford to spend $560 a year on gaming machines,

so someone is making up for my share. That means that there are children in our neighbourhoods going without because their parents are hooked on this expensive habit.

Clubs are not doing enough to offset the social damage. This bill is one way of putting in place a mechanism that will make it clear that all clubs will have to pull their weight. At the moment an honour system prevails. I acknowledge that some clubs do do their bit, but others do not and it is time that they stopped taking their privileged position for granted.

There is one aspect of this proposal that I am not prepared to accept, and that relates to the membership rules. I have been approached by clubs who hold serious fears that they could be subject to takeover if a minimum of 51 per cent of elected board positions are free positions. I accept these concerns and agree that the initial purpose of a club has to be preserved and protected.

Well before my time in the police force, the ACT Police Association owned a ski lodge. I recall the story that at one stage the annual general meeting was stacked and the ski lodge was taken over by the solicitors—lost forever to the Police Association. We certainly do not want to see football clubs such as Wests, the Magpies, West Belconnen and others taken over by the crochet clubs.

I also have concerns about the definition of community contributions. I am pleased that the government has been prepared to answer my queries on this issue and share information on the progress of draft guidelines which have been formulated with a view to being introduced as regulations. Mr Osborne has sought similar conditions to remove the uncertainty and the ambiguity of the definitions. I note that in discussions this morning off court the government has made a commitment to Clubs ACT that once this bill has been passed, in whatever form it takes by the end of the debate, where there are discrepancies between the bill and the guidelines under the regulations, the bill will be further amended to reflect the intent of the guidelines.

One problem which has been identified in the assessment and calculation of the most recent report on community contributions is that valid donations to sport and other recreational activities have not been recognised. The government has provided assurances on a range of issues, including a clear definition of charitable, sporting, non-profit organisations, public assets and associated organisations. For example, public assets include infrastructure owned by clubs and provided to the general public.

Contribution amounts include expenses to build, upgrade and maintain public assets such as museums, gymnasiums, ovals, fields and sporting facilities which are used by the general public and not restricted by membership of a club. This would means that excellent playing fields like those built and maintained by the Ainslie Football Club and the West Belconnen Leagues Club would be recognised.

Such regulations would certainly remove much of the ambiguity. I would like to make it clear that my support of this bill is conditional on the implementation of the proposed guidelines. I have discussed these guidelines with Clubs ACT this morning, and I am aware that individual clubs have also been briefed on these developments. The reaction has been positive or, at least, it has been accepted that the spirit of the guidelines is a step in a workable direction.

Concerns were raised about the impacts of incorporation, in particular about the possibility of stamp duty charges on assets. The ACT government has agreed to waive stamp duty in these instances, and I understand that the government is negotiating with other states to make similar steps for properties that are owned interstate. I would appreciate the Chief Minister updating the Assembly on these talks in his summary speech.

Overall, the concept of mandatory contributions is a good one. It is important that clubs be made accountable for fulfilling their social responsibility. It is important that they be accountable to the community.

MR STANHOPE (Leader of the Opposition) (12:11): Many of the issues that I would have addressed have been adequately covered by my colleagues Mr Quinlan and Mr Berry. One aspect of the debate that I do not think has been acknowledged or where a document has not been appropriately or duly given by the government in relation to this debate is the extent to which the licensed clubs by their very existence make a major contribution to the community.

What we see in this debate is a determination to define community contribution in terms of the payments made by the licensed clubs to charities or for other defined community purposes. So what we have is a determination by the government to impose on the licensed clubs a fairly narrow definition of what is the community and what is a community purpose or what is a community benefit.

The very existence of a licensed club or a club in the ACT is an expression of community involvement, a concern for the community, a determination to embrace the community, a determination to support the community. Clubs are an emanation of a group of people, almost invariably a group of volunteers initially who want to create a club or an organisation for the purposes of providing a community service, providing community support or providing a range of services for members or for people who associate with, or are attracted to, a particular organisation because of what it offers or was formed for.

That is why clubs in the ACT are invariably based around sporting organisations, particular migrant or ethnic groups within the community, perhaps a union, perhaps a political party, perhaps even an organisation associated with a church. The biggest club in the ACT, the Canberra Southern Cross Club, was formed by the Knights of the Southern Cross for a community purpose, for the benefit of those members associated with it who are members of this community.

We have overlaying that a determination by this government to decide what is the more fitting or the more beneficial community purpose. We see in some of the amendments to be moved by Mr Moore a determination that a club formed for the purposes of a group that perhaps belong to a union or a political party is less worthy for community purposes than a club formed, for instance, by the Knights of the Southern Cross, the Tuggeranong Football Club or a club formed by some migrant or ethnic group, such as the Austro-Hungarian community of the ACT.

We have the government deciding what is a good community purpose and what is a less good community purpose. But any member of this community that belongs to a union and forms a club to further the purposes of the union or to further the interests of the members of that union who happen to be members of this community is for some reason less worthy than a member of the Canberra Club.

We have different levels and different interpretations of what is community and which members of the community we should embrace and support. But a unionist, a working man, is less worthy of this government's accolades and support than is a member of the Canberra Club, is less worthy than a member of the Canberra Southern Cross Club. If you are a member of a union, if you are a working man or woman in this town, you are not to be given the same level of respect, acknowledgment or support as someone who belongs to the Canberra Club, the Canberra Southern Cross Club or the Italo Australian Club.

That mob over there are telling us that there is no ideological imperative in this push or in these amendments. Mr Moore will be moving amendments designed to attack organisations in this town that were formed by working men and women to further the interests of working men and women, namely and in particular the Tradies Club. Of course, this ideological push catches up and embraces the Labor Party.

I suppose we should not be surprised that Mr Moore—this born-again Liberal, the Manager of Government Business, the brains trust within the government—should seek to punish the Liberal Party's opponents within this territory by imposing through his amendments an extra levy or pain on the Labor Club or on the Tradies Club. Mr Moore sits there feigning innocence and pretends that there is no ideology, no politics or no vile purpose in his amendments.

Then we come to this question of conflict of interest. This whole suite of amendments or changes to the way in which clubs operate in the ACT is revealed as nothing but a crass political attack by the Labor Party's political opponents and enemies on the Labor Party. It is all designed to achieve an advantage for the Liberal Party by seeking to undermine a source of support for the Labor Party and its affiliated unions. We see it exposed for what it is. It is exposed for its smelly purpose. This government is prepared to attack the entire licensed club movement in the ACT for the single purpose, now revealed in Mr Moore's amendments, of attacking the Labor Party and its affiliated unions.

This is a political stunt dressed up as some sermon for advancing their own definition of community purpose or community benefit and denies absolutely and in a most insulting way why it was that the licensed clubs were formed in the first place. They were formed, almost invariably, by volunteer members of organisations and associations, designed to advance a community purpose and to provide support for members of the community. Most people do not go to licensed clubs to play poker machines or gamble. They go to licensed clubs because of the sense of community that emanates from them. I know. As an example, one of the highlights of the week for my parents-in-law, both of whom are in now in their mid-80s, is visiting the Canberra Southern Cross Club. It is an enormous community benefit or support which that club provides to people like my parents-in-law. It is the major outing of their week. It is the event of the week they look forward to most.

This government renders all of that as naught. This is not something that is to be measured by this government. It is not to be applauded. It is in fact to be denigrated. You cannot measure it. It is an intangible thing. It is impossible to measure that level of support. This is all being rendered as nothing by this government in its fixation with formulas, percentages and amounts, all designed to impose on the entire licensed club movement a measure of whether or not they contribute. The only way in which you can be seen to contribute is if you contribute a certain percentage of your takings to designated purposes. This undercuts and demeans the other enormous purpose by which the licensed clubs abide.

The pity of this debate is that the government has not hesitated to denigrate and seek to bring down that enormous public benefit which the licensed clubs provide to the people of the ACT for what has now been revealed in all its smelly glory, through Mr Moore's amendments, as nothing but a device designed to disguise the real intention of this whole debate—a desire to attack the Labor Party and its affiliated unions. That it all it is. We see it in Mr Moore's amendments. This is all about a double whammy on the Labor Party—a double payment by the Labor Party through the Labor clubs and through the trade union clubs.

If you are a working man or a working woman, a member of a union, part of an organisation that was developed and created to support you as a working man or a working woman, you are to be doubly penalised by this Liberal government. Tell me that this has nothing to do with ideology, that this is all about community contribution, about donations to charity, when the clubs that were formed and created by working men and women are the clubs that are now singled out—the clubs associated with the Labor Party.

There is no community purpose, no community value, in working men and women joining unions and, through their membership of a union, seeking to advance their situation, seeking to contribute to and participate within their community to the fullest extent possible. This is not a community purpose. There is no community advantage in this. Working men and women are not entitled to participate as fully within this Canberra community as are other men and women. There is no ideology in this; there is no political purpose; there is no conflict of interest! What a load of garbage!

This is a charade designed to attack a source of funds available to the Labor Party, your political opponents. That is what it is all about. In your grubby attempts to attack us, you do not hesitate to demean the entire licensed club movement in the ACT. You do not hesitate to demean the contribution which they make to the community. You do not hesitate to belittle the enormous efforts the sporting clubs and other clubs formed for other purposes in this town make for their particular communities, all of which are part of our community. It is absolutely outrageous.

Mr Moore: I wish to make a personal explanation under standing order 47, Mr Speaker.

MR SPEAKER: Let that be done.

Mr Berry: Mr Speaker, I take a point of order. It is the convention in this place that personal explanations are made after the debate. It is the contribution to the debate that disturbs me. It is an attempt to make a contribution to the debate that would otherwise not be allowed.

MR SPEAKER: You are presuming that that is going to happen. We are discussing—

Mr Moore: Mr Speaker, I accept what Mr Berry says. I will do it under standing order 46 at the end of the debate.

MR SPEAKER: Very well. As you wish.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.25 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Crime Statistics

MR STANHOPE: My question is to the minister for police. Minister, a report issued last week by the national crime prevention initiative confirmed that Canberra is the burglary and car-theft capital of Australia. According to a report in the *Sunday Times*, a statistical comparison issued by the initiative showed that the rate of car thefts and burglaries over the past four years was much higher in the ACT than in the rest of the nation. The rate of burglary, according to the report, was up 73 per cent in the ACT; the next highest jurisdiction, South Australia, was up 9 per cent. Car thefts increased by 114 per cent.

Minister, how do these statistics justify the Attorney's claim that the AFP is successfully targeting the two areas of crime of most concern to Canberrans—vehicle theft and home burglaries? Will you concede that the AFP, in fact, is underresourced and powerless to stop the burgeoning property crime rate?

MR STEFANIAK: The answer to the member's question is terribly simple. The figures relate to the end of 1999. Since then the ACT government has spent an extra $10 million on crime fighting and prevention, including about 50 new officers in police operations. We are already seeing as a result of Operation Strikeback and Operation Handbrake significant reductions in the number of burglaries and car thefts. Basically, the police are very confident that the figures at the end of this financial year will be very different; the trends are excellent.

I might also say, Mr Speaker, that as a result of intelligence-based policing we are seeing that a significant number of offences are actually committed by a small number of repeat offenders. For example, four offenders were charged in relation to nearly half of the burglaries resolved by police since May this year, and some 20 per cent of the stolen motor vehicle offences during the period were attributed to just two criminals. The

statistics since the end of the last financial year going into the current financial year are very promising, Mr Stanhope. There is a very promising trend.

It is early days yet but the significant investment of $10 million to police is starting to show very real, positive trends. I might say Operation Strikeback and Operation Handbrake also dovetailed on two earlier operations which were started in May by the AFP. The figures released relate to 1999.

As a result of those worsening trends the government is acting. The police are doing an excellent job in terms of the clear-up rate. They are certainly doing their job, Mr Stanhope, and are worthy of congratulations for that.

MR STANHOPE: Thank you, minister. Given the announcement yesterday that police are to, quite rightly, concentrate heavily on traffic issues over the holiday period, what assurances have you received of any impact on Canberra's already unacceptable rate of burglary and car theft as a result of this focus on traffic matters?

MR STEFANIAK: That was a very good question from Mr Stanhope. You are right, Mr Stanhope; it is important to concentrate on traffic matters and police are doing that, quite rightly, in the Christmas period. It is also an excellent way to deploy the new officers coming on stream. In no way will the efforts being made by police in terms of those traffic matters detract from the very real and, in my opinion, serious need to combat major crime in this territory. In no way does that operation take away from the police efforts in addressing and combating some of the more major crime in this territory. In many ways it sometimes can assist. I think you can rest assured that police are well aware of that and they will ensure that burglaries and robberies—those areas of great concern to the Canberra community—are targetted.

I repeat: I am delighted with the efforts the police have been making in this financial year—since 1 July—with the increased resources we have given them, with the use of intelligence-based policing and the extra staff they have available to combat those trends. I think that is a very positive sign. I am very happy with the way the police are doing their job in terms of combating those crime trends. I think the community can be very proud of them.

Nurses

MR HIRD: My question is addressed to the Minister for Health, Housing and Community Care, Mr Moore. Minister, can you inform the Assembly whether the government's wage offer for nurses is receiving a positive response from the nursing staff?

MR MOORE: Mr Hird, thank you very much for that question, and what a pleasure it is to answer it. Let me first say that on Thursday I will be making a full statement outlining the package but, as you would be aware, I wrote to each member and provided them with a copy of the briefing papers on the nursing package.

This package was an unprecedented industrial move, and it reflects that this government is very keen to ensure that we keep industrial relations on a positive footing. We have always been concerned to ensure on the one hand that we keep positive industrial

relations and on the other hand that we take care about the expenditure of community money. What we are interested in doing here is ensuring that, while we look after our nurses and make sure that they have a positive attitude, they can see that we, representing the community, also have a positive attitude to nursing and will ensure that we do what we can to look after them.

Mr Berry: Ask Bill the bursar basher!

MR MOORE: This is Mr Berry. You may recall what happened when he was health minister, not only with the doctors but the nurses and so on, and how much industrial strife occurred and anybody at all who was under Mr Berry's responsibility had at some stage or other basically gone out to industrial action.

Of course there will be some small elements of industrial action when we have a difference of opinion with unions, which we will seek to work through. Mr Berry, you would have enjoyed being in the meeting I had with the ANF yesterday. I have to say that the package was in one sense a surprise to them, as Ms Duff said on radio. It was not a surprise in the sense that they had been looking for this sort of reaction from government for some time, but there was surprise at the fact that we intervened in the middle of an industrial agreement period and said, "We don't need to do this; we want to do this because we can see some issues that are coming up."

What are those issues that we could see coming up? Our nurses were potentially falling behind nurses in Victoria and New South Wales.

Mr Stanhope: We know what's coming up—a minister for health with a low approval rating in an election period.

MR SPEAKER: I will tell you what's coming up if you keep interjecting, Mr Stanhope.

MR MOORE: Mr Speaker, I might remind you that you warned him a couple of times last week. I wonder how many times you need to do it.

MR SPEAKER: I warn you, Mr Stanhope, now.

MR MOORE: Because we are keen to ensure that we get the best outcomes for our patients, we recognised that Victoria and New South Wales had made significant offers to their nurses after we had come to an agreement with our nurses. What that would mean is that our nurses over the next couple of years—certainly within the enterprise bargaining period—would fall substantially behind their counterparts in New South Wales and Victoria. We also recognise that there is a risk of a growing shortage of numbers in nursing. We also recognised that those shortages apply very specifically to particular areas of special need, and of course the package was specifically designed to deal with those areas.

But Mr Hird's specific question was: how has it been received? Mr Speaker, it has been extraordinarily well received, not just by the ANF but also by nurses themselves, who can see that the government does recognise the work that they do and is keen to ensure that we get a better work force, a better workplace and better outcomes for patients, because that is what the package is about.

I hope that the nurses will work very quickly to accept this package, because what we have said to them is—

Mr Berry: Take it or leave it.

MR MOORE: We have said, "We will date it from the day we sign that agreement." Remember, we are in the middle of an enterprise bargaining period, so the rules are different. As Ms Duff pointed out to me, there is no protected action, because we are making an offer—in the middle of an enterprise bargaining agreement.

What this means is that the day they agree is the day we will date the pay rise from, provided that agreement is verified by the processes that follow, including the vote and the industrial relations commission and so on.

This is an opportunity that we will be able to provide for our nurses before Christmas if people are able to work quickly enough to do it. I have urged the CEOs of the three agencies—Health, Housing and Community Care, Calvary Hospital and the Canberra Hospital—to work quickly to do that. And certainly I know that the head of the nursing federation has also been talking to my office about ensuring that we can move quickly on this.

We have the right kind of reception by staff, and the right kind of boost for nurses' morale and conditions and, of course, their understanding that this government values them and values the importance of the way we conduct industrial relations.

MR SPEAKER: Do you have a supplementary question, Mr Hird?

MR HIRD: Mr Speaker, I was surprised to hear Mr Berry, by interjection, say, "Take it or leave it."

MR SPEAKER: No preamble please.

MR HIRD: It would appear—

MR SPEAKER: The question. No preamble—otherwise I will sit you down.

MR HIRD: Thank you, Mr Speaker. What has the opposition indicated in respect of support for this great package?

MR SPEAKER: I do not believe the minister can speak on behalf of the opposition.

Mr Moore: No, Mr Speaker, but it was a question of fact, and I can answer the facts.

Mr Corbell: On that point of order, Mr Speaker: it does not relate to the minister's area of responsibility and it is out of order.

MR SPEAKER: Unless the minister can identify an area, the question that was addressed was seeking an opinion of the minister, in my opinion, about the attitude of the opposition, and I cannot allow it.

Mr Moore: If I could speak to that, Mr Speaker—

MR SPEAKER: You may try, minister.

Mr Moore: Mr Hird asked me: has the opposition received the package well? Mr Speaker, I have kept an eye on the media, and it is not a matter of opinion. I can—

MR SPEAKER: Sorry, I must—

Mr Corbell: You have ruled on it, Mr Speaker. Sit him down.

MR SPEAKER: Just a moment; you don't have to bother. Mr Minister, I cannot allow that question because the question of whether the opposition has received the package well can only be linked to some other comment. Otherwise you yourself could not possibly know.

Mr Moore: On the point of order, Mr Speaker: the Leader of the Opposition has made a number of comments that were reported in the media—

MR SPEAKER: Thank you—

Mr Moore: Indeed, and I am happy to refer those—

MR SPEAKER: I am sorry. The question was not phrased in that manner. The question asked for the view of the Labor Party—full stop, not through the media, not through osmosis or anything else. It is out of order.

Smash Repair Industry

MR QUINLAN: My question is to the Chief Minister. I presume that the government is aware of grave concern within the smash repair industry regarding moves by the NRMA to establish a preferred repairer program within the ACT, and indeed across the country. At the moment, this program involves between four and six large smash repairer firms in the ACT being given the status of a NRMA preferred repairer and it involves tow truck drivers being given no other option but to take damaged vehicles to NRMA repairers. Many repairers have grave concerns about the impact of this because effectively what it is going to do is freeze out some of them.

I know this crosses the boundary from territory to Commonwealth but is the government aware of what is happening and is it concerned? Is there anything we can do at the territory level, including discussing the matter with the NRMA, to try to ameliorate the situation which may send some smash repairers out backwards before Christmas?

MR HUMPHRIES: I thank Mr Quinlan for that question. I am aware of the concerns that have been raised. I have had discussions with representatives of the smash repairers and also with the NRMA on this issue. My recollection is that I was seeking further advice from the Department of Justice and Community Safety in order to address the issues that were raised during the last discussions. I was aware that there were some contentions about the effect of competition policy in this area and concerns about the

way in which the NRMA would use a strong market position to be able to take on board work, which was unfair to existing operators in the ACT. I do not think I have received that advice as yet.

I certainly believe that the issue Mr Quinlan has raised is a matter of real concern. I will take on notice the question he has raised and report to the Assembly, I hope by Thursday of this week.

MR QUINLAN: I thank the Chief Minister for that reply. I further ask: is the government happy with the current situation with the NRMA holding 100 per cent third party insurance in the ACT—and I think that may be a function of a market situation—and is there any prospect of breaking that particular monopoly?

MR HUMPHRIES: That is an interesting juxtaposition of issues and no doubt one that it is appropriate to talk about if—

Mr Quinlan: One might have a bearing on the other.

MR HUMPHRIES: Indeed, that is quite possible. The arrangements for the NRMA to have 100 per cent coverage of compulsory third party insurance in the ACT have been in place for some time—for many years, as I understand it. I believe that there has been earlier work done on the appropriateness of splitting that function from a single provider and having a multitude of providers, as indeed we now have a multitude of providers in other areas of insurance. I am not sure what stage that work has reached either but I will take that part of the question on notice as well and advise the Assembly hopefully this week.

Gold Creek Homestead

MR CORBELL: My question is to the Minister for Urban Services. Minister, in relation to Gold Creek homestead you are quoted in the *Canberra Times* of 12 November as saying:

> The ACT Government is currently looking at options for the site and has engaged a consultant to undertake a feasibility study.

However, a minute from the Infrastructure and Asset Management Group to PALM dated 22 September 2000 and headed "Gold Creek Homestead—Planning Feasibility Study" highlights your department's predetermined urban infill agenda with the homestead site. The minute says:

> Thought needs to be given on alternative uses should the market not adopt aged persons accommodation. DTI's preference is that residential development should be an alternative use.

Minister, will you explain to the Assembly how we are to reconcile the apparent contradiction between your public statements about the homestead and your department's own preferred option of urban infill?

MR SMYTH: I do not have that document with me and I would like to read it before I comment on it fully. However, if my memory of the time scale is correct, at that stage that part of IAM was not under my control. So obviously there was work being done between IAM and PALM. IAM may have had a position; PALM may have had another. Since that time I have certainly been out to meetings. Mr Corbell was at the meeting with me at the Gold Creek homestead. On that night I made it very clear to the consultant that he needs to listen to what the people of that part of Canberra want and he needs to make sure that their views are taken into account when he delivers his report.

Taxis and Hire Cars

MR HARGREAVES: My question is to the Minister for Urban Services. Minister, last week the Assembly directed you not to proceed with any changes to the taxi and hire car industry until the Standing Committee on Planning and Urban Services had reported on the Freehills report. However, in the *Canberra Times* yesterday your spokeswoman said that the government proposed to allow some of the RHV licences to be converted at a cost similar to the one for the leasing of a hire car—about $10,000. Apparently, your spokeswoman said that this section of the industry has urged the government not to delay its proposed changes. Minister, are you intending to disregard the will of the Assembly and the hire car industry?

MR SMYTH: Mr Speaker, my recollection of Mr Hargreaves' motion is that it was to send to the urban services committee only the hire car recommendations and the government's response. Mr Rugendyke and I were meeting with members of the restricted hire vehicles group in the government lobby and they were saying, "Why the delay? We want to get on with this." So there is conflict in the industry between the hire car people and the restricted hire people. I will certainly await the outcome of the urban services committee's report.

MR HARGREAVES: Mr Speaker, I have a supplementary question. Minister, do you not recall that the motion referred the whole report to the standing committee?

MR SMYTH: Mr Speaker, I do recall what was in the motion. It referred the consultant's report to the urban services committee and it called on the government not to take any action on its determinations in regard to the hire car industry. I have said that we will abide by that.

Jail Sentences

MR OSBORNE: My question is to the Attorney-General. Saturday's *Canberra Times* contained an article comparing sentences in the ACT for armed robbery and drug dealing. The story said that an examination of sentences in the Supreme Court last year showed that a drug dealer had a 75 per cent chance of going to jail, whilst an armed robber had only a fifty-fifty chance of custody. Further, it showed that first time armed robbers almost invariably received a bond, not jail, in the ACT. Minister, can you confirm whether that is true? If so, are you concerned that people who are committing violent crimes are not being dealt with as harshly as drug dealers?

MR HUMPHRIES: I thank Mr Osborne for that question. I have sought some advice from the justice department about this matter to see whether any issues that Mr Hull gave rise to in his article deserve further consideration. I understand that incarceration statistics do not support Mr Hull's generalisation that the courts are taking a lenient approach to violent crime—at least, that is the advice I have received. In 1999-2000 over 50 per cent of ACT prisoners were sentenced to imprisonment because they had been convicted of crimes involving violence, such as armed robbery, assault and burglary. By comparison, the number of people convicted of violent crimes is less than 30 per cent of the offenders convicted.

Whether that disproves what Mr Hull had to say is another matter and further work is being done by the justice department on that question to ascertain whether there is a basis for that concern. I do not need to tell members of this place that sentencing policy is a matter that is reserved under ACT law to judges and magistrates. It is a matter over which members of the Assembly and governments have very little control, much as we might wish that to be otherwise on occasions.

Mr Speaker, I will say this about Mr Hull's article: first of all, I have no doubt that there have been occasions when, as an outsider, one would have to question the appropriateness of sentences passed down by courts. I have struggled to understand the basis for those decisions on occasions. I respect the fact that judges and magistrates sit in courts, hear all the evidence and make decisions based on what they hear and that nobody else who was not present has anything like the same capacity to understand what is going on and what has been provided in the way of evidence; so sometimes the view that we obtain from the media of a particular matter might be quite distorted and inappropriate.

I also believe that there is no doubt whatever that the approach the courts take to crime, the way in which they sentence for certain categories of crime, produces a perception in the community about the extent to which that crime can be gotten away with. Whether the facts support Mr Hull's contention, and I am going to have some advice about that in due course, the fact is that I think that there is a perception in parts of the community that sentencing for armed robbery, for example, is fairly light and that a prison term for a first offence is very unlikely. I strongly suspect that that provides a form of encouragement to some people in certain circumstances.

Mr Speaker, I believe that there does need to be a broader community debate about sentencing issues. I do not think that it can be a matter that is left entirely to judges and magistrates in the sense of a broad debate about policy. Obviously, I do not believe that anyone other than the magistrates or judges concerned should make decisions in particular cases, but the broader debate does need to be had here and elsewhere in the community and Mr Hull's article on the weekend would be a good stimulus for that. I think that we would need to avoid hyperbole and exaggeration. We especially need to avoid a fear and loathing type of scenario, but we do need to have a debate nonetheless. I hope that that can be accelerated and promoted by discussions of that kind.

V8 Supercar Race

MR BERRY: My question to the Chief Minister and Treasurer is from a keen supporter of well-managed motor sport events, not that we have seen many in the ACT in recent times. I refer to the recent admission by the disgraced former Chief Minister and Treasurer now enjoying a generous work for the dole or job search arrangement—

MR SPEAKER: Get on with your question.

MR BERRY: Maybe it is not work for the dole but doddle for the dole. The admission was that the budget for the V8 supercar race will blow out by up to $1.5 million. Furthermore, she declared that the Assembly would have to agree to another appropriation or there would be no race next year. I draw the minister's attention to a comment of the then Chief Minister on 31 August 1999, when she asked the Assembly to endorse the second appropriation that paid for all this. She said in part:

> I do not think any government can be more open than that. The information that was given, contrary to comments made by Mr Quinlan, did include the basis for the level of confidence in the figures involved. Not only did we give the operating statement for next year, but we gave projections right through to year five. Remember that it is a five-year contract for the race. For the whole term of the race projections were provided, both in revenue terms and in expenses terms. Also given were a financial position document, cash flow documents and a breakdown of the projected crowd figures that were the basis of the business case/operating statement.

That information came to this Assembly and went to cabinet. I ask the Chief Minister whether he will now concede that the Assembly was misled by the government's original proposal. If he will not concede that, will he concede that it was just another result of the gross mismanagement we have come to expect from this government and this minister in particular?

MR SPEAKER: You might like to answer, but you must not express an opinion.

MS CARNELL: Mr Speaker, I think Mr Berry just did. He expressed one or two opinions. With regard to the comment about up to $1.5 million of extra expenditure, I indicated in my ministerial statement last week that more money would be required for next year's event. I also went through every single figure for this year's GMC 400. There are a number of reasons for the extra money. The major reason is that the National Capital Authority requires a shorter set-up and pull-apart time for the GMC next year. There was community concern that the time it took to set up the GMC and pull it apart was bit longer than people should have had to put up with. We have agreed with the National Capital Authority on a shorter time on both ends.

The event this year showed that we could do a number of things much better. I am interested that Mr Berry should suggest that we should not get better every year and attempt to address suggestions that things need to be done better. At this year's event it was quite hard for little people to see the track. Many people who took their children along found that they got stiff necks, and possibly bad backs—that would be very negative for Mr Berry, with his interest in occupational health and safety and such things—because they had to lift children on to their shoulders. We propose that for next

year there will be banks and built-up areas where people, particularly children, will be able to see the track better.

As well there will be various track improvements. There are sections of the track that are a bit bumpy, and we need to make it better for next year. I think everyone would agree that it would have been better if there had been a couple of areas where the cars could pass better, so we have decided to provide those.

There were other mistakes in the information I gave to the Assembly. One was that I suggested that the benefits to the ACT would be about $10.3 million. The fact is that they were significantly higher than that. They were $12 million. We did better than we expected. More people than we expected attended the race. The flow-on to the accommodation industry was better than we expected. Is Mr Berry saying, "Naughty government, you did better than you expected"?

We are going to invest in doing even better in the future. I think that is terribly appropriate. If Mr Berry thinks that we should not improve the track, improve the viewing areas and improve the whole event, nobody in the tourism industry would agree with him and very few people in retailing or restauranting or the other people who did very well would agree with him. The people who filled the 150 full-time and part-time jobs that were created by the GMC 400 this year probably would not agree with Mr Berry either. It was a very successful event.

Yes, we gave five years worth of figures, and they were not exactly right. We do need more money next year. We also got significantly more benefits this year than we expected. The Assembly can choose not to approve more money. As always, this government has been totally open about the amount of money that will be needed. I made that comment in a statement in the Assembly last week. Nothing is hidden. Mr Berry lives in the past and maybe likes to drive the old Ford around the track slowly on a Sunday afternoon, but others like different types of motor sport. The GMC was very successful.

MR BERRY: I ask a supplementary question. I know the Chief Minister ducked the original question. He might like to have a crack at the supplementary question. Is it not true that the disgraced former Chief Minister has been given a generous job search allowance so that she gets a chance to announce her own disasters and you can avoid the embarrassment?

MR SPEAKER: Order! The question is out of order.

Mr Berry: Why? Don't you want him to answer?

MR SPEAKER: Because it does not refer to the minister's portfolio. I would have thought that you, being such an expert on standing orders, Mr Berry, would understand that.

Mr Berry: Mr Speaker, I am prepared to debate that point.

MR SPEAKER: No, you shall not. You are going to sit down. It is question time.

Relocation of Clients from Hennessy House

MS TUCKER: My question is to Mr Moore as the minister for health. Mr Moore, you may be aware that there have been some concerns expressed over the last week or so about the process of moving people from Hennessy House. Ten people are going to be relocated to accommodate the establishment of a secure care unit. There is, according to the advocacy agency working in the area, a lot of anxiety among the clients about this move. How many consultations have occurred with the people who are going to be moved, as a group and individually?

MR MOORE: I am aware that there has been some concern about some of the issues surrounding moving people from Hennessy House. However, I have to say that the information that has been given to me by the head of the health service is that there has been a huge amount of consultation with a wide range of people involved in that transfer. Ms Tucker, I do not have the exact detail on those consultations now, but I would be happy to take that part of the question on notice and come back with the details.

MS TUCKER: Are you also aware that some clients who have been accustomed to 24-hour care are going to be moved into the Macquarie Hotel, even though there is a history of fear in the client group about staying there?

MR MOORE: I will take that on notice, Mr Speaker.

Disability Programs

MR RUGENDYKE: My question is to the health minister, Mr Moore. Minister, I have received information that ACT Community Care's Disability Programs has recently recruited a new employee on a three-month contract. This independent person, I understand, has been brought into the department to prepare Disability Programs for a pending inquiry. Could the minister please inform the Assembly what inquiry the person is preparing for and provide details of the exact nature of the brief? What preparation is needed and what needs to be cleaned up?

MR MOORE: Members would be aware that Disability Programs has been through a huge amount of change over the last three or four years. A wide range of very successful changes have occurred in that program. You would be aware that Disability Programs has put out a program for discussion not only on what they have achieved but also, in consultation with their community and the key stakeholders, to say, "What do we need to do to make things even better?" I made that information available to members, I think, six or eight weeks ago, to show what was happening.

Mr Speaker, it is a very successful program. That does not mean to say that there are not things that are of concern happening within Disability Programs. Clearly, members believe there is so much concern that it warrants an inquiry under the Inquiries Act. I have argued that that is not warranted. However, it is the case that the majority of members believe that such an inquiry is warranted.

What Disability Programs did know was that there would be an inquiry of some sort into their programs. I have never shied away from that fact; I was quite accepting of the Assembly's view that there would be an inquiry. Therefore, Disability Programs has

employed somebody to set about making sure that, whoever the inquiry is, will understand the facts.

At lunch time Mr Humphries announced that there will be an inquiry under the Inquiries Act and that Justice Gallop will be conducting that inquiry. Mr Speaker, I think all members would recognise the contribution that Justice Gallop has made to this community, his independence and his understanding of the ACT and the ACT's system. I think Mr Humphries will seek leave to make a short statement on that matter after the presentation of papers.

I have to say, Mr Rugendyke, that there have been some concerns within government about whether or not we would proceed down the path of an inquiry under the Inquiries Act. There were quite a number of reasons why the government felt it ought not do this. However, what became very clear to us was that Mr Wood said he would support your legislation that is currently on the table.

I would like to say to members that I sought advice from the Clerk on that because I believe that your legislation would interfere with our basic democratic principles of the separation of powers. The reason I felt that, Mr Speaker, was that Mr Rugendyke, in his introductory speech, you may recall, actually drew my attention to the fact that I had originally proposed something similar. Indeed, I had. After I had discussed that with the Clerk I decided that what I was doing was inappropriate, dangerous to our democratic principles and so forth. So, Mr Rugendyke, I hope you will recognise the same and withdraw your legislation.

For the information of members, I table the following document:

> Inquiries Amendment Bill 2000—Advice—Letter from Clerk, Legislative Assembly for the Australian Capital Territory to Mr Michael Moore MLA, Minister for Health, Housing and Community Care, dated 4 December 2000.

I would encourage the Labor Party, in particular, to read this advice, because your commitment to support that legislation—a commitment that you made, Mr Wood, repeatedly reported in your voice on the media—was a commitment to undermine our basic and fundamental democratic processes.

Mr Wood: Oh dear, oh dear!

MR MOORE: Mr Wood suggests I haven't done anything. Mr Wood, as you are interjecting, I will explain the difference to you.

Mr Wood: What is the difference between what you've done in the past and what you think I've done now.

MR MOORE: I shall explain the difference. Listen very carefully and try to make a principled decision. You made the interjection; now listen. The difference is this: legislation such as the changes to the Subordinate Laws Act—and Mr Hargreaves has one—is about giving more power to the Assembly to scrutinise what the government is doing; it is not about taking over the role of government. That is the difference.

When I put that up, as I did many years ago, I then recognised it was an inappropriate way to move and that there was an appropriate separation of powers. I backed away from that after taking advice from the Clerk. We now have written advice and I suggest you read it.

To come back to the very specifics of Mr Rugendyke's question: you would need to understand that once there is an inquiry under the Inquiries Act under way, as there is now, because the commission has been signed for Justice Gallop to undertake the inquiry, there will need to be resources put into supporting groups like Disability Programs so that they can present to that inquiry accurate information and the information that is necessary to explain what they have been doing, how they have been doing it and what steps they have taken to improve the services so that Justice Gallop can have the full picture in front of him, make his judgment, see what else needs to be done and report back to the government on the changes that ought to take place based on the full range of the terms of reference that went through this Assembly.

Elective Surgery

MR WOOD: My question is also to Mr Moore. Minister, can you advise me whether there has been a recategorisation audit of category 2 elective surgery patients at Canberra Hospital? If there has been, is it complete?

MR MOORE: Mr Speaker, the professor of surgery indicated to me some time ago that he would be looking at category 2 and category 3 patients because he believed that on some occasions those patients were categorised in the wrong place and needed to be reassessed to ensure that they were in the appropriate category. I said that I thought that it was a good idea for him to proceed, because we want to make sure that the fairest possible delivery of patient care occurs but that the patient care is at the highest possible level. My understanding is that that process is proceeding. I am not sure whether it has been completed. I will come back to you on the matter of the completion of that audit.

I will say something else that is very interesting, Mr Wood. When our tender process was put out for some 800 patients, at the department's request a list of 741 long-wait elective surgery procedures from either category 2 or category 3 was supplied to the department by the Canberra Hospital and then quite an amount of time was spent on finalising that. The Canberra Hospital actually revised its initial list of 741 people down to 670. The revising of that occurred because there were a number of people who had already had their operations done privately or had decided not to have their operations done. Perhaps they had been to a physiotherapist and got fit or had moved from Canberra.

Mr Berry: Or had died.

MR MOORE: Mr Berry interjects. There would be some doubt as to whether somebody was deceased; that is one possibility. It would not have been because of the operation because, as Mr Berry of all people would know, a person who is in category 2 is somebody whose particular operation is of a level judged by a specialist to need an operation between 30 and 90 days.

Yes, there has been a process of recategorisation going on; but, if you look at the process gone through over the tender, you will see that it is appropriate that we ensure that our waiting lists are genuinely of people who are actually waiting for operations. That having been said, I have to say that more than 600 people will receive their operations earlier than would have been the case if we had not gone through that tender process.

MR WOOD: A supplementary, Mr Speaker. It is the case, though, that a review of the waiting list is done I understand once or twice a year? In any event, it is a review of just who still wants the operation. What are you going to do with these lists when they are revised and changed? Minister, if that is the way they are to be re-categorised, you will not come into this Assembly and say, "Look, we have cleared up the category 2 lists and they are now so much better."

MR MOORE: Of course I will, Mr Wood. If we have a category 3 patient who was previously listed by their specialist as a category 2 and when questioned says, "No, I was a category 3 patient," of course we will put them in the appropriate category. To do otherwise, Mr Wood, you would be pointing the finger at me and accusing me. We will take the good with the bad, Mr Wood. You could have the category 3 patient whom we look at and say, "No, this is much more serious, we will be putting that person in category 2."

Mr Wood: Do you think that is likely?

MR MOORE: Of course we will also say that. Mr Wood you say, "Is it likely?" I am saying this is not my decision. These are the decisions of specialists and another specialist who is asking the question.

Furthermore, I have been in discussion with the Division of GPs to ask them to look at the lists as well and to see if they can help us in dealing with making sure that people have their appropriate surgery with an appropriate surgeon. This has been done particularly well in Western Australia. In fact, we funded some of the Division of GPs to go over and look at how it works in Western Australia where the hospitals are able to work with general practitioners in the Division of GPs to ensure that their patients are getting appropriate care and the best possible care. Mr Wood, the fundamental here as far as this government is concerned is patient care.

The second thing, Mr Wood, is that when it comes to waiting lists, the fundamental for us is waiting times. Has the person had their operation within the appropriate clinical time frame? If they are in the wrong category, we cannot tell whether they have had it in the appropriate clinical time frame. So of course we will review those lists and we will maintain the process that continues to review them. We will report to the Assembly as to where people's categories are as assessed by the specialists.

Mr Humphries: Mr Speaker, I ask that further questions be placed on the notice paper.

Legal Aid Funding

MR HUMPHRIES: Mr Speaker, last week I took on notice a question from Mr Wood about legal aid funding. Mr Wood asked me whether the ACT government had been asked or had acted to approach the Commonwealth about additional funding for the

Legal Aid Commission. I am advised that the Commonwealth deals directly with the Legal Aid Commission in relation to issues which arise as to the funding of individual matters and that, where the cost of a case might have an adverse impact on the commission, the commission takes it up directly with the Commonwealth, not via the ACT.

Similarly, I was asked whether ACT legal aid funds had been transferred to fund Commonwealth matters. The answer is that there is a statutory bar now in the Legal Aid Act 1977 to the transfer of funds from the Commonwealth to the ACT and vice versa. Although matters can, as I suggested last week, be shared by the one recipient of aid, they cannot transfer matters from the ACT side of the equation to the Commonwealth side or vice versa.

Relocation of Streetlight

MR SMYTH: Mr Kaine asked me last week whether there was a policy or guideline relating to the siting and replacement of streetlights by Actew/AGL, what was the reason for moving a particular streetlight in Quiros Street, Red Hill, and what was the cost. Mr Speaker, there is a policy and guideline that does relate to the siting or replacement of streetlights, and it is determined then by DUS. There are associated guidelines and policy and design standards and they are drawn from *NCDC Drawings No 1971/82: Public and utility services—Alignments and reservations* and the Australia-New Zealand standard for road lighting, ASNZS 1158, 1997 and 1999, as applicable. The standard alignment for streetlight columns is 1.7 metres behind the curb line or as directed by the verge width, taking into account public and utility services.

The replacement of streetlights is determined by factors such as age deterioration, issues relating to public safety, technological advances and light spillage nuisance. In regard to the streetlight located in Quiros Street, Red Hill, the light referred to is situation in the verge in front of No 13. The existing 3.5-metre high metal streetlight replaces the original light fitting which was attached to the adjacent power pole at the height of 6.5 metres. The change came about as a result of a complaint from the residents of No 13 regarding light spilling into their front room from the streetlight. Neighbours were consulted. Their agreement was obtained prior to relocating the streetlight. The estimated cost of the work was $3,650.

Education—IQ Tests for Enrolment

MR STEFANIAK: On 30 November, Mr Rugendyke asked me a question regarding the practice of using IQ assessments for enrolment purposes in ACT non-government schools and I advised him that I would get back to him. Many non-government schools in the ACT utilise aptitude testing for a range of purposes, including the streaming-of-students-in-a-year level or assessing student needs at either a group or an individual level.

A number of non-government high schools conduct aptitude testing for students entering year 7. These tests are held in the latter half of the year and all students in year 6 considering enrolment in such a school in year 7 undertake the testing regardless of whether they are currently enrolled in year 6 at the school or are attending a different school. These assessments may be useful in identifying the suitability of an education

program for an individual student. Schools using this type of assessment identify its use and purpose in their information packages to students and parents.

A decision to enrol a student at a school will usually involve several factors, one of which may be the results of aptitude testing. Other factors can include whether the child attends an identified feeder school or whether siblings are already enrolled at the school. It is not common for aptitude testing to be applied at other grade levels. However, at some schools satisfactory academic progress in year 10 may be one factor considered when a student seeks enrolment in the year 11/12 program.

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, I seek leave to make a statement pursuant to standing order 46.

MR SPEAKER: Please proceed.

MR BERRY: Thank you, Mr Speaker. If I can just say before I start that this morning I protested about people making personal explanations in the course of debate. This will be a personal explanation in the course of debate. The reason I am doing so is that I may have misled the Assembly this morning. I will read from *Hansard* of 19 February 1997 at page 100. Mr Moore said:

> The legislation that I tabled only a few minutes ago, the Gaming Machine (Amendment) Bill, was privately drafted. The Australian Hotels Association, knowing that the legislation would benefit their members, offered to have that professionally drafted for me. I accepted that.

I assume that that has been declared somewhere. I hope that it has been declared somewhere.

Mr Moore: It is there in the *Hansard*, which is not a bad way of declaring something.

MR BERRY: I accept it as being declared. Mr Speaker, this morning I said that the Australian Hotels Association paid for the drafting of legislation to permit the consumption of tobacco in their premises. No, they got that for free.

EXECUTIVE CONTRACTS
Papers and Statement by Minister

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer): I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79 – Copies of executive contracts or instruments—
>
> Temporary contract:
> Beverley Forner, dated 23 November 2000.
> Schedule D variation:
> Beverley Forner, dated 20 and 22 November 2000.

Allan Eggins, dated 20 November 2000.
Susan Killion, dated 20 November 2000.
Lyn Walsh, dated 23 November 2000.
Michael Vanderheide, dated 27 October and 1 November 2000.
Peter Wallace, dated 10 and 21 November 2000.

I ask for leave to make a statement in relation to the contracts.

Leave granted.

MR HUMPHRIES: Mr Speaker, these documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act which require the tabling of all executive contracts and contract variations. Members will recall that contracts were previously tabled on 29 November 2000. I have presented today one temporary contract and six contract variations. The details are being circulated to members.

I would like to alert members, as usual, to the issue of privacy of personal information that may be contained in the contracts and I ask members to deal sensitively with the information and respect the privacy of individual executives.

PRESENTATION OF PAPER

Mr Humphries presented the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Management Report for the month and financial year to date ending 31 October 2000.

PUBLIC HOUSING—SELECT COMMITTEE
Report—Government Response

MR MOORE (Minister for Health, Housing and Community Care) (3.25): For the information of members, I present the following paper:

Public Housing—Select Committee—Report—The role of public housing in the Australian Capital Territory *(presented 11 May 2000)*—Government response, dated December 2000.

I move:

That the Assembly takes note of the paper.

Mr Speaker, on 1 July 1999 this Assembly established the select committee with wide-ranging terms of reference. The committee completed its report in March 2000 and it was tabled on 9 May 2000. The report contained 14 recommendations. The government welcomed the committee's inquiry into the role of public housing and has now taken on board some of the suggestions and recommendations made by the committee.

With regard to the select committee's report, the government has agreed or agreed in principle to 12 of the committee's recommendations. It has agreed in part with a further recommendation and not agreed with a recommendation about access by social housing tenants to the Essential Services Review Committee. It is proposed to better utilise the comprehensive appeal arrangements that already exist.

The focus of our changes is on targeting public housing to those in greatest need in the community, continuing to offer support to all public tenants while they need housing assistance, continuing to offer support to all public tenants for the periods that they need housing assistance; to improve the equity between tenants in households in terms of their rent contributions, and seeking out administrative efficiencies that can be put back into improving the quality of housing and customer services. We have an obligation, with limited resources, to provide services to those people in our community who are less advantaged, including our homeless, people suffering domestic violence, people with special housing needs and indigenous people.

The main elements of the reforms now to be implemented from 1 January 2001 include: offering leases to new tenants—and existing tenants entering new tenancy agreements—that would be reviewed every three years, or five years in the case of people on fixed incomes; minimising the work disincentives for public tenants by setting the lease renewal eligibility criteria at 10 per cent higher than the entry level criteria; increasing the asset eligibility criteria to $40,000, up from $20,000; streamlining the applicant list in order to allocate the limited public housing stock to those in greatest need; and requiring existing residents, like tenants and other residents, to pay 25 per cent of their income towards the household contribution to the rent payment.

In announcing the implementation of this government's reforms, I should remind members of this Assembly that in report No 5 of 1998 the Auditor-General stated that ACT Housing was missing out on an estimated $2 million in rent per year by not increasing the rent policy for residents to the 25 per cent level applying to tenants. While the actual level of lost rent may be lower at between $1 million and $1.5 million, it is significant and the opportunity to implement such a change has been delayed for 12 months. As soon as the policy change is implemented, this additional rent income will benefit all tenants in public and community-managed housing through improved property and tenancy services.

Other reforms were originally proposed but have since been modified as a result of the committee's report. For example, we will continue to provide arrangements for rental bonds and minimum rental payments by public tenants will be maintained at $20.

Mr Speaker, I would also like to inform this Assembly that, since taking responsibility for the housing portfolio, I have announced a revised allocation policy that offers greater flexibility to tenants in the size of homes they can be allocated. This actions two of the select committee's recommendations; namely, recommendation 13 concerning the accommodation needs of single people, and recommendation 14, which sought a more flexible allocation policy for parents with shared children responsibilities.

In implementing the reform, the government is mindful of the need to review and monitor the impacts of the changed policies and I will be making a reference to the Housing Advisory Committee to undertake this role in relation to the matters of security

of tenure and assistance, the allocation policy for applicants, and the entitlements policy for tenants.

This review process should be guided by the fact that the ACT has the lowest proportion of its population on welfare benefits—11 per cent against a national average of 18.2 per cent. I have to say that part of that is through the good management of this government, particularly the work of Kate Carnell as Chief Minister. In spite of that 11 per cent against a national average of 18.2 per cent, we have a higher proportion of households already assisted into public housing at 10.3 per cent against a national average of 5.3 per cent. In other words, whichever way you look at it, we are doing much better than any other jurisdiction.

Mr Speaker, I appreciate the effort of committee members in undertaking this inquiry and the submissions made to the committee by many organisations and individuals as part of the consultation process. I table the government's response.

MS TUCKER (3.30): I have not had time to look at much of the report, but I will make a couple of comments right now.

Mr Moore: Just adjourn the debate and come back to it.

MS TUCKER: No, I do not want to adjourn it. I can see a couple of things that I can already speak about. Obviously, this response is a joke. We have been told that the government will be picking up, I think Mr Moore said, 12 of the 14 recommendations. It is a matter of the sort of language used. The government says that it agrees in principle, but when you read what it is saying you find that it will be going ahead with exactly the same policy.

For example, the committee recommended that security of tenure for public housing tenants should be maintained and that, if the government wished to proceed to remove security of tenure for public housing tenants, it should first undertake a comprehensive assessment of the people likely to be affected and bring the issue before the Assembly for debate. What is happening there? Where is the reference to the comprehensive assessment in this response?

Basically, the government is saying that it intends to continue to impose eligibility criteria because it wants to knock off public housing and have narrow, targeted welfare housing. The same problems are there now as were there when the select committee looked at the issue. The government is setting up two sets of tenants here. It is going to have existing tenants who are tenants for life and it is going to have tenants whose situation is going to be reviewed every three to five years.

The status of existing tenants will change if their situation changes, so you will not have existing tenants seeking a transfer because they would then lose their status as a tenant for life, which is going to be a real issue for Housing. I do not know what Housing will think about that. I am really interested in finding out what Housing will think about this. You are going to end up finding that tenants who are not fully occupying a house will not be seeking a transfer because their status would change if they did.

In recommendation 2 the committee recommended that security of tenure be available for community housing tenants. The government response says that the government agrees in principle; but when you read the detail you find that the government is saying that it supports security of tenure being offered by community-based housing providers on terms and conditions similar to those offered to public housing tenants. That was the whole subject of the discussion by the committee, for heaven's sake. Community housing has traditionally and conventionally been seen to be a different form of public housing and this government's reforms were changing that radically. Nothing has changed here. How can the government say that it agrees in principle when, basically, it is sticking with the same thing?

In recommendation 3 the committee recommended that the government not proceed with the proposed further segmentation of the applicant list. The government says that it agrees in principle with that, but then you look at the detail you find that it is going to stay there in four areas: applicants in urgent need of housing; applicants for whom the private rental market is not viable as a long-term option; applicants with affordability problems; and tenants wishing to transfer within the public housing stock for reasons of personal preference.

Maybe I should remind the minister of what was said by the committee about that and what the majority of submissions said the concerns were. The concerns were that a segmented waiting list necessitates the ranking of competing needs and potentially marginalises those whose only need is affordability based; that the changes would reduce fairness of access and applicants in categories 3 and 4 may never get an offer of accommodation, which fits in with the government's whole philosophy, of course; that the changes would lead to longer waiting periods for many and older people in categories 3 and 4 could be adversely affected if they had to wait for three or four years for accommodation; and that the changes were not reflected in the draft program, which could result in discrimination and unfair treatment of applicants. Those matters have not been addressed.

Then we have recommendation 4, in which the committee recommended that the government urgently review the exclusion barrier of $100. From my quick reading of that, it appears that the government is saying that it will await the recommendations of the poverty task group before undertaking a review of this policy; so perhaps there has been a little bit of give there.

The committee called on the government to urgently review the proposal to increase the minimum rent to $30. That was agreed to in part. The government says that it will await the recommendations of the poverty task group before implementing this proposal. What does that mean? They are going to wait for the recommendations of the poverty task group, but they are going to implement the proposal anyway regardless of what the group says. That is bizarre.

Then we have the recommendation about a minimum rebate of $5. Everyone agreed with that; it was the government's proposal. The recommendation on the rental bond loan scheme was agreed to, the government saying that the existing rental bond scheme was introduced as a means of managing the applicant list and it is no longer necessary to allocate rent bond loans through ACT Housing.

I can recall quite clearly the evidence that came through to the committee on that one from the department of immigration in particular and the federal minister for community services. Basically, we found out that refugee families would be severely disadvantaged by the abolition of the rental bond loan scheme. The caring, sharing government speaks again! I will not say any more now. I will seek leave to speak at another point. Mr Wood might like to adjourn this debate.

Debate (on motion by **Mr Wood**) adjourned to the next sitting.

PRESENTATION OF PAPERS

Mr Moore presented the following papers:

Subordinate legislation (including explanatory statements) and a commencement provision

Artificial Conception Amendment Act 2000—Notice of commencement (17 November 2000) (S65, dated 16 November 2000).

Food Act—Determination of fees—Instrument No 345 of 2000 (No 48, dated 30 November 2000).

Machinery Act, Scaffolding and Lifts Acts—Occupational Health and Safety Legislation Regulations Amendment—Subordinate Law 2000 No 47 (No 48, dated 30 November 2000).

Occupational Health and Safety Act—

Approval of the ACT Safe Demolition Work Code of Practice—Instrument No 343 of 2000 (No 47, dated 23 November 2000).

Occupational Health and Safety (Certification of Plant Users and Operators) Regulations 2000—Subordinate Law 2000 No 48 (No 48, dated 30 November 2000).

Public Health Act—

Declaration of a public health risk activity—Instrument No 346 of 2000 (S66, dated 23 November 2000).

Determination of fees—Instrument No 347 of 2000 (S66, dated 23 November 2000).

Public Place Names Act—Amendment to notice published in Commonwealth Gazette No P25 of 31 August 1988—Omission of eight street names in the Division of Conder—Instrument No 344 of 2000 (No 48, dated 30 November 2000).

Petition—Out of order

Territory Plan—Amaroo and Burdekin Avenue—Mr Hird (74 residents).

A.C.T. BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND BOARD—REPORT FOR 1999-2000
Paper and Statement by Minister

MR STEFANIAK (Minister for Education and Minister Assisting the Attorney-General): I present the following paper:

> ACT Building and Construction Industry Training Fund Board—First Annual Report and financial statements, including the Auditor-General's Report, for 1999-2000.

I ask for leave to make a statement in relation to the paper.

Leave granted.

MR STEFANIAK: Mr Speaker, the ACT Building and Construction Industry Training Fund Board was formed on 1 November last year and its first annual report, for the period 22 November 1999 to 30 June 2000, is now available for tabling. A number of factors contributed to the delay in the tabling of this report. This is the first year of operation of the board and the training levy has been in operation for only six months.

Despite the good offices of Building, Electrical and Plumbing Control and Planning and Land Management in the Department of Urban Services, the matter of reconciling levy collection to the satisfaction of the Auditor-General has taken more time than expected. On 30 November 2000 the ACT Auditor-General provided an unqualified audit opinion on the board's first year of operation. I table the ACT Building and Construction Industry Training Fund Board's annual report for 1999-2000.

DISABILITY SERVICES—BOARD OF INQUIRY
Ministerial Statement and Paper

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (3.39): I seek leave to make a short ministerial statement.

Leave granted.

MR HUMPHRIES: As Mr Moore has already indicated today, the government has agreed to appoint a board of inquiry, pursuant to section 5 of the Inquiries Act, to inquire into services for people with a disability in the ACT in residential care. Mr Speaker, the government has decided to appoint the Hon John Gallop, formerly a judge of the Supreme Court of the ACT, as the board of inquiry. I table the appointment of the Hon John Gallop as the board of inquiry under the Inquiries Act 1991.

Members will note that there is an indication in the terms of reference—terms of reference which, I might say, closely reflect the earlier resolutions of the Assembly—to deal with the question of possible conflict with the coronial inquiry already initiated in the Coroners Court of the ACT. The government has acceded to the wishes of the Assembly that there be an inquiry under the Inquiries Act. The government has done so in circumstances that it regrets and wishes were otherwise. However, the government is

aware that this is a clear requirement of the rest of the Assembly and will ensure that the inquiry proceeds as required.

However, I have to indicate that, although Justice Gallop has the experience potentially to avoid conflict with the coronial process, there are no guarantees in this exercise that that conflict can be entirely avoided. There is still the potential for some conflict to occur. The government has heeded the concerns expressed by the Chief Coroner with respect to such an inquiry and has taken the step of appointing an eminent jurist to conduct the inquiry under the Inquiries Act to minimise the opportunities for conflict to occur with the coronial process.

Mr Speaker, it is my great hope that there will not be conflict and that there will not be any compromising of either process by virtue of the way in which the government has proceeded, but I make clear to the Assembly that the government can offer no guarantees on that question.

I ask members to note that the inquiry has been asked to report to the government, and to the community in due course, by 31 May next year. I present the following paper:

> Disability services—Residential care—Board of Inquiry—Copy of appointment of Board of Inquiry, pursuant to the Inquiries Act, dated 5 December 2000.

I move:

> That the Assembly takes note of the paper.

MS TUCKER (3.41): I want to raise a couple of concerns straightaway. Obviously, I am concerned that Mr Humphries and Mr Moore have decided in their wisdom that the person who was recommended and supported by the community should not be the person named to conduct this inquiry. The reason people were supporting the other person, Professor West, was that it was clear from his work in New South Wales that he had not only the legal expertise, skill and experience to handle two such inquiries concurrently, but also very broad experience in the area of disability, having set up the Community Services Commission in New South Wales and undertaken inquiries into the area. They were seen by the community to be very good qualifications for undertaking this inquiry. Obviously, he is someone who is able not only to work in a judicial forum but also to undertake inquiries in a hands on way.

Mr Moore and Mr Humphries have decided otherwise, and that is of concern. Of great concern to me is the fact that they have changed these terms of reference, which was not mentioned by Mr Humphries. I am sure members would give him leave to explain why the terms of reference have changed. Of interest to me is the first paragraph. The original motion directed the government to appoint a board of inquiry, pursuant to the Inquiries Act 1991, within 21 days to inquire "in a manner which recognises the limited capacity of some persons to participate and protects individual interests".

That was wanted in there because, as we have heard many times in this place, the community is concerned about consequences that can result from complaining about or challenging the government of the day in the ACT. The words "protects individual interests" were seen to be a very important aspect, as was recognising the limited

capacity of some persons to participate. That was seen to be very important by the community. These terms of reference came from the community.

Mr Moore: A particular group within the community.

MS TUCKER: Unlike Mr Moore, it is of interest to me. I might as well get it on the public record as well that on one occasion Mr Moore did say, and I have seen a transcript of it, that after he had suggested that the Community Advocate or the Community and Health Services Complaints Commissioner could conduct this inquiry I had slipped it into the terms of reference that the complaints mechanisms be looked at. That was absolutely unfair and I would welcome an apology from Mr Moore on that. What is true is that the community were saying consistently well before this discussion started that they were concerned about how complaints were managed. This came up in my previous inquiry. It has come through loud and clear over the years since. This was the result of the community's feelings about what needed to be looked at in any broad inquiry.

What we have here is an interesting addition. Advocacy services have now been added to the terms of reference. The relevant section used to say, "Consumer protection, complaints and appeals, particularly the adequacy and effectiveness of consumer protection." I would have thought that in anyone's thinking that would have included the broad spectrum of services and systems in place, but Mr Moore and this government have chosen to add, quite specifically, advocacy services. Later on there is a reference to the Community and Health Services Complaints Commissioner and the Community Advocate and there is the addition of "consumer advocacy".

Is it not interesting that we have a suggestion from the minister that this is just about a few troublemakers? If Mr Moore has said that once, he has said it many times. He has suggested that the advocacy groups are causing a problem. What fascinates me about that is that decisions are made on a policy level and at the other end we have the advocacy agencies which are working with the human beings involved, whether they be the people with mental illness who are being chucked out of Hennessy House at the moment or whether they be the people with a disability.

The advocacy agencies on the ground are the ones which have personal relationships with the people who are feeling the impact of this government's policies, and they speak on behalf of their clients. Mr Moore calls them troublemakers. Mr Moore has added them to the terms of reference and removed the clause that said that this inquiry would be undertaken in a way which was sure to protect individual interests. An interesting combination of changes has been made by Mr Moore.

The last point is the reporting date, which has been changed back to 31 May. Those in the field believe that 15 August was the bare minimum it would take to do a proper and thorough investigation, but Mr Moore knows better for his own reasons.

MR WOOD (3.47): Mr Speaker, I share some of Ms Tucker's concerns, but let me deal first with the somewhat pious attitude of Mr Moore in saying, "How dare the Labor Party and others support such a drastic change to the relationship between the executive and the legislature."

Mr Moore: That is Mr Rugendyke's legislation.

MR WOOD: I acknowledge that there is an issue there. There is no question about that; there is an issue. Mind you, the government thinks that it can pass over budgetary matters, executive matters, to the legislature; so where do you stand on this? You support that. There has been over the years a blurring between the legislature and the executive. Do not be so pious about it. You quoted your planned legislation of some little time ago, but think back a little further to the time when, together with the Liberals, you were going to get into the budget and make very significant changes to it. I remember; I was education minister at the time. How do you stand on that? Was that not a very significant intrusion, no less significant than this, of the legislature into the executive?

Mr Moore: Yes, and it was a mistake, you are right.

MR WOOD: It was a mistake, but it went ahead. The one difference was that the Labor Party at the time, under Rosemary Follett, recognised that we could fight it, that we could argue on the ground of principles and that we could do other things, but it was going to happen, so she said, "Let's do it." That is what you have done on this occasion, except that you were much less willing to do so and you had to be dragged kicking and screaming to do it. So, Mr Moore, do not stand up today and try to lecture others in this Assembly about this issue, because you are no different. What you want to do is to be able to play on one playing field of your decision and deny to others the rules that you want to operate under. That simply will not wash.

Mr Moore has got it in his head—he is fixated on it—that there is one advocacy group out there that is stirring up all this trouble. That is his fixation, at least I think it is. I think that he is genuinely of that belief. That is not the case; it is simply not the case.

Mr Moore: We will see.

MR WOOD: What did you say? "We will see." I am now much more concerned, like Ms Tucker, about the inclusion of advocacy services into the terms of reference.

Mr Moore: No, you are misinterpreting me. We will see how widespread the problem is; that is what I was saying.

MR WOOD: You had me worried. I can tell you that I have been approached over a long period, but most particularly in the last few months, by a very large number of parents. Indeed, the advocacy group you have referred to in conversation with me is not, in my view, a big player in this at all; it is not. Mr Moore mentioned the advocacy group and one parent who were stirring for this inquiry. I had never met that parent. I happened to see her out here one day after a motion had been moved in the Assembly.

Mr Moore: Don't worry, Bill, I won't have a private conversation with you again.

MR WOOD: I think that is a very good idea, Mr Moore. I do not argue about that at all, because you do not know how to handle those things. Let us be clear: this inquiry is being sought by a very broad range of people in the community. The government has acted, finally. I have some anxieties about the way it has done so. It has appointed a respected judicial figure who is not familiar with the territory, as against the legal

figure, not a judicial figure, proposed by the motion who is very familiar with the territory. I think that there is a significant difference there.

There is a significant difference also in the timeframe that has been given. We will see how these things bear out in the longer term. I do stand up today and express the view of the community, as expressed to me in the last hour or so as the news of this inquiry has got around, that they are not confident, certainly at this stage, with Mr Moore's announcement. There is great concern. I reserve my judgment until I study the issues a little more.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (3.52), in reply: Mr Speaker, I should close off the debate with a few comments on this matter. First of all, I remind the members who made comments about Mr Moore's role that this is not, strictly speaking, Mr Moore's decision. It is, in fact, a decision by the ACT executive. People can speculate about what happens in cabinet on these things, but I can say with confidence that the entire government, without exception, believes that the course of action we are taking is the appropriate one in the circumstances.

Ms Tucker raised the question of a change in the terms of reference of the inquiry and the exclusion of the words "protects individual interests" from the way in which the inquiry should be conducted. Mr Speaker, there is no intention to change the fundamental direction that the inquiry is to take by virtue of the omission of those words. The terms of the inquiry have been extensively discussed with the Government Solicitor and with affected departments, such as the department of health.

The words "protects individual interests" were excluded because they were extremely ambiguous. It was not clear what that was intended to mean. For example, if the inquiry were to find, just for argument's sake, systematic abuse of the system by certain individuals within the system, then it would be quite appropriate for the inquirer to make reference to that in his report, even though that could be said not to protect individual interests. It is quite appropriate—in fact, necessary—that that phrase not be used in the terms of reference. The government has taken advice about the best way in which to construct the terms of reference.

Mr Speaker, I have no doubt that every issue which has been raised in this place by members of this Assembly about disability services in residential settings in the ACT will be addressed by John Gallop. I have no doubt about that. Members can rest assured that we have chosen a person who will be diligent, thorough and professional about this exercise. There are few people in the ACT whom I could imagine would be better able to deliver an inquiry of this kind.

To take up Mr Wood's comments about the blurring of the line between the executive and the legislature, he is perfectly correct in saying that this line has been blurred.

Mr Wood: In the past?

Mr HUMPHRIES: It has certainly been blurred in the past and in recent days. In fact, arguably throughout the life of this parliament, for the last 11½ years, it has been blurred and blurred and blurred. One could say from a distance that there is very little evidence

of where the line actually is today because of that blurring that has gone on. However, members need to be aware when and why that line has been blurred. Until today it has been the position that inquiries and royal commissions have been initiated only by the executive. In effect, today they are initiated at the behest of the Assembly. That might be an appropriate transition to make. I have argued against it.

Mr Wood: Most royal commissions in other places come about because of sustained pressure in the parliament.

Mr HUMPHRIES: I welcome that interjection, Mr Speaker. It is quite true that they do come about as a result of sustained concern, often in parliament, but never on the basis that the government's hand is to be forced, never on the basis that the parliament forces the government's hand to appoint such an inquiry.

Mr Wood: I can't discern the difference.

MR HUMPHRIES: I am unaware of such a precedent, Mr Speaker, and I would be happy for Mr Wood to table any precedent of that kind he can find. As I say, I do not argue that this is a totally inappropriate outcome. As a person who one day may serve again on the opposition benches, I believe that there is some merit in such a precedent being set. But I think that the point has to be made extremely clearly that it has been said that, having once had this tin prised open, it will not again be closed and sealed up.

Mr Speaker, I thank members for their comments. I think that I have discerned, despite the disagreement, that there is a view that this inquiry should go ahead, that it should examine the issues that have been raised in the terms of reference, and that that there is some hopefulness on the part of members that we will see next May a comprehensive analysis of the issues in this area. I certainly expect that from an inquirer as professional as the Hon John Gallop.

Question resolved in the affirmative.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Scrutiny Report No 15 of 2000

MR OSBORNE: I present the following paper:

> Justice and Community Safety—Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 15 of 2000, dated 5 December 2000.

I ask for leave to make a statement.

Leave granted.

MR OSBORNE: Scrutiny Report No 15 of 2000 contains the committee's comments on 16 bills and 65 subordinate laws. I commend the report to the Assembly.

Scrutiny Report No 16 of 2000

MR HARGREAVES: Mr Speaker, I ask for leave to present Report No 16 of 2000 of the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee and to make a statement.

Leave granted.

MR HARGREAVES: I present the following paper:

> Justice and Community Safety—Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 16 of 2000—Fourth Meeting of Chairs and Deputy Chairs of Australian Scrutiny of Primary and Delegated Legislation Committees—Parliament House, Melbourne—10 November 2000, dated 5 December 2000.

Mr Speaker, I want to make a couple of brief points which may interest Mr Moore, if he can pull himself out of the ear of the Minister for Urban Services.

Mr Moore: I'm listening to you, Mr Hargreaves, every single word.

MR HARGREAVES: I am grateful for that. I am sure that Mr Moore, as a real follower of politics in this town, will be intrigued to read the report that I have just presented.

Mr Smyth: He always reads them.

MR HARGREAVES: I will ignore the idiotic ramblings of the Minister for Urban Services and concentrate on the mind of Mr Moore, who will be particularly interested in where this committee is headed.

The report talks about a national committee of scrutiny, which follows his motives in putting forward the Administration (Interstate Agreements) Act and takes it, along with legislation that I hope to have before the Assembly tomorrow, to a new level of openness, scrutiny and transparency. The action being proposed by this committee, led by Victoria, talks about a piece of model legislation for us all to adopt within our own jurisdictions, slightly modified to our own needs. But this proposal is ambitious and radical and, curiously, it has bipartisan support within the committees. Further consideration of the draft bill will continue at the next meeting, which will happen in February.

I urge Mr Moore to have a good look at it because, as I said, it extends his view on the Administration (Interstate Agreements) Act and transparency. I will not go into the matter in detail as I suspect that I will be tempted to go into it in some detail later, but the real test of Mr Moore's integrity as far as the Administration (Interstate Agreements) Act is concerned will come when we see the model food legislation. I have had conversations with Mr Moore about the application of that act to the model food legislation.

Mr Moore: It doesn't apply.

MR HARGREAVES: He suggests that it does not apply. We might have conversations about that later. The government's record in terms of the Administration (Interstate Agreements) Act is not really wild, but I have to congratulate the government on moving significantly towards full compliance with it. I would put it at about 66 per cent at the moment, which is great because when I came into this Assembly the compliance was nil. I think that that is great. I really think that it is terrific and I am sure that the new Chief Minister had a fair bit to do with that. I congratulate him if he did.

When we go to this meeting in February and start talking about how the ACT is leading the country, it would be really nice to be able to give a full case history on the movement from secretive government to some measure of transparency. Interestingly, all of the legislation that has been put forward in this place and passed has come about through private members business. It is significant for a system based on the Westminster system that there is room for a government and an opposition to consider private members business for the good of the parliament. That is what we are talking about and that is what this meeting of chairs and deputy chairs is all about. They are taking radical steps forward in the same way as Mr Moore took a radical step forward with the Administration (Interstate Agreements) Act. I urge members to take a good look at that report and invite members to give me a ring if they want me to brief them or to speak to the Clerk, Mr McRae.

GAMING MACHINE AMENDMENT BILL 2000

Debate resumed.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (4:03), in reply: Mr Speaker, there have been a lot of fairly hysterical comments made in the course of this debate on the Gaming Machine Amendment Bill. There have been accusations; there have been conspiracies touted; there have been claims of conflict of interest. You name it: it has taken place in the course of this debate. So, Mr Speaker, I want to dispel as clearly as I can some of the misunderstandings that might exist about this legislation and put on the record very clearly what the government sees is the position as the result of this piece of legislation.

First of all, Mr Speaker, it was suggested that what the government is trying to do with this legislation is to suborn the intentions of the clubs and replace them with the intentions of the government with respect to the expenditure of clubs' revenue from poker machines; that the government, in effect, was trying to define what a reasonable community use of the clubs' funds was and to require that the money be spent on the government-defined community purpose.

I have to put on the record absolutely clearly that the legislation we have proposed today deals only with 5 per cent of the net profit of clubs from poker machines, an amount, with respect, that is so small that it could well be argued to be irrelevant to the viability of any club in the ACT. The legislation potentially does not apply to smaller clubs in the ACT if there is a question about such a levy having an impact on their viability.

So, Mr Speaker, rather than the government substituting its view about the expenditure of money, it is about the government not affecting in any way the expenditure of 95 per cent of profit, which is more like probably 98 per cent of the turnover of those clubs. We are dealing with a very small percentage, reflecting the view not just of the government, I might say, but of the whole Assembly now about the appropriateness of sharing with the rest of the community the fruits of that privilege the clubs enjoy.

Mr Speaker, it is not, I repeat, an attack on clubs. It is not an attack on working people, as was suggested. It is not an attack on members of trade unions. Also, I have to say, it is not an attack on political donations. I think the argument about the use of money by clubs for political donations and the intention of the government to somehow deprive the clubs with associations with the Labor Party from making donations to the Labor Party or affiliated organisations is just not borne out by the figures which the Gambling and Racing Commission tabled last week.

I want to draw attention to those figures. If members look at attachment 1A to the report which has been tabled by the commission one sees the amounts which have been paid under various classifications to community organisations by ACT clubs. It also provides in the last few columns on that pull-out page the percentage of their total net gaming machine revenue which is being expended on community contributions as defined by the commission.

I might at this stage step back one instant, Mr Speaker, and make it very clear that in the course of this debate we have been accused of attacking clubs and attacking working people and so on. One organisation which was clearly attacked in this debate is the Gambling and Racing Commission, and in particular its chairman, Mr Broome. I quote from a release from Mr Quinlan, dated yesterday, in which he said this:

> Importantly, the Government's Report has arbitrarily excluded the bulk of the Operating Costs of the clubs so as to give a grossly overstated measure of poker machine profits (and therefore understating, proportionally, their contributions).

Of course, it is not the government's report: it is the report of the Gambling and Racing Commission. He went on to say:

> The Chairman of the Racing and Gaming Commission has been talking publicly, in a very hairy-chested manner, about enforcement of proposed legislation when <u>he should be saying absolutely nothing</u>.
>
> His role does not include anything more than even-handed application and administration of legislation and regulation. He has grossly overstepped his role by entering the political debate.

So let us be clear that the commission and its chairman have been attacked in this process. There is no doubt at all that that is an object of the ire of some in this debate. There is no mistaking or debating that.

I might just remind the Assembly, Mr Speaker, that Mr Broome was chosen by the government. His appointment was consulted about with the relevant Assembly committee, which I think is Mr Quinlan's committee. Mr Broome has eminent qualifications to hold down this post. Mr Broome does have political affiliations, in the

sense of political antecedents, and they do not relate to my side of politics. Moreover, Mr Broome had a period of service as Chairman of the National Crime Authority, such as to give him an eminence and integrity in such matters which I would be a brave politician indeed to impugn here or anywhere else. I do not think anybody could logically argue that John Broome is not his own man, Mr Speaker, so I think those attacks on the chairman of the commission are unfortunate.

Let me return, however, to the report by the commission into the contributions made by clubs. The argument has been put by those opposite that what the government is trying to do is to cause the donations made by clubs to political parties to dry up. I draw attention to the donations made to community organisations by some of the prominent clubs associated with the Australian Labor Party. For example, Mr Speaker, the Canberra Labor Club had a net gaming machine revenue of $8.1 million and made donations to community causes, as defined by the commission, of 6.66 per cent. Bear in mind that the government has set a target of 5 per cent. The Labor Club is already exceeding that target. The Labor Club does not have anything whatever to fear from the legislation which is about to be passed, I assume.

The Canberra Tradesmen's Union Club had a net game machine revenue—that is profit, if you like—of $11.8 million. Its contribution to community organisations and causes amounted to $2.8 million, and was in fact 23.64 per cent of that club's profit. It paid 23 per cent to community organisations, Mr Speaker—a very good effort. I publicly commend the Canberra Tradesmen's Union Club for its effort. Similarly, the Woden Tradesmen's Union Club had $4.3 million in profit and it expended over $320,000, or 7.68 per cent.

Mr Speaker, if clubs of the kind we are talking about are already expending in excess of the government's requirements on community activities, how could this possibly be said to be a threat to their capacity to donate to the Labor Party? They are already exceeding the government's targets, in the case of some of them, by a very long way. The Canberra Tradesmen's Union Club exceeded the government's target by about six-fold or five-fold. That rather puts the lie to the argument that we are about trying to stop these donations being made to the Labor Party. Clearly, on these figures, there will be no difficulty whatsoever for all of those organisations I quoted to be able to continue to donate to the Labor Party in future years. Clearly, Mr Speaker, that is the case. This claptrap about how we are trying to stop the Labor Party receiving donations is exactly that. It is nonsense.

I also want to address this argument that the Liberal Party's receipt of donations from business somehow places it in the same boat as the Labor Party's receipt of donations from clubs who have poker machines. Mr Speaker, as others have said in this debate, the essential issue in this argument is the source of the funds. I do not begrudge individuals in the community donating to political parties, because presumably those individuals earn their money in a decent way from their businesses or their private income and they make their donations without any embedded privilege assisting them to make those donations.

Similarly, Mr Speaker, businesses in the ACT who donate variously to the Liberal and the Labor parties, looking at the most recent figures, have not had any particular embedded privilege which assists them to provide that kind of funding. In the case, for

example, of the Waldorf development, Mr Speaker, the Waldorf was entitled absolutely—not on the basis of a government discretion—to receive the benefits which the government provided to them because they satisfied objectively the criteria for receiving money, assistance, under the Civic revitalisation program. If it had been, for argument's sake, the Canberra Labor Club which had been conducting that development, it equally would have been entitled to that contribution from the government, to exactly the same tune, Mr Speaker, so there can be no question of the government making a gift to the Waldorf in order to be able to extract some promise from them later on, because anybody in that position of developing an inner city building would be in the position of being able to receive that benefit.

Clubs, however, are in a different position. They have a privilege which nobody else in this community enjoys. They have the privilege of receiving revenue from poker machines. To ask them, across the board, to return just 5 per cent of the profit from that to the community is simply not too much to ask.

Mr Speaker, the Labor Party says it supports our legislation now. After attacking it for some time they tell us that they now support the legislation, but as it turns out, looking at the amendments which Mr Quinlan has foreshadowed, they intend to rip the guts out of the legislation. That sounds like the sort of support I could well do without.

To answer a concern raised by Mr Rugendyke in this debate, yes, the government will ensure that any stamp duty payable to the ACT as a result of the requirements to incorporate is not a cost which needs to be borne by the clubs—that is, the government will ensure that that money is either waived or refunded to them—and we will do our best to ensure that any payments resulting from transfers of properties and the like interstate are waived by reciprocal arrangement with those particular states, as, I am advised, is usually the case.

Mr Speaker, I want to table the guidelines which have been referred to in this debate. I table the following paper:

> Gaming—Copy of draft guidelines for approving community contributions, pursuant to section 60B of the Gaming Machine Act.

The guidelines make it clear that the government intends to ensure that appropriate activities by clubs in the community are protected on an ongoing basis under this new legislation. I have had discussions with the clubs about these sorts of guidelines, although not as extensive discussions as I would like, Mr Speaker, but I believe that further discussion can occur before those guidelines are made. I indicate that the government will support one particular amendment to be moved by Mr Quinlan to ensure that the government does make those guidelines in future rather than leaving it as an open question. We will support that amendment that the Labor Party is going to move.

Let me reaffirm, Mr Speaker, that we believe it is important that the question of this privilege to use the revenue from poker machines be addressed by the Assembly at this time. There is a great deal of money which is appropriately in the hands of the community, and I believe this legislation will put it there. I have no doubt that many clubs are being extremely generous at the present time and are pulling their weight in terms of what the government has put forward in an absolutely exemplary way, and

I congratulate those clubs for that effort. Some, however, have not reached that level of conduct, and I believe this legislation will ensure that they do.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

MR MOORE (Minister for Health, Housing and Community Care) (4.19): Mr Speaker, I move amendment No 1 circulated in my name, which reads as follows:

> Page 2, line 9, paragraph (b), insert the following definitions:
> No 1 –
> **associated entity**—see the Electoral Act 1992, subsection 198 (1).
> **registered party**—see the Electoral Act 1992, section 3.

This amendment suggests a new definition of associated entity and registered party. Some members, I know, will have difficulty with my amendment No 7. Nos 1 to 6 are sensible amendments that do not go to the heart of what I am trying to achieve with amendment No 7. Amendments Nos 1 to 6 are just matters of record keeping, cleaning up, and improving the bill. If members look at my amendments Nos 1 and 2 they will see that I am using definitions from the Electoral Act instead of the words "political party" to make sure that we are consistent with the Electoral Act. I do not think either of my amendments 1 or 2 would worry any member. They are simply a clarification of what we mean by political party in a way that is consistent with the Electoral Act, and will improve the legislation even if my amendment No 7 is lost.

Question put:

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

The Assembly voted—

AYES, 9	NOES, 6
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Quinlan
Mr Moore	Mr Stanhope
Mr Rugendyke	Mr Wood
Mr Smyth	
Mr Stefaniak	
Ms Tucker	

Question so resolved in the affirmative.

Amendment agreed to.

MR QUINLAN (4.25): Mr Speaker, I seek leave to move amendment No 1 circulated in my name.

Leave granted.

MR QUINLAN: I move:

> No 1—
> Page 2, line 18, paragraph (b), definition of ***net revenue***, omit "15%", substitute "25%".

Mr Speaker, I move this particular amendment in order to bring the figures that Mr Humphries so eloquently described earlier into a more accurate frame. The club industry has produced its own summary. They previously had consultants, ACIL Consulting, come forward and measure the overhead costs of operating poker machines. The figure, according to the ACIL report, which I have not heard disputed in any logical or analytical fashion, puts the taxation as a portion of gross gaming machine revenue at about 23 per cent and the overheads at around about 25 per cent. So it would seem that if we want to measure what clubs do contribute, and what proportion they contribute, it is only fair and reasonable that at least the overheads associated with operating the poker machines, including the direct costs of emptying, of change giving and of depreciation on machines, are taken into account in a logical manner. It would seem that 25 per cent is a much more reasonable figure.

I might add that, overall, clubs virtually make whatever profits they do make out of poker machines anyway, and in fact run quite a number of other activities, all of which contribute to their overheads as well. So even if we move this figure to 25 per cent, which is a closer measure of poker machines, we are still not taking into account some of the loss-making activities of clubs which go in the package. Clubs do not get people in to play poker machines and make this sort of level of revenue, and pay the level of tax that they pay, simply by just installing poker machines in a big room. They do have reasonably appointed premises, which I mentioned earlier today, which people on moderate incomes enjoy, and some of those people will play poker machines and contribute to the revenue of the club.

I think if the government is interested in the facts, as Mr Humphries has stated, then a fair measure of the overhead to be charged against gross revenue to calculate net revenue and to calculate the level of contribution the clubs make ought to be set at a figure that at least has been measured in some structured and analytical fashion as opposed to just arbitrarily set. I do stand by what I said: that the 15 per cent, which I think was used in previous years and used before the Gambling and Racing Commission was formed, and therefore has just been a carryover, does skew the report. That is not meant in any way, as Mr Humphries tried to imply, for the sake of attracting some support for this bill, that that was some sort of personal assault on John Broome.

I might mention, while I am on my feet, the general comments that are made about John Broome. I understand since that time that he has stated that he did not know that his statements were going to be published in the newspaper at the time. I think to a large extent he conceded that there are probably some areas where the politicians should be passing the opinions, and then there are some areas where the commission would. I do not think Mr Broome wants to be seen as being anything other than the agent of even-handed administration and regulation of gambling and racing in Canberra. So let me make it clear that I have no intention of impugning Mr Broome. I do believe that if we are going to have a political debate, it should be carried by the politicians. The administrators have their specific role to play and need to be in a position where they are seen to be interpreting and applying the legislation and regulation in the most even-handed fashion, which I am sure Mr Broome would wish to do.

I do commend the change in the figure to the Assembly because, from all that I know from my previous experiences and from what I have read of what has been prepared, 25 per cent gross revenue is a much more accurate figure. If we are interested in truth and accuracy, then we should put in 25 per cent. I commend the amendment to the house.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (4.31): Mr Speaker, I oppose the amendment. In fact, I oppose most of Labor's amendments because they are an intention to gut the legislation. It is pretty rich of the Labor Party to tell the *Canberra Times* that they support the legislation, then (a) put forward amendments which take virtually every element out of it, and (b) then actually vote against the bill in principle. I don't know where the hypocrisy ends in all of that.

Mr Speaker, the figure of 15 per cent was determined by the Commissioner for Revenue of the ACT after an analysis of the position of the clubs and an appropriate allowance for overheads and costs which clubs bear in operating poker machines. The figure is a reasonable one, I think, representing the overheads associated with the use of poker machines. The figure of 15 per cent has been in legislation in a draft form now for a very long period and has never been quibbled or questioned by any representatives of the clubs in that time.

Mr Quinlan: March 1999.

MR HUMPHRIES: What about it? What is that, Mr Quinlan?

Mr Quinlan: That is the ACIL report prepared for the club industry, which is March 1999.

MR HUMPHRIES: Mr Speaker, if he is saying that the figure in there is impugned, I will have a look at that, but I am advised that it has not been reduced or increased by any arguments or discussions at any other stage. I will look at what Mr Quinlan has had to say, but I do not think that is a problem. It has been assessed as being appropriate at that level.

The effect of passing Mr Quinlan's amendment is that we significantly reduce the amount which may go to community organisations. Now, what problem does Mr Quinlan have with community organisations receiving that money? What problem

does he have with it? Given the buffer we have created for small clubs, I think there is no question that these arrangements are affordable and achievable by clubs in the ACT, no question whatsoever, and I urge members not to support measures in the Labor amendments which will water down the effects of this legislation.

MS TUCKER (4.34): No, the Greens will not be supporting this amendment. It is not an easy decision though, I have to say. I am really concerned about the information that has come to me quite recently about this. I do not feel I have had time to really work out exactly which report is the more credible and the different views about what the percentage should be. I will not support the amendment now, but if convincing material comes to me after this I am going to be coming back with other amendments to this legislation anyway. I am happy to look at it again, but at this point I just don't feel I can support this amendment.

Amendment negatived.

Clause 4, as amended, agreed to.

Clauses 5 and 6, by leave, taken together and agreed to.

Clause 7

MR QUINLAN (4.35): Mr Speaker, the opposition will be opposing this provision and consequential provisions because we do not think there has been a particular case made that would require larger clubs to be incorporated. I have not heard one jot of evidence that says this is a problem that has occurred and needs to be redressed. It may simplify administration from the ACT administration's perspective, but that would seem to be about the end of it. It has imposed a need for the government to waive stamp duty on the transfer of property between now associations and later incorporated bodies.

Some of the clubs that we are talking about have property interstate. That property will have to be transferred and there will be stamp duty penalties involved in that. So clubs that are not incorporated and have to incorporate and do have properties for the use of their members will be hit with stamp duty interstate.

Further, the result of incorporation will mean that there are going to be whole mailouts of paper to members who would be just as happy to look at an annual report handed out at an annual general meeting, if and when they turn up, as opposed to the quite rigorous provisions of incorporation, which just means that a number of trees are going to be cut and quite an amount of paper wasted. Clubs will have to go to some expense for what has been no particular problem to solve. So we will be opposing those particular provisions that make it mandatory that clubs become incorporated bodies.

Clause 7 agreed to.

Clause 8.

MR SPEAKER: I think there is consequential opposition to this clause. Is that correct, Mr Quinlan?

Mr Quinlan: Yes.

Clause 8 agreed to.

Clause 9.

MR QUINLAN (4.39): Mr Speaker, the opposition strongly objects to this provision because it effectively overrides the constitutions of many of the clubs that have been formed for a specific purpose, and does lay open those clubs to possible takeover by a well-organised group of social members. A particular cultural club, ethnic club or sporting club could be taken over. I think Mr Rugendyke gave the example earlier of a ski lodge virtually being purloined from one group and taken over to another because they just happened to be on the ball and the other members were quite trusting of that group.

The consequences of this provision could not only allow an internal group to take over. If other groups were significantly smart or predatory enough they could quite easily take over some of the smaller clubs that support sport or support particular ethnic groups because they have taken in a range of members and thrown the doors open to those members. The origin of the club or the purpose of the club was to support the particular ethnic group or to support a given sporting activity, and I think this is very important.

I know it is quite easy to glibly say, "Oh well, this is democracy, and 51 per cent of members should be allowed voting rights and appointment to the board", but I rather think that there is a certain naivete involved in framing this. I guess it goes back to some of the things I said this morning about being in touch with the community and precisely how it does operate. It may be worthwhile, I think, in a couple of cases in the territory to look again at the way clubs are structured and maybe say, "Well, that is just too restrictive." Passing this provision at this stage will create a very dangerous situation in relation to the existence of some of the clubs in the ACT, and I strongly recommend to the Assembly that they vote this one down.

MS TUCKER (4.42): We will be opposing this clause as well. Basically this clause is imposing an extraordinary requirement that the majority of a club's governing body is to be nominated only by voting members of the club. While on the surface this is democratic in that it is calling for elections, this is in fact another means by which this government is seeking to change fundamentally the way that clubs are structured and their purposes.

Currently many clubs are run for the benefit, to a large degree, of an associated organisation. The associated organisation was responsible for establishing the club, and accordingly the constitutions establish that those organisations appoint some or, in a few instances, all of the board of the club.

This association is recognised in the legislation and in the original reasoning for clubs being granted exclusive access to poker machine licences. It was evidence of a community-based interest. Members who have joined for entertainment alone are in fact a different group of patrons from members. While there is an argument for member patrons to have a say in what is offered at the club and how it is run, for the government

to require that a majority of the board is elected by those patrons does not respect the original purpose of the club.

I think there is a real inconsistency here in the current approach because the existing Gaming Machine Act defines clubs in a way that is really potentially challenged by this 51 per cent. The definition of an eligible club at subsection 30C (1) (c) includes the requirement that the club is conducted primarily to achieve its principal object and any other of its objects that are referred to in subsection 30B. Subsection 30B reads:

> Club purposes
>
> (1) For the purposes of the definition of "club" in section 4, the purposes are recreation, the promotion of social, religious, political, literary, scientific, artistic, sporting or athletic purposes or purposes approved by the Minister by instrument.

If the majority of a board of directors is no longer linked directly to the club's original purposes, then would that club meet its eligibility requirements for a licence under the Gaming Machine Act? Members who wish to be involved as more than member patrons expressing their interest in the services offered to them may join the associated organisation, but the main objection to this requirement is that it is suspiciously interfering for not much demonstrated gain or purpose, and it in fact seems to be contradictive to the Gaming Machine Act.

MR MOORE (Minister for Health, Housing and Community Care) (4.44): Ms Tucker, I understand the thought processes that have gone on and the argument that you are putting, but I think what will put the lie to those arguments is that the Southern Cross Club operates in this way at the moment, and it is one of the most prosperous clubs, one of the most effective clubs, and one of the most generous clubs in the ACT. No doubt their original purpose is still important to them. I have spoken to members of the board at various times and there is no doubt that their approach is one that does deliver what they were originally set up to do. But I also would say that it is fundamentally a democratic issue. It is a fundamental issue of democracy. If a club says, "Yes, we will attract members," then surely those members ought to be entitled to vote for the board of directors.

It seems to me, Mr Speaker, that one of the problems we have is that there are clubs that have effectively two types of membership. One type of membership says, "Yes, you can be part of our club because we don't mind you coming and gambling here." Another type of membership says, "Yes, you can have a say because we think you are a special sort of member and that suits our particular purposes." Really, when you are opening membership of a club and you are allowing someone to be a member, surely that member, in a democratic system, is entitled to vote. I cannot understand why somebody would argue against that fundamental democratic prerogative to vote. I understand that a number of sporting clubs fit in the same category as well, but others could elaborate on that. It really comes down to the fact that if you have a club in place and they have accepted members, those members should be entitled to vote. It really is as fundamental as that.

In his in-principle speech, Mr Rugendyke said he remembers the Police Club, I think it was, being taken over by others. I think we ought to have a look around at examples. The Southern Cross Club is able to do it properly. There may have been a case where a group

of people has taken over a club and another group doesn't like it. Well, if that group of people over there, sitting in opposition, take over these benches after the next election, there are going to be plenty of people here who do not like it.

Mr Osborne: Let's fix it up now then. Let's change the rules so you can only elect 49 per cent.

MR MOORE: I think we should look at the democratic process. Mr Osborne interjects. That's an interesting thing. We could learn from the way the clubs are set up at the moment and set up the Assembly the same way and make sure that the only people who can vote are those who happen to be on side with the ones you choose to be on side, and that way you can stay in power the whole time.

Mr Speaker, the reason why we are having this debate is because poker machines are recognised by the legislation as being a very special advantage to those who have them.

Mr Quinlan: To the community. To the sporting fabric of the place.

MR MOORE: Mr Quinlan says, "Yes, to the community." He is the very same person who is now arguing that that community should not get a vote in an equitable way. He says it's an advantage to the community, provided we restrict who that community is; that we do not let them have control of the board of directors and we restrict what can happen. I don't think so, Mr Quinlan.

MR BERRY (4.48): Mr Speaker, I listened to Mr Moore's speech and I wondered why he spoke. It must have been because he likes the sound of his own voice. It could not have been because he wanted to give the substance of the argument, because it had no substance. Mr Moore is trying to create the impression that the clubs are some sort of compulsory outfit that everybody has to belong to. A lot of people do belong to them, and it is entirely voluntary. Clubs do not have the same rules as the community at large who get a vote because they have to be able to share in the democratic processes of the state.

Clubs are not the state. They are merely social outlets for people, and people can belong to them for whatever reason they like. If they choose not to belong to the Labor Club, regrettably they cannot belong to a Liberal club because there are not enough people who would want to form a club and call it the Liberal club, but they may wish to belong another club. The same applies in relation to a particular ethnic club. So Mr Moore is suggesting that a club that has been established for particular ethnic purposes should be able to be taken over and renamed by a group of people of another particular calling. It might be people who support fast motor cars, or something like that.

Mr Moore has been disingenuous again. It is more of the dishonesty that has been peppered on us about this debate about clubs. If you don't want to belong to a club, you don't have to be a member. You can always choose a club of your own liking, amongst all of those clubs that are out there. You have to be part of society; that is why the rules of democracy are quite different. There is no obligation, say, amongst Protestants, for example, to belong to a club that is formed for Catholics and their friends. There is no obligation, but there are a lot of Protestants that do, and they love it.

Mr Speaker, this is a silly proposal that has been put forward. These are social clubs for people with similar ideas, where they can meet socially and enjoy each other's company. What Mr Moore and the Liberals are trying to do, for an ulterior motive, is to impose a higher order of democracy where it is not deserved. What they are proposing is that a group of friends can get together, come in, take the club over against the wishes of the people who formed it in the first place and use it for purposes other than those for which it was originally designed. That is not what clubs are about. Not everybody gets a vote. If everybody in the community was required to vote on the directions of all of the clubs, it might be a different matter, but they don't. Only the people who choose to belong to the clubs have that choice.

This rule which is proposed here invites takeovers by people who will work against the original interests of the club. It is merely part of that political agenda which is being run by the Liberals. It is about undermining the standing of certain clubs, or seeking to look as though they are undermining the standing of certain clubs, to satisfy some of their supporters.

Mr Speaker, I heard Mr Humphries Gary us again with his protestations about this not having any particular agenda, this not being about undermining the Labor Club, or this not being about undermining the Trades Club.

Mr Humphries: That's right.

MR BERRY: We all know it is. There is any number of people out there that you can think of who will not believe you, Mr Humphries. We know what it is. There is no other purpose behind this push by the Liberals. What I regret is that the Liberals did not have the foresight to form their own club, and Mr Moore as well perhaps, in the 1970s. We would not be having this debate today because they would have their own club. That is the issue here. They did not have the foresight or enough friends to put one together, or they did not trust each other enough.

Mr Speaker, I cannot abide this disingenuous approach that has been taken by members in relation to this. Say it as it is. You are not forced to belong to a club. It is not part of the democratic processes in the territory.

Mr Humphries: It is not part of the democratic process?

MR BERRY: You are not forced to belong to a club. It is a bit like a church, Gary. If you don't like the religion they practise, find another one or start your own.

Mr Hargreaves: They do that.

MR BERRY: People do that from time to time, and it is the same with clubs. If they do not like a club they will try to set up their own. They will gather together some friends, put together a constitution under the relevant laws in the territory, and develop a club for a particular purpose. It rises and falls on its merit, but it should not be presented as a takeover opportunity for a group of people who might have other ideas about it.

Somebody was discussing a club that had a ski lodge or houses down the coast and so on for its members. In the circumstances that are being presented here, it is open to a group of members to come in, take over the club, dispose of the assets, and use them for a purpose which was never intended. That is what these amendments set out to do. They should be defeated. They are ridiculous. They fly against the original purposes of clubs.

MS CARNELL (Minister for Business, Tourism and the Arts) (4.54): Mr Speaker, it's absolutely true. If people want to set up a club and run it however they want to run it, as long as it is under the appropriate pieces of legislation, whether it be the corporations legislation or, alternatively, the associations legislation, they have every right to do so. The element here that is different is the fact that we, collectively, have given these organisations, clubs, a monopoly on poker machines. Poker machines produce a large amount of money for those clubs. The clubs also have significant social responsibility as a result of us entrusting that monopoly to those organisations.

The directors of those organisations must, according to everybody here, act in the best interests of the community, and they should be elected by the community, their members. All members of the community can join the clubs, that's true, but because those directors determine how a large amount of money is spent, Mr Speaker, surely there should be some input by the membership, and some transparency, in determining how that large amount of money is spent. That doesn't seem to me to be a dramatic approach.

Mr Speaker, all clubs have constitutions, and that seems to be being totally neglected or overlooked by everybody here. I don't know of any organisation where the constitution can be changed by anybody but the membership, or by a majority of a defined group of people. So if a group comes in and attempts to takes over, shall we say—that is the worst scenario that everyone is putting forward here—there is still a constitution to protect the way the club works, to protect the underlying reason the club is put in place. The directors cannot just change a footy club to a bowling club, or a bowls club to a Liberal club or a Labor club or whatever, and that seems to be the approach that those opposite have taken.

Mr Berry: That's not true, is it, Harold?

Mr Humphries: You've got to change the articles, Wayne. You know that.

MS CARNELL: You do have to change the articles, and the articles cannot be changed, at least in most circumstances, by just a few directors. Mr Speaker, we are talking about something important here. We in this place have given clubs an extraordinary amount of power over a large amount of money and over what is a significant social responsibility, and that is gaming machines.

The directors of those clubs, surely, Mr Speaker, should be elected in a democratic and transparent way. That is simply not the case at the moment. How do members actually know where their money is going? Certainly not from annual reports. They show just a profit and loss, a balance sheet. You certainly cannot tell where your money is going from one of those on any basic sort of a balance sheet or profit and loss. Mr Speaker, club members deserve to have at least some say on their board. I think it should be more than 50 per cent, but this Assembly, if it is not willing to go to 50 per cent, should ensure

that there is a defined number of member-elected directors on boards. At least that gives some transparency to the process, if not as much as I would determine to be appropriate.

MR OSBORNE (4.58): Mr Speaker. I have found this issue quite a tempting one, and one that I have given a lot of thought to. I have to say, though, that I think that when clubs are set up by different organisations I have no problem with them maintaining control in some way or another. I found this to be quite an interesting proposal and one that I gave a lot of thought to.

There obviously has been a lot of discussion about the make-up of some boards around here. I can talk about one club that I have some experience of, and that's West Belconnen, where there was a proposal put up from the floor at the last AGM, which was only a month or so ago, to increase the membership of the board. The total number of the board out there at the moment is seven, and a proposal was put up from the floor to increase it to a total of 9, of which 5 would come from the floor, which in effect would do what the government wants to do. So there are options within a lot of constitutions in the clubs around the ACT which have that provision. That is the only instance that I can recall, certainly within the last few years, and from what has been reported to me, about there being this groundswell of members being unhappy about the direction of a club.

One of the other clubs that have been talked about is the Tradies, where the complete make-up of the board comes from the CFMEU. I suppose that was of some concern to me until I heard Mr Humphries quote some of the figures about what some of the clubs are doing, and the leading club in relation to contributions to charities was the one that most people in here seemed to be concerned about.

Mr Humphries: The leading one I quoted.

MR OSBORNE: What's that?

Mr Humphries: There are others who are doing better than they are.

Ms Carnell: Except that they are turning over $22 million on poker machines alone, through one club.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR OSBORNE: Mrs Carnell interjected and said that they turn over $22 million a year through one club.

Ms Carnell: On poker machines alone, not the rest.

MR OSBORNE: On poker machines. Even so, their contribution back to the community is four times above what the government is seeking through this legislation. Look, I am open-minded about it and I am quite happy to revisit the issue next year. At this stage I am quite happy to leave the status quo in place.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (5:02): Mr Speaker, I want to make a brief foray into this. I realise that the democratic numbers are against this proposal as it stands. I have to say I am flabbergasted that members in this place would say that the membership of a club should not be able to elect the controlling board of that club. There are clubs in this territory whose members have no rights whatsoever in the management of their club, none whatsoever. Mr Speaker, that is absolutely intolerable. Clubs with thousands upon thousands of members are controlled by organisations, membership of which is not open to ordinary members of the club, and members opposite make derisory noises about that. It is fundamentally antidemocratic to argue for the retention of that privilege in the community.

We get lectured about being conservatives, about protecting privilege and the position of those with privilege in the community. What is that, I ask you, but the protection of privilege; the protection of privilege by those who think that it's all right for many, many millions of dollars to be locked up in organisations which are highly undemocratic.

Mr Speaker, I want to make one point about this thing about clubs being taken over. It is theoretically possible that members of a club could band together and, even as a minority, take over a club and subvert or change its original purpose. But two questions need to be asked about that. First of all, if it is possible for them to do that as members of the club, how do you distinguish that situation from one where the members of the club genuinely and legitimately wish to see a change in the direction of the club concerned? Supposing the club has had articles of association or incorporation or a constitution for many years which require it to be associated with a particular sport and the members of the club want some widening of the terms of that club. Why shouldn't they be able to take control of their own club and make those changes? Any club can protect itself if it has got the right kind of electoral system against minority takeover. They can do that, Mr Speaker. It's a question simply of addressing the way the club's articles of association or constitution are drawn up.

The other point to make about that is that if clubs are susceptible to that kind of predatory behaviour by minorities, why isn't it happening all over the place today, because the vast majority of clubs in the ACT at present are democratic and are controlled by their membership. Of the 71 clubs which are referred to in this report, I think fewer than a dozen, probably about eight, actually have these antidemocratic provisions in their constitutions. So if members are worried about these takeovers happening, the question is why aren't they happening today? Mr Speaker, they clearly are not happening today because it is not the kind of practice which members can get away with in clubs because members protect themselves against those things and members are able to make sure that these things do not happen in well run clubs.

This argument about clubs being vulnerable to takeovers is a sort of let's-protect-the-clubs-from-their-own-membership kind of argument. These poor members don't know what they're doing; let's make sure the clubs can't be influenced by their own membership. That is an outrageous argument. I think members in this place, who should know better, really put words into this debate which really deserve to have been put in places other than this parliament.

MR QUINLAN (5.06): I just want to say a couple of things. You talked on and on about the privilege of having poker machines. We want that privilege of having poker machines to remain tied to the purpose for which it was granted, whether it be cultural activity or sport.

Mr Humphries: Why should it be that? Why can't they change that purpose?

MR QUINLAN: To respond to your other point that these takeovers do not happen, I suggest you check with the Weston Creek Football Club and see just how close that went to being taken over by the social members last year. Thank you. I oppose this clause.

Question put:

> That clause 9 be agreed to.

The Assembly voted—

Ayes, 7	Noes, 9
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Osborne
Mr Moore	Mr Quinlan
Mr Smyth	Mr Rugendyke
Mr Stefaniak	Mr Stanhope
	Ms Tucker
	Mr Wood

Question so resolved in the negative.

Clause 9 negatived.

Clauses 10 to 13, by leave, taken together and agreed to.

Clause 14.

MR QUINLAN (5.11): I move amendment No 5 circulated in my name. It reads as follows:

> No 5—
> Page 5, line 27, proposed new paragraph 60A (a), omit the paragraph.

I have several amendments here that I will move in sequence because I think they need to be voted on separately, unfortunately. This relates to the exclusion of expenditures that might be taken into account in terms of community contributions. I think the exclusion in subparagraph (a) suffers mainly because it could be a much better definition, and I am not sure that it is within my capacity to express one.

I think an example was given this morning when Mr Stanhope said that an outing at the Southern Cross Club was an outing that his parents-in-law enjoy each week. Quite a number of clubs, and I use the Southern Cross Club as an example, provide quite a number of activities which are genuine services to the community. They provide activities for particular groups, particularly the elderly, I think, at the Southern Cross. It is not that everybody who goes there is aged and decrepit, but I think clubs provide a very useful and compassionate service. They open their doors and have various social activities to serve those members. Those members are part of the Southern Cross Club in order that they have some communal activity, which probably would not be available to them other than through the club industry.

Although clubs have got some sort of privilege which is considered to be evil for the convenience of some argument, I think we agree, at least today, that the club industry is providing a very useful service. Clubs do provide the community with services that the community deserves. Clubs like the Southern Cross, Tuggeranong, the Hellenic Club and the Canberra Labor Club do provide such things. There is no money-making activity; they purely provide entertainment for people who would probably have no other access to entertainment and very little other access to social interaction. I think we have to make sure that that not only is allowed as a community service but is in fact encouraged. That is the reason why I oppose the inclusion of this exclusion in the act. I therefore commend my amendment to proposed new section 60A of the act.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (5.14): Mr Deputy Speaker, if you take out proposed new subparagraph 60A (a) you have nothing left of the bill because every club that does not wish to meet the targets we have set for community contributions will simply spend the money on social or entertainment activities for its members and that will satisfy—

Mr Hargreaves: Some of them play sport.

MR HUMPHRIES: Yes, but this is what this is all about. It can spend money on its own members and avoid the need to make contributions to the broader community. This amendment almost negates the very purpose of the bill. It is what the bill is all about. You cannot include money that clubs spend on their members as money the clubs spend on the community. It just does not gel with the debate that we are having.

It is important that the clubs be able to spend money on their members, I concede that, and for that reason we have said that 95 per cent, initially, of the clubs' net profits from poker machines should be available to spend on their members. Ninety-five per cent of that money is more than enough for large clubs to cover that requirement, but not 100 per cent. We ask that just 5 per cent be given to people outside the membership of the club. You cannot argue that offering services to club members is satisfying a broader community need, at least not in this sense.

We are talking about the clubs spending on people other than themselves, spending on organisations out there whose members don't belong to those clubs or perhaps cannot afford to belong to those clubs. The Red Cross, Lifeline and sporting organisations get no benefit necessarily from their members going and joining those clubs. They do not pay for the things that they want to do which are providing a community benefit. Even if all the members of Lifeline go and join the so-and-so club at Weston, that does not help

fund Lifeline's services, and that's what this amendment is all about, Mr Deputy Speaker. It is a silly amendment and I urge members to reject it.

MR HARGREAVES (5.16): I am not going to speak for very long on this but, from listening to the debate, a lot of the attention has been focused on the large clubs, the Tradies, the Labor Club, the Southern Cross Club, and even the Canberra Club, I suppose, and places like that. I would like to put a perspective of what it would be like for the smaller clubs. I belong to the Buffaloes Club down at Tuggeranong and I'm very proud of it. It is a very small club and they have something like 50 poker machines. I think the minister across the chamber has been there. It is not very large. In supporting their teams they have to struggle against the iron-fisted hierarchy of rugby league quite a lot, trying to promote their game for their youngsters, and they are on an absolute shoestring. I'm sure Mr Osborne would know the shoestring that I talk about when I talk about the Buffaloes Leagues Club.

Mr Osborne: Some have no patrons.

MR HARGREAVES: That's right, and I am happy to declare that I am one of the patrons of the club.

Mr Osborne: Who is the other one?

MR HARGREAVES: Other patrons can speak for themselves. The point I make is that in addition to providing the facilities for their members, and they struggle to do that, they also provide a number of facilities for people who are not really their members I suppose, the members of their football team. They give them job-creation programs. They have apprenticeship schemes within the kitchen, which is leased out. They are very firm about making sure there are job opportunities in that club. They have an old boys network, made up of members, which provides physical services to people who are aged and infirm in our community. These members provide their time free, but the club, out of the club's profits, provides materials such as paint, fence palings and those sorts of things for people who just cannot look after themselves.

I want to put in a bid on behalf of the small clubs. As the Chief Minister has said, the Labor Club, the Tradies group, and I suspect the Hellenic Club, the Southern Cross Club and places like that, can do this without blinking, but a lot of these smaller clubs cannot. We have to be careful here that in the headlong rush to try to single out some of the larger clubs to contribute lots and lots of money we do not send a lot of these smaller clubs to the wall and see their community service, which is genuine and general, disappear overnight. So I would urge the chamber to support Mr Quinlan's amendment.

MS TUCKER (5.19): I will speak briefly to this amendment. We did have some concerns about subparagraph 60A (a) as well because there was some concern expressed by some of the clubs that it would rule out small activities within the clubs. An example that was given was a bowling club that was not viable which would therefore be seen to be entertainment for members. I have seen the draft guidelines that Mr Humphries has circulated and I think that concern probably is being addressed. I will not support this amendment at this time, but I repeat that I am quite prepared to revisit this whole piece of legislation if that is necessary later.

MR BERRY (5.20): It is hard to imagine the growing support for this clause because it has the potential to rule out a large area of expenditure of a club from the contribution that is made to the community. How is it that 160,000 people are regarded as not being members of the community? I am told that 80 per cent of the adult population belong to a club in the ACT. That adds up to about 160,000 people in a population of 300,000 people. I find it pretty hard to draw the distinction which excludes 160,000 of them from the community. How do you do that? Eighty per cent of the adult community is excluded. They are not in the community for the purposes of this political move by the government and its supporters.

It is just ridiculous to entertain the idea that this subclause is not to be included in contribution expenditure on commercial activities, because commercial activities are also aimed at the members—it's their club—or on the social or entertainment activities of the club for its members. How can you take that out of the calculation when it is for 160,000 people? More than half the population are not regarded as community for the purposes of this legislation.

Mr Humphries was flabbergasted about something earlier, but he finds no similar sentiment for something as ridiculous as this. It is just extraordinary that 160,000 people in our community would be regarded as not being part of the community and are not entitled to be considered as such. It is extraordinary.

MR MOORE (Minister for Health, Housing and Community Care) (5.23): Mr Berry, if you had a consistent approach and said that those same people were entitled to vote as to the direction of their board there may be some consistency to your argument. It is true that 160,000 people do have memberships of clubs, as I understand it, and take some advantage of the resources of those clubs. A number of people have spoken and said what a contribution that is in the community. I do not think I have heard anybody here argue that that is not the case.

What we are saying, however, is that because of the special monopoly that clubs have on poker machines it is entirely appropriate for us to ensure that they do spend an appropriate proportion of their revenue in the broader community, dealing with broader community issues, and not just making sure that there is entertainment available for their members. That entertainment at times will be a very important part of their social wellbeing and what they enjoy, and I think that's fine. Nobody is restricting that. What we are doing is seeking to ensure that each of the clubs makes a reasonable contribution to the broader community and the broader community welfare.

Each of Mr Quinlan's amendments—not just this amendment, but the ones that he has foreshadowed in respect of the rest of this clause—is just a watering down to make sure that the clubs have to put less and less of the contribution they gain from their special monopoly on poker machines into the broader community and to focus it to within the club. The whole point of this legislation, Mr Berry, is to make sure it goes to the broader community. I am surprised that you don't understand that.

Question put:

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

The Assembly voted—

Ayes, 6	Noes, 10
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Moore
Mr Wood	Mr Osborne
	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

Amendment negatived.

MR QUINLAN (5.28): I move amendment No 6 circulated in my name:

> No 6—
> Page 6, line 6, proposed new paragraph 60A (d), omit the paragraph.

When I came to this place three years ago I believed that what I would be doing here would go to the core of the activity which comes under the umbrella of community and I believed that others would also consider that they were here for the benefit of the community. Yes, we would be involved in politics—politics that are not always popular with the citizenry that we wish to serve, politics that do afford the opportunity to make populist capital; hence the discussion before of club democracy. Nevertheless, I thought that we, collectively, believed that we were deeply involved in the community and were involved in the community in what we did here. Therefore, I would have thought that contributions to political activity could not be defined outside of community contributions.

Each and every one of us who define contributions to political activity, to democracy in action in the ACT, outside community contribution defines themselves outside community action by what they do here. I choose to define what I do here as community activity; maybe others do not. At a later stage, possibly we will debate these points a little further in relation to how we approach political contributions. However, I have to say that the very action of saying that you cannot claim contributions made for political activity as part of community activity is to define yourself out of it, to say that what happens here is not a desirable thing in relation to the community.

Obviously, not everybody in this place is going to derive their financial support from the club industry, but it would appear to be an undesirable thing to derive your financial support from the club industry. You may derive your financial support from members of the business community who may not necessarily be totally altruistic about why they are supporting your particular party. They may see that there is some advantage in making a contribution; if not an advantage directly to their businesses, as one might rudely

suspect from some of what we have seen, at least an advantage to them of having a particular party with a particular philosophy in power.

We can see from the papers that I distributed informally in this place today that the expenditures between the major parties and on behalf of major parties at the last election were about even. That does not appear to satisfy the Liberal Party, which in particular would want to hamstring the Labor Party. That point has been made and argued, and those who will not hear it will never hear it. I will close by repeating that to define political activity as not being part of a democratic community is to define yourself and what you do here outside the community. I came here for the community. Did you?

MS CARNELL (Minister for Business, Tourism and the Arts) (5.34): There is nothing to stop the Labor Club or, for that matter, any other club contributing to a political campaign; nothing whatsoever. There is 95 per cent of the net poker machine revenue left to do that. All we are saying with the 5 per cent or the 7 per cent is that it should go to a broader community base. Not all of it, not 100 per cent of it, but 5 per cent going up to 7 per cent should go to broad community purposes. That is not a lot, Mr Deputy Speaker.

I could fully accept Mr Quinlan's argument if we were talking about the lot, 75 per cent or 80 per cent, but that is not the case. Surely, taking into account the very special responsibility that clubs have as a result of having a monopoly on poker machines, 5 per cent to 7 per cent should go to a broader community base. We are not talking just about charities, but I would say that that much should go to charities, people doing worse than us, people doing it tough in our community. I think that amount of money should go to them.

But we have compromised and the 5 per cent to 7 per cent can now go to a wide range of things, not just to political parties or to paying entertainers or other expenditure that is directly related to the club itself. Surely, that is not a lot to ask. Surely, it is not appropriate basically to take money from charities, and that is what we are talking about here if that is what the Labor Party has a problem with, and give it to a political party. Use the other 95 per cent, not the 5 per cent.

MR STANHOPE (Leader of the Opposition) (5.35): The minister completely misconstrues the circumstances or the situation. What we have, and it simply cannot be gainsaid, is a political grouping in this place seeking to redefine the notion of community contribution or community for its base political advantage. We have a new definition of what is community—

Mr Humphries: What was the old one?

MR STANHOPE: The old definition is one that was inclusive enough to encompass business associations, political parties and trade unions, and Mr Quinlan has made the point that political parties go to the heart of the community. The Labor Party is one of the great, enduring Australian institutions. It is a fundamental part of the Australian community and has been for over 100 years. To suggest that the Labor Party is not a fundamental and significant part of the community is simply to misunderstand and misconstrue the entire nature of the community, and in particular of the Australian community. We all know that this is an attack on the Labor Party. This is not an attack

on any other party. Surprise, surprise, the Liberal Party does not pick up money from any club.

Mr Humphries: Yes, it does.

MR STANHOPE: A couple of bob from the Southern Cross Club; you are really going to miss that! If there were some intellectual strength and rigour or a lack of hypocrisy in the position you are putting, I assume that you would be writing to all the members of the 250 Club and asking them to consider making their donations to charities rather than to you. I assume that a letter will be going out to all those people on this list of contributors saying, "Before you consider making any donation to the Liberal Party in future, please consider making your donation to charity. That is what we in the Liberal Party want."

I assume that such a letter will be going out to all of the people on this list who make major contributions to you—CRI Project Management, Mr John David, Evermore Express, FAI, the Free Enterprise Foundation and the George Adams Estate. I assume that the letters will be going out and you will be asking all of them to donate to charity before they donate to you, because you are not hypocrites, are you? You are honourable, are you not, so that before any donations come to you, you will want all the donors to reconsider? We assume that that is what you want.

Mr Quinlan went to the heart of the matter in speaking of the role political parties play in the community and the extent to which political parties and members of political parties are an essential part of the community. They play a fundamental role in the community. One of the great problems with modern day society and community is the extent to which people have disengaged. The argument around the rise and rise of One Nation was the lesson of disengagement. The fact is that the community has disengaged to such a large extent from the political process. One of the explanations why we have those sorts of politics being thrust upon us and running rampant through the community is the extent to which there has been this wholesale disengagement with politics and with political parties.

This sort of approach by one group in this place is about seeking to score some political advantage over its opponents. That is what it is all about. It has nothing to do with the capacity of clubs to contribute to charities or the community. The point has been well made but needs to be made again that the Tradies Club and the Labor Club provided more than half of the donations to charity made in the last year. The Tradies Club and the Labor Club really are shining examples of community support and contribution within the community; but, of course, that does not suit the agenda of the Liberals. It does not suit their agenda that the Tradies Club and the Labor Club made 60 per cent of all donations to charity in the last year.

Mr Humphries: They have got no problems, then, have they? What is the problem?

MR STANHOPE: That is right, but it does not suit your case. You have run this campaign for the last couple of years and you have come to this point, and what do we discover? The two clubs doing the most in the ACT are the two that you, for ideological purposes, wish to attack. The two clubs that put the lie to this campaign of denigration of

the licensed club industry that you have run ceaselessly for years are the two clubs that perform the best, so you have to find some other device.

You did not make your cuts as you were embarrassed, so you resort to this bill and you resort to the Michael Moore amendment and all of a sudden the real agenda is disclosed for all to see. It is disclosed for all to see that this really is about politics. It is really about the Liberals seeking to gain some advantage over their major adversaries in this place, the Labor Party. That is what it is about, and it is extremely grubby, exceedingly grubby, that in the guise of seeking to advantage the community sector and charities you simply wish to undermine your political opponents in this place.

The amendment which Mr Moore will move later shows clearly and starkly that this is all about the imposition of a double burden on the Labor Club, a double whammy on just the Labor Club. The Labor Club has been singled out.

Mr Berry: We have exposed Michael Moore.

MR STANHOPE: He exposed himself 10 years; the exposure has been maintained for that long. But that is what this is about. In this provision which Mr Quinlan seeks to amend we see that this government is imposing on the Assembly and on the community its self-interested definition of what can be a community contribution and what cannot be a community contribution. This bill is just driven by self-interest. All these other things contribute to the community, but the political parties do not contribute to the community and the trade unions do not contribute to the community in the view of the Liberals. It is their view that neither trade unions nor political parties should be seen to contribute in any way to the community; therefore, they should be struck out of any definition of community contribution or any valid action or activity of the licensed clubs.

MS CARNELL (Minister for Business, Tourism and the Arts) (5.42): Mr Deputy Speaker, I would urge all members to read what Mr Stanhope just said, which was that the Labor Party has a conflict of interest, a very serious conflict of interest, when it comes to poker machine legislation.

Mr Stanhope: I take a point of order, Mr Deputy Speaker. I said no such thing. That is not true. We say euphemistically that it is not true, but it is actually a lie. I said no such thing.

MR DEPUTY SPEAKER: Order! That may be part of the debate.

MS CARNELL: Mr Deputy Speaker, I ask everybody to read what Mr Stanhope said. Mr Stanhope said that this legislation, this amendment, was striking at the absolute core of the Labor Party. In his words, our suggestion that community contributions from poker machines should not go to the Labor Party is striking at the core of the party. Mr Deputy Speaker, I ask members to read what he just said, because he argued the case that others in this Assembly have argued often, that is, that it is a conflict of interest for those opposite to vote on any issue relating to poker machines and the revenue that comes from poker machines. Mr Stanhope, in his speech then, made the case better than I could ever, I suspect, or anybody else could ever. I suggest that when members look at this issue from now on, they just read that speech.

MR QUINLAN (5.45): I must respond to what Mrs Carnell said. I will admit this much on conflict of interest: I am interested in the political party to which I belong, the ALP, and my activity within it being recognised as community activity. I am not talking about money at this stage. Mr Humphries clearly made the point before that the legislation as structured now, unaltered by Mr Moore at this point in time, would not strike at the ALP anyway. The point we are making is not about money; it is about the motivation for your legislation. When the report came out you found that it did not catch us, which was bad luck for you. But you have sought in here to define me and, importantly, to define yourselves outside community activities and to define everybody else in this place as not being part of community activities. I find that gratuitously insulting.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (5.46): I want to correct a few mistakes Mr Stanhope made in his remarks. I will be very brief. First of all, he said that we were replacing the old definition of community contribution with a new, less acceptable definition. We are not replacing any definition. There is no definition of community contribution in the present legislation. We are creating one for the first time. Secondly, he said that the clubs I cited were doing the best in terms of community contribution. The fact that I cited those two clubs and praised them should not be inferred as saying that they are, in fact, doing the best.

A perusal of the list of donations made by clubs in the report of the Gambling and Racing Commission demonstrates that, in fact, a number of clubs are doing rather better; but, since these clubs have been claimed by Mr Stanhope to be doing the best, I will quote which clubs they are. The ACT Racing Club is giving 47.68 per cent of its net profit to community organisations. The Eastern Suburbs Rugby Union Club is giving 28.05 per cent of its revenue—

Mr Stanhope: Of what?

MR HUMPHRIES: Of its profit. It has not got as much profit as you guys have, but it is giving away more of what it does have. That is rather to their credit, don't you think? They have got a smaller profit and they are giving away more of it to charity than you guys. I would be ashamed to raise that point of order in this place, if I were you, to be quite frank. The Hockey Centre is giving 116.94 per cent of its profit. That is very commendable. The National Press Club is giving 44.86 per cent of its profit. The Slovenian-Australian Club is giving 32.69 per cent. The Spanish-Australian Club is giving 64.53 per cent. The Weston Creek Football Club is giving 34.73 per cent. Some of the clubs associated with the Labor Party are doing quite well, but it is not true to say that they are doing the best.

Mr Stanhope listed a number of donors to the Liberal Party and asked why they are not donating to charity. Of course they are. He listed a number of organisations, some of which are amongst the most philanthropic in Australia, particularly in the ACT. Some are very significant donors to charity; they are already pulling their weight in that respect.

Again I say that the legislation is not designed to deny any clubs the capacity to donate to the Labor Party or any other party for that matter. I come back to the point I made earlier in this debate. Given the fact that the clubs I have cited, the ones associated with the

Labor Party, are already exceeding the targets that we have set here and will need to make no changes whatsoever to their arrangements in order to meet the requirements of this legislation, what is the problem? How are we curtailing their capacity to make donations to the Labor Party? They could increase their donations to the Labor Party and still satisfy the requirements of this legislation; so what is the problem? Clearly, there is none, Mr Deputy Speaker. This bleating about attacking the Labor Party is complete and utter nonsense.

MR BERRY (5.50): I heard Mrs Carnell, a recent recruit to the cause of exposing conflict of interest, something in which she did not have much interest in the past, particularly when it related to her own activities in this place—

Ms Carnell: I didn't ever vote on anything to do with pharmacy the whole time I was here.

MR BERRY: You never voted on laws to allow methadone into pharmacies?

Ms Carnell: No, I stepped aside, and stepped aside in cabinet as well.

MR BERRY: No, I am talking about in here on the legislation. Do you remember the legislation?

Ms Carnell: Yes.

MR BERRY: Are you saying that you walked outside?

Ms Carnell: And my pharmacy did not get involved in a program on that basis.

MR BERRY: What about the $11 million you waived for Rio Tinto? Did you have nothing to do with that either?

Ms Carnell: Sorry, it wasn't Rio Tinto.

MR DEPUTY SPEAKER: Order! Address the chair, thank you.

MR BERRY: Eleven million dollars was waived for Rio Tinto. Who has got shares in Rio Tinto?

Ms Carnell: But it wasn't Rio Tinto. That is the wrong company, Wayne.

MR BERRY: No, no, that is the right company; go and check it. It is an extraordinary debate when you see as an issue of principle that business associations, political parties or trade unions are not considered to be part of the community. The trade union movement is the biggest community organisation in the country by a wide margin and the contribution it makes to the community is above that of any other organisation. To try to exclude it from part of the community is just to expose the political agenda and the ideology of the mob opposite.

The same goes in relation to political parties. The legislation is targeted at a particular political party. It is targeted at the Labor Party; there is no question of that. If the Liberal Party felt advantaged by this process, they would not have been interested in changing it. Also of interest to me is the issue about business associations. What they want to do is to rule out the business association for the family of clubs as a contributor to the political debate. My experience has been that the clubs' association has always acted in the interests of the clubs and therefore its members. How on earth can you rule it out of the debate as well?

It is always very interesting to look at the contributions that come from various sources all over the city. I wonder why the Liberals have not decided that Casino Canberra should be penalised in some way when it is making a contribution to a particular political party. Casino Canberra made a massive contribution to the Liberal Party—$15,000.

Ms Carnell: I rise to a point of order, Mr Deputy Speaker. Casino Canberra have said publicly that they are more than happy to comply with the legislation in force.

MR DEPUTY SPEAKER: That is not a point of order.

MR BERRY: It was $15,000; I can see it here. Casino Canberra came to me before the last election insisting that the Labor Party agree to install poker machines in the casino. I said no. They gave us nothing. They gave you $15,000. What did you say?

A few years ago I was on a Commonwealth parliamentary matter and I learned of the actions of despots in other parts of the world. One of the first things that they seek to do is undermine their political opponents by one way or another. The worst example of that I had heard of was in Uganda, where political parties were banned, and political parties were defined as more than one person. Taking that to a logical extension, if your political opponents are causing you trouble, you will do anything at all to stop them. This is just one step in that direction. I think that it is an issue of principle that is deserving of opposition.

The same applies in relation to the trade union movement. I cannot recall the last time the trade union movement chorused applause for the Liberal Party for what it has done for the community throughout this country. Therefore, I expect that the trade union movement would not be surprised by attacks on it by the conservatives opposite. Mr Deputy Speaker, this bill is merely a political move. It is just another example of how this issue is tied to ideology and has nothing to do with substance.

MR MOORE (Minister for Health, Housing and Community Care) (5:55): It is just a political manoeuvre tied to ideology! There was nothing there from the man who just crawled out of the pigsty, Mr Deputy Speaker. Mr Berry began his words by making an attack on conflict of interest on the part of the former Chief Minister. Of course, your tactic whenever you feel vulnerable is to come out with what you perceive in some way to be dirt.

Mr Berry has just started on Mrs Carnell. He started on me earlier today when he suggested that I had a conflict of interest with regard to the National Centre for Epidemiology and Population Health. Indeed, the media asked me for comments about

that today, quoting his staffer, Ms Sue Robinson. I normally do not name people in the Assembly, but in this case I have because supposedly the comment—

Mr Stanhope: There is nothing like a bit of democracy.

Mr Berry: She has been named by bigger grubs than you, Michael; I don't think it would worry her.

MR MOORE: Mr Deputy Speaker, will you control the house? Supposedly I had made a comment at a cocktail party on some date in 1994—I presume that Ms Robinson had written down the comment because I doubt that she could remember exactly what happened on that date in 1994—to the effect that my future—

Mr Berry: I remember. I remember.

MR MOORE: Mr Deputy Speaker, I have to say to you that this is a matter that was raised in the debate and I am responding to the debate. Having started studies on a masters degree with the thought that I might go to a PhD—in fact, I determined not to—and those studies might be my future, I became interested, as you know, Mr Deputy Speaker, in health in this Assembly.

MR DEPUTY SPEAKER: Mr Moore, is this relevant to the debate?

MR MOORE: Indeed, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Your PhD?

MR MOORE: Indeed, Mr Deputy Speaker, because this matter was raised by Mr Berry and I am responding to it in the debate in an entirely appropriate way. I have to say that in some way it could be construed as dirt to say that I lobbied for the National Centre for Epidemiology and Population Health because I happened to be doing a degree there, as if there was a conflict of interest in that way. I can see Ms Robinson over there nodding her head as if there is some conflict of interest there. What absolute crap, Mr Deputy Speaker. This is typical Wayne Berry slimeball stuff. He is feeling vulnerable because he knows about his own conflict of interest, so he tries to bring out what he perceives as dirt. Indeed, my studies were part of my future and I presume will still be part of my future because I intend to remain involved in health and health issues for a long time to come, Wayne Berry.

I have to say that the issue as far as I am concerned is that that had no effect whatsoever on me personally. In fact, my masters degree was awarded, as Mr Wood would know, after an external assessment. It had no result whatsoever for me. Mr Berry does not seem to understand the difference between lobbying for somebody where there is no result for you personally in any way at all and what happens in this debate where there is a very personal, improper self-interest for the Labor Party, which is what they are nervous about.

What has happened in this case is that over the years since 1994 there have been millions of dollars of benefit to you personally, Mr Berry, and each and every one of your members which have assisted you to get elected. We have here amendments that water

down the process and say that we are interested in making sure that the community gets a benefit from a very special interest in clubs. That is what we are doing and that is what we will continue to do.

MS TUCKER (5:59): I will not be supporting this deletion. Having listened to the debate, I think that everybody is avoiding the real issue here. I understand that there are strong feelings about the fact that the Labor Party gets money from poker machines for its work as a political party. I understand that the Liberal Party gets money given to it by the casino or whoever else in business wants to give it money.

That is an issue for debate, but a different debate in lots of ways. We should be looking at it. Obviously, we do not want to get into the situation that exists in the United States, where political success is reliant on the donations received. Obviously, the Greens do not have access to such huge donations. We do not want access to such huge donations, either. We do accept some donations from ethical businesses; but, because of the policy position that the Greens take, we would never have access to those sorts of huge donations. Independent candidates also are less likely to receive those sorts of donations.

I think that it is an issue for the major parties. I am surprised in some ways that Michael Moore has taken the Liberals' side on this. As an Independent, he should be aware of the dangers of this matter for Labor or the Liberals. As a society, we should be interested in the implications for democracy of a reliance by major parties on large donations. We should be looking at that as a serious issue. That is the real issue. That is what we should be talking about if we are wanting to talk about political donations.

What we are actually talking about here, apart from the rivalry on the subject and the political gains, is poker machines. Really, this whole debate is being clothed in the rhetoric of being worried about how much the community gains from the huge amounts of money that are produced as a result of clubs having poker machines. We are talking about the fact that poker machines make huge amounts of money for whoever happens to be running them and owning them.

We know that the majority of that money comes from people losing on them and we know that there is a major issue in our society as a result of that. We know that really well. Maybe we should be talking about actually reducing the number of poker machines. We have a cap on the number of poker machines as a result of Greens' legislation. Maybe we should look at reducing the number of poker machines.

I know that one response would be: "Where are you going to get the revenue from, Ms Tucker?" The point is that if we did a proper cost-benefit analysis of the revenue that we get from taxing gambling and balanced that against the costs to the broader society of having this increasing access and reliance on gambling, we might find that the figures do not look too good at all. From memory, one estimate of the cost to the broader community in New South Wales was $48 million.

That covered things such as counselling, family breakdown, suicide, hospital costs, job losses, legal costs, loss of productivity and the impact on the local economy, the opportunity cost lost, from the money going into these machines rather than going into small businesses. If you did a proper analysis of those costs from having these poker machines that bring a certain amount of revenue to the government, you might find that

you were not on a winner anyway. I think it would be really good if we could get down to that level of discussion on this subject.

Question put:

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

The Assembly voted—

Ayes, 6	Noes, 10
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Moore
Mr Wood	Mr Osborne
	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

Amendment negatived.

MR MOORE (Minister for Health, Housing and Community Care) (6.04): Mr Deputy Speaker, I move amendment No 2 circulated in my name:

> No 2—
> Page 6, line 6, proposed new paragraph 60A (d), omit "political party", substitute "registered party, associated entity".

This amendment seeks to remove the term "political party" and replace it with "registered party, associated entity" as defined in the legislation by my first amendment. It continues from my first amendment to ensure that we have the standard definitions used in the Electoral Act.

Amendment agreed to.

MR QUINLAN (6.09): Mr Deputy Speaker, I ask for leave to move amendment No 7 circulated in my name.

Leave granted.

MR QUINLAN: I move:

> No 7—
> Page 6, line 8, proposed new paragraph 60A (e), omit the paragraph.

This amendment relates to exclusion where a contribution by a club is based on a particular condition. One of the conditions that were relayed to me was that one of the larger clubs had been asked to support other sporting bodies and ask that the subsidiary sporting bodies recognise the name so that they were all part of the larger club. This came up as a particular argument. I am not trying to argue against the exclusion of double dealing, if that is what is implied here, but it seemed to me that there was a process which would exclude, say, X football club supporting the local softball club but asking that it be the X softball club. That is the only level of objection I have to that particular condition.

Mr HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (6.10): Mr Deputy Speaker, proposed new paragraph 60A(e) needs to be retained as there is a capacity for people to avoid their obligations under these arrangements. Let me say at the outset that I do not foresee that most clubs will try to weasel their way out of these sorts of requirements. I think that most clubs will approach the legislation in a forthright manner and deal with it in the spirit of the legislation. But we also need to be quite clear that the mechanisms are not there to allow people to avoid their obligations.

The reason for proposed new paragraph 60A(e) is that it is possible for this device to be used, but for this paragraph, to allow a club effectively to give money for a "community purpose" but, in fact, to do it as a commercial proposition. For example, if a club wished to avoid having to make the community contribution, it could make a donation to an organisation which, on the face of it, would count as a community contribution, but insist that a condition of its donation was that other benefits be returned with financial value to the club so as to significantly reduce or even cancel, at least significantly reduce, the value of the donation being made to the donee.

For example, rather than making a donation to a sporting organisation and saying to it, "Here is a donation to your sporting organisation for you to spend," a club could say, "You can have this money, but you have to return three-quarters of it to us in advertising and promotion." Mr Deputy Speaker, clearly it is not appropriate to count the totality of that donation as a community contribution, because it is not. Clearly, in those circumstances, it amounts to a commercial arrangement for which the club gets value. Contributions to the community should be donations; at least, the part of them which is claimed as contributions should be donations. Without this arrangement, there would be a way around the provisions.

This provision is not going to prevent clubs making donations or gifts on conditions. They can do that all they like. If a club wishes to give money to, say, a bowling club to assist it and makes the donation unconditionally, subject to the guidelines which I have tabled today, it can count that as a community contribution. If they say to the bowling club, "We will make a donation of $10,000 to you, but you have to spend $7,000 on the promotion of our club within your club," and if the value of that advertising is $7,000 in the hands of the donating club, then quite appropriately the extent of the community contribution should be considered to be $3,000, not $10,000.

I think that it is an appropriate condition. It is not, I point out here, the value in the hands of the donee of what they return to the donating club, but the value in the hands of the donating club. It is an appropriate condition to impose.

Amendment negatived.

MR QUINLAN (6.15): Mr Deputy Speaker, I ask for leave to move amendment No 8 circulated in my name.

Leave granted.

MR QUINLAN: I move:

> No 8 —
> Page 6, line 10, proposed new paragraph 60A (f), omit the paragraph:

This amendment is based upon the concern that was expressed in the report of the Gambling and Racing Commission that there was, effectively, an exclusion from eligible contributions under category 6, relating to contributions to associated organisations. Those would be, in the main, cash flows from the main social club to the active football club, and in at least one case that I know of the separation of those is a requirement of the bank. The bank has said, "We want the club itself set up as an incorporated body. We want the football club and a couple of other subsidiary clubs set up as separate incorporated bodies so that we can, in fact, make conditions on what happens as between those organisations."

In fact, one of them listed here is out of my own area—Weston Creek Football Club, $138,000. That is purely money to run Australian rules football within the umbrella of that club, but it is done by virtue of a transfer of funds between two committees.

Mr Humphries: It does not apply in those situations, unless it is a licensed club that they are giving money to.

MR QUINLAN: I understand from having had a cursory look at the guidelines that you have drafted and circulated to some people today—

Mr Humphries: I tabled them here.

MR QUINLAN: Okay. I understand that this category may now become included. Is that right?

Mr Humphries: To which category are you referring?

MR QUINLAN: Category 6, attachment 6 of the report, which is not included in the eligible contributions of the club. If that is the case, there will be great difficulty for a number of clubs that actually live on the margin. Let me say that not all of the clubs in the ACT, as might be construed from what has been said here today, are wallowing in cash and have it to throw around. In fact, quite a number of them have gone broke and quite a lot of them are living very close to the margin, particularly those that support some of the middle-level sport in the ACT, such as the Eastlake Football Club, West Belconnen Leagues Club, Belconnen Soccer Club and the Canberra Royals Rugby Football Club.

This is part of the core activity of those clubs. As we discussed this morning, and I think that we are starting to get general consensus on it, the operation of that sporting activity which filters through the local grade competitions to junior sport is part of the community, part of community activity. That is what the Royals football club was set up to do. That is what it focuses its efforts on. Those who have taken any interest in either rugby union or the club industry will know that Royals has been sailing very close to the wind. It has had administrators appointed in its history. It has had virtually half of its debt written off by a bank in order that it might survive and it is now surviving.

A number of other clubs serving the community are also sailing very close to the wind. The Canberra South Bowling Club virtually had to go into an amalgamation with the ACT Brumbies in order to survive. The ageing population around inner south Canberra were going to lose the facility that it provided for them because they really did not have a lot of change for spending across the bar or playing pokies. The club has made a business arrangement and become partners with the ACT Brumbies.

The Ainslie Football Club, as you can see, turns over a huge amount of money. It is one of the leading Australian rules football clubs. A former player, James Hird, captained the premiership side in the AFL this year. It is one of the leading grade clubs in the ACT and, again, it runs its support right down into the juniors. For this particular category to be omitted is, in fact, to withdraw considerable support from the sport that is carried on. That is where the juniors start. They come under the club's umbrella and continue in sport. That is definitely part of the community. We might argue about politics, but that is definitely part of the community and the essence of why these clubs were formed in the first place.

We can see there the Hockey Centre giving $10,000 to one of its bodies. We know that the government has given considerable support to hockey. I have been involved in encouraging some of that support for hockey because of what the Hockey Centre in general has done. When we are represented by the Powell sisters in winning Olympic gold medals, we all get something out of that. The sport gets something out of it and the community gets something out of it. I think that this exclusion has to go. This legislation, possibly accidentally, is going to the core of why some of those clubs exist and their contribution to the fabric of the community. I commend this amendment to the house.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (6.22): I think I can allay Mr Quinlan's concerns about the effect of proposed new paragraph 60A(f) by advising him that the reference to another club in that paragraph is not a reference to any organisation which happens to be a club in the lay sense of a sports club or a club in a loose sense. It is a reference to another licensed club, so it only covers arrangements where one licensed club makes a reciprocal arrangement with another licensed club.

I will give an example of what I mean. This is a way in which a club or clubs might get around the requirement to make community contributions. Supposing club A wants to provide a benefit to its members. Under proposed new paragraph 60A(a), a club cannot count a contribution to its own members as a contribution to the community. That is fair enough; we have agreed to that. But it notices that club B wants to provide a similar benefit to its members, which, similarly, does not count as a community contribution, so what happens is club A makes a donation to club B's members and club B makes

a donation to club A's members and, by doing so, they avoid the effect of the legislation. They are still providing benefits that are, in effect, internal to the clubs' members, but not to their own members—to the members of somebody else's club. That is what proposed new paragraph 60A(f) is designed to avoid.

Contributions made by, say, the Southern Cross Club to an organisation which is associated with it and which is not a licensed club will not be caught by proposed new paragraph 60A(f), so the majority of the contributions which are referred to in category 6 of the commission's report, I suspect, will not be covered by Mr Quinlan's concerns. If there are donations in there to other licensed clubs—it is possible that there will be some—they may be excluded under that paragraph. It is possible that they could be excluded under that paragraph.

Mr Deputy Speaker, I undertake to examine those issues, if they arise. The intention is not to exclude genuine arrangements of assistance which can be characterised as falling within the spirit of this legislation. I do not think that proposed new paragraph 60A(f) presents a problem, but it needs to be there because it prevents a potential avoidance of the intent of the legislation. If it does give rise to any practical problem in a particular situation where one licensed club is assisting another licensed club, I undertake to make sure that the government will address that issue. Mr Deputy Speaker, I will ensure that, if we need to, we will address that by way of amendments early next year. My advice is that it should not be a problem; but as we work out the guidelines which have been tabled, if there is a problem, we will address it.

MR RUGENDYKE (6.26): Mr Deputy Speaker, my concern throughout this debate has been about sporting clubs joined to major clubs; for example, a small softball club that comes under the auspices of the Southern Cross Club. It has been unclear whether those small clubs would be captured by this provision.

Mr Humphries, in his opening remarks on this amendment, indicated that the intention is for this provision to refer to other licensed clubs. I do not know the process, but I suppose I should seek leave to clear up this matter by amending proposed new paragraph 60A(f) to include the word "licensed" between "another" and "club". Mr Deputy Speaker, I will be guided by your advice as to whether I will be able to do so at this late stage of the debate.

Mr Moore: We are just about to break for dinner. Why don't we talk about it over dinner and then you will have a chance to do it? I move that we suspend for dinner.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (6.27): Perhaps I can clear up Mr Rugendyke's concerns. The Gaming Machine Amendment Bill is, of course, an amendment to the Gaming Machine Act 1987 and in the Gaming Machine Act there are already definitions of various words used throughout the legislation. There is a definition of "club". "Club" means a club established for one or more of the purposes referred to in subsection 30B(1). I will not read out subsection 30B(1), but I am advised that it covers clubs which are, in effect, the licensed clubs which the Gaming Machine Act is designed to cover.

Mr Quinlan: Exclusively?

MR HUMPHRIES: Subsection 30B(1) reads:

> For the purposes of the definition of "club" in section 4, the purposes are recreation, the promotion of social, religious, political, literary, scientific, artistic, sporting or athletic purposes or purposes approved by the minister by instrument.

The act covers clubs which receive gaming machines. Clubs which do not have gaming machines are not covered by this legislation. I am happy to use the dinner break to tease out this issue, but my advice is that it is not necessary to say that "club" means a licensed club because that is already the effect of the definition in the Gaming Machine Act. I have an adviser present who can clarify that for members if they are not clear about it. If Mr Rugendyke holds off on his amendment until after dinner, I think that he will see that there is no need to define that any further because it is actually part of the act as it stands.

MR QUINLAN (6.29): Mr Speaker, there needs to be some clarification, for the purposes of this debate, arising out of the fact that the column "Associated Organisations" is defined in attachment 1A of the Gambling and Racing Commission's report as being non-eligible contributions.

Mr Humphries : Yes, but we have changed the definition with the guidelines that we have tabled. Those were the old arrangements and there are new arrangements coming down the line. They were not eligible before, but they will be eligible now in most, if not all, cases.

MR QUINLAN: Virtually everything on that list ends in the word "club".

Mr Humphries: No, they are the donors, not the donees. Those are the people making donations, not the people you are making donations to. Who would be giving money to the Southern Cross Club, for example?

MR QUINLAN: But some of the donees will be clubs.

Mr Humphries: Yes, but not the majority.

MR SPEAKER: Order! I think it is the wish of the Assembly to suspend for dinner. I suggest that this matter be discussed in the interim.

Mr Berry: No, I don't agree to that.

MR SPEAKER: There was an agreement that we suspend the sitting.

Mr Berry: No, there was not.

MR QUINLAN: Mr Speaker, I know that the government is happy to resolve Mr Rugendyke's problem over dinner. I wonder whether I could have sufficient indulgence to have my problem resolved over dinner as well.

MR SPEAKER: That would be perfectly in order.

MR QUINLAN: I would then point out to the government that, although you have listed the clubs that are making donations, many of the recipients of these funds will also be called clubs. They will be clubs created for recreational purposes or sporting purposes.

Mr Humphries: But they are not licensed clubs with gaming machines.

MR QUINLAN: Probably not. I need to be assured on that and I think that the club industry needs to be assured on that because it would have reason for disquiet upon reading attachment 1A. Thank you for your indulgence, Mr Speaker.

MR SPEAKER: That is quite all right, Mr Quinlan. I am anxious to have this matter resolved and it seems to me that the best way of doing so is over the dinner break. I understand that it is the wish of the Assembly to suspend for dinner.

Mr Berry: No, it is not.

Suspension of Standing and Temporary Orders

MR MOORE (Minister for Health, Housing and Community Care) (6.32): Mr Speaker, I move:

> That so much of the standing and temporary orders be suspended as would prevent the Manager of Government Business moving a motion ordering a suspension for dinner.

Mr Speaker, the reason I need to move this motion is that I did try to negotiate with Mr Berry. Granted, he says that there is a convention that says that at 4.30 pm we make these kinds of decisions. I went to each of the members before that time and said that it looked like we would be able to move through this debate quickly. In fact, the debate has been quite arduous, but there was no indication that that would be the case. By 5.30 pm it was clear that we would not be able to do that, Mr Speaker. We pushed the day back to 6.30 pm to try to give people time to know what was happening, but it is clear that this debate will go through to tonight and we need to suspend from 6.30 till 8.00 pm.

MR BERRY (6.33): Mr Speaker, I want to put on record my concern about this piece of mismanagement. There is a convention, as Mr Moore has said, that we tell staff by 4.30 pm. There are good industrial relations reasons for that. There are good family reasons as well. It enables people to inform their families and take the necessary family actions that they have to take, such as arranging child care, with plenty of notice.

I was advised at 4.30 pm that the intention of the government was to rise at 7.00 pm. Staff have subsequently been informed otherwise. As Mr Moore said, at 5.30 pm he came over and said that the conditions had changed and the government wanted to proceed. That is not the way to carry through the boast of having good industrial relations which the minister made at question time. It is not a good way to do business. I make the protest and I will make it louder if it ever happens again.

Question resolved in the affirmative.

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

That the Assembly suspend its proceedings until 8.00 pm this evening.

Sitting suspended from 6.32 to 8.02 pm

MR SPEAKER: Mr Quinlan, do you have anything to add?

MR QUINLAN (8.03): You will recall, Mr Speaker, that before the dinner break we were looking for clarification. I have to say that I have had some clarification from the office of the Chief Minister, which leaves me with considerable disquiet.

Opposition members interjecting—

MR SPEAKER: Proceed, Mr Quinlan.

MR QUINLAN: I have to say that it leaves me with some disquiet because effectively what is happening is that the sporting clubs which part-pay any of their players, pay coaches, or spend any funds that, in fact, go into participants' pockets, will be excluded. We have now reached the point that a community contribution does not include the middle grades of sport across the ACT. I am happy to be corrected on this, but the middle levels of sport in the ACT, those groups that feed into the Brumbies or the Raiders at the local level, are not be considered part of the community.

Somehow we have this government that can spend millions and millions of dollars of taxpayers' funds to facilitate the operation of the Brumbies and the Raiders. We can see the government actually spending just specific grants for training facilities for those elite teams. We have seen the government both bail out the Canberra Cannons and facilitate the bailing out of the Canberra Cannons to fund the Cosmos, and other elite sports in the ACT, and I am glad we have that elite representation.

But below that we have the great bulk of grade sport in the ACT, which is operated by clubs. Some of the people involved in that grade sport do get paid—very little I have to say, though Ainslie Football Club has just recruited a couple of stars and I suppose that they are being fairly well paid. But what the Ainslie Football Club is doing in terms of providing that stepping stone in the structure of sport in the ACT is not to be recognised as any contribution to the community.

Mr Humphries: No, that is not true.

MR QUINLAN: Good, because a member of staff in your office told me that they were to be excluded.

Mr Humphries: No, that is not what she said.

MR QUINLAN: About an hour or so ago.

MR SPEAKER: Order! The matter can be resolved in debate.

MR QUINLAN: In that case, Mr Speaker, I will happily resume my seat and allow the Chief Minister to speak. I do not really want to waste the Assembly's time debating something that is not a fact. So I will actually leave it to the Chief Minister to reassure us that middle-level sport and grade sport in the ACT are part of our community.

MR SPEAKER: Thank you, Mr Quinlan.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (8.06): I thank Mr Quinlan for that invitation. Mr Speaker, I am sorry that it was not possible for us to organise a meeting in the break with the adviser, the official from the Gambling and Racing Commission, but I am advised that he will be back here shortly and perhaps the matter can be taken up then.

I have, however, had my officer contact him and speak to him by telephone about the nature of paragraph (f), which is what we are still debating, 60A(f). The paragraph does not refer to sports at all. It refers to contributions by one club to another. In effect it means from one licensed club to another licensed club, Mr Speaker.

So the sorts of arrangements that Mr Quinlan is talking about where, say, a club like the Ainslie Football Club supports or contributes to organisations under its umbrella, which are themselves not licensed clubs, but subclubs, if you like, of the Ainslie Football Club, providing those contributions fall within the guidelines a draft of which has been circulated, can be considered to be community contributions.

Contributions made to another licensed club, however, under a reciprocal arrangement or agreement, that is, where the Ainslie Football Club supports the Gungahlin Lakes Football Club, the Easts Club, or some other licensed club which is itself the recipient of revenue from gaming machines, those contributions are not covered under these arrangements. They are not to be counted as community contributions. That is the advice I have received, Mr Speaker.

Mr Quinlan: Who is deciding this?

MR HUMPHRIES: Well, Mr Speaker, Mr Quinlan asked, "Who is deciding it?" We are talking about the effect of paragraph (f) in clause 60A, and what is excluded from counting as a community contribution under paragraph (f). I am making it clear to the Assembly that nothing in paragraph (f) excludes, in itself, contributions by a licensed club to another non-licensed club, or indeed to anybody else.

We are talking about the effect of paragraph (f). What does it prevent being counted as a community contribution? The answer is that it prevents a payment made from one licensed club to another counting as a community contribution, and so it should.

I have indicated that, if there is any doubt in this particular issue, the government will address it. I have already spoken to some representatives of Clubs ACT this afternoon about that matter. They expressed concern about it. I have undertaken to clear that up in the drafting of the guidelines; and if there is some problem that cannot be fixed with the drafting of the guidelines, it can be fixed at a later stage with a redrafting of paragraph (f). At this stage I am advised that, as drafted by parliamentary counsel, paragraph (f) achieves the desired goal and should not be amended.

Question put:

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

The Assembly voted—

Ayes, 6	Noes, 10
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Moore
Mr Wood	Mr Osborne
	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak
	Ms Tucker

Question so resolved in the negative.

Amendment negatived.

MR QUINLAN: Mr Speaker, I seek leave to move amendment No 9 circulated in my name.

Leave granted.

MR QUINLAN (8.14): I move amendment No 9 circulated in my name:

> No 9—
> Page 6, line 23, proposed new subsection 60B (3), omit "The Minister may", substitute "The Minister must, after consultation with Clubs ACT".

Mr Speaker, the amendment that I now move is about ensuring that political decision-making effectively remains with the executive and remains with the responsible minister, and that we do not overly delegate that responsibility to a commission.

This has the double effect of ensuring that the executive takes responsibility for the decisions that it makes, and also of relieving the commission from a schizophrenic situation, in which it would be possibly both making policy and qualitative judgments, and then regulating and enforcing them. I do understand that the Chief Minister is prepared to accept this particular amendment and, that being the case, I will not labour the point any further.

MR SPEAKER: No pun intended presumably.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (8.15): Indeed, Mr Speaker, the government supports this amendment. I think there is an argument for saying that the minister ought to make guidelines as a matter of compulsion, and as a matter of consultation with Clubs ACT.

MS TUCKER (8.16): I rise to support this amendment. I think it is actually quite important. This was one of the concerns that we picked up—there is another one as well—which is really about the fundamental question of whether there is a clear understanding of where policy decisions are made, and that they are certainly open to scrutiny. Obviously the policy decisions have to be made by the minister and they have to be scrutinised by this Assembly.

I think it is important that we are comfortable with the guidelines that the minister does table. The minister has a responsibility, and must make those guidelines available for us to look at. We have the opportunity to disallow those guidelines if we do not believe they are correct, clear or specific enough, because this is what has to guide the commission. The commission should not have a policy function.

Amendment agreed to.

MR MOORE (Minister for Health, Housing and Community Care) (8.17): Mr Speaker, I seek leave to move amendment Nos 3 and 4 circulated in my name together.

Leave granted.

MR MOORE: I move:

> No 3—
> Page 6, line 27, proposed new section 60C, heading, omit "community".
> No 4—
> Page 6, line 34, proposed new section 60C, add the following new subsection:
> "(2) A licensee must record each contribution made by the licensee to a registered party or associated entity, specifying—
> (a) the party or entity to which the contribution was made; and
> (b) the amount of the contribution and the date when it was made.
> Maximum penalty: 20 penalty units."

These amendments are about recording, and making sure that the recording processes are in place appropriately so that mechanisms can be checked later.

MR QUINLAN (8.18): Mr Speaker, these amendments are the prelude to Mr Moore's amendment No 7, the highly discriminatory amendment, and seek to single out political contributions made, and require specific registration of same, in order to use that particular registration to Mr Moore's intended ends.

It is at about this time that I think we should really consider where we are headed with the legislation and Mr Moore's particular amendments from this point on. In this place earlier today, I did talk about coming to this place with the expectation that I was working for the community, and the expectation that everybody else in this place was working for the community. Let me observe that I intend to stay in this place and

continue to work for the community in a constructive and hands-on way, as I did before I came to this place.

Mr Moore apparently does not define what he does as related to the community and, sadly, from his part I find this believable. I find it believable that Mr Moore has other than a community contributive agenda. We are now talking about a man who was elected to this place on the ticket of the Residents Rally and who, having used them to get elected, dropped them and became an Independent. Re-elected as an Independent, he then ratted upon those people who elected him to this place as an Independent and became a Liberal. Sensing some difficulty in relation to his future—

Mr Moore: It is not true. You are misleading the house.

MR QUINLAN: Well, let me say, in all but name, a Liberal. Sensing some difficulty in re-election, he then went off and had a little flirtation with the Democrats. The Democrats, to their eternal credit, rejected him, so he is now back to being a large-L Liberal in all but name.

MR SPEAKER: Could I remind you, Mr Quinlan, about relevance, please?

MR QUINLAN: This is relevant to the motivation for the matter we are addressing here today, Mr Speaker.

MR SPEAKER: Standing order 55 is clear.

MR QUINLAN: This is probably the most relevant point made today.

Mr Humphries: Mr Speaker, on a point of order: I believe standing orders actually address this question of motivation by making it outside standing orders for members to allege improper motives for members. If what Mr Quinlan is saying is that Mr Moore has an improper motive, that is outside standing orders, and it is also arguably irrelevant.

MR SPEAKER: Yes. I do uphold the point of order. I do not know that Mr Quinlan was really straying, Chief Minister, into standing order 55. However, certainly the irrelevancy has to be recognised. Mr Quinlan, I am sure that what you have to say can be covered within the scope of this legislation without making imputations that may or may not be rejected, ultimately, by Mr Moore.

MR QUINLAN: Thank you, Mr Speaker. I did actually wish to arrive at the point where I addressed the comment made by Mr Moore earlier in this debate.

MR SPEAKER: Then address it, sir.

MR QUINLAN: Permitted by yourself, he called Mr Berry a slimeball. Let me respond to that by saying—

MR SPEAKER: The chair did not hear that.

MR QUINLAN: With Mr Berry, what you see is what you get.

MR SPEAKER: Just a moment, please. The chair did not hear that. Mr Quinlan, would you mind resuming your seat for the moment, please. Mr Minister, if you did make that comment and I was in the chair, I certainly did not hear it. But if you did make it, I would ask you to withdraw it.

Mr Moore: Mr Speaker, just for the benefit of the—

MR SPEAKER: If you called Mr Berry a slimeball, I would ask you to withdraw it.

Mr Moore: Mr Speaker, I certainly withdraw any kind of comment I have made about Mr Berry.

MR SPEAKER: Thank you.

Mr Hargreaves: Mr Speaker, that is contempt of the chair. I would ask you to have him do it unqualified.

MR SPEAKER: Unqualified, please.

Mr Moore: Yes, I will withdraw it if you like.

MR SPEAKER: Thank you.

MR QUINLAN: Thank you, Mr Speaker. The relevance of the points that I am making, and my particular comment about our political dead man walking, Mr Moore, is that the cumulative effect of the amendments that Mr Moore has now initiated in this place—up to now we have played a little bit of a namby-pamby game, commencing with the one at hand—is directly designed to discriminate against a single club and a single political party. This is born of the malice and malevolence of our political dead man walking.

I could understand that other members of this place, for their own reasons, would want to exclude political donations from the definition of community contributions. This I can understand. I do not think it is an altogether fair-minded approach, but you can understand them doing it, given the actual facts of the matter. However, we are now heading off on the further mile. We are now setting up a structure that will penalise any club—not anybody else in the community, just a club—that makes political donations. According to the Moore philosophy, as I understand it, a club can contribute to any other legal activity, except politics.

This is quite clearly an amendment to legislation that is structured to inhibit the capacity of the Canberra Labor Club, which has openly declared what it has done. The amendment is quite clearly designed to inhibit the club's capacity to support the ALP in the year coming up to an election.

I have said it before in this place today that, by all reports, the expenditure between the two major parties at the last election was of about the same order. Now, for someone like Mr Moore, that is not a palatable situation. Fancy having an even playing field. Fancy having those people from the ALP having the same resources as his conservative friends. *(Extension of time granted.)*

What this is clearly designed to do is tip the scales, and tip the scales against the ALP. It is clearly a discriminatory action. If it is passed, quite obviously the ALP would feel justified in bringing forward provisions under the electoral legislation to make it a law that all political donors are identified, and that all political donors are required to make a similar dollar-for-dollar contribution. Otherwise those people who vote for this amendment to the legislation in this place are voting for discriminatory laws in this town.

Now, no doubt because it is so blatantly discriminatory, it is highly likely that there will be legal action in relation to this particular exercise. Having looked at this legislation, at what it is designed to do, at the clear motivation behind it and at what has motivated its author to bring it forward, I would like to record—not that anybody will care much—that I believe this is the lowest day in this Assembly since I have been here.

This is pure political bastardry, and purely biased from the former Residents Rally/Independent/Liberal/would-be Democrat/Liberal, Mr Moore. Therefore, Mr Speaker, I do not feel disposed to support Mr Moore's amendment.

MS TUCKER (8.30): I will speak to this group of amendments. I am not speaking to the amendment that will require the clubs to make a contribution equal to that to the political entity, but to the group of amendments that require that there be more information in this legislation about actually how much is given. These amendments are about just listing the amount of money given to registered parties. That is the main aspect of these particular amendments, and I will be supporting them. I will not be supporting the final amendment, Mr Moore, for reasons that I will explain later.

I am comfortable in supporting these because I do not have a problem with that disclosure requirement. The amount of money that was spent is already in the commission's report. I am not quite sure, though, that that is required. It might be just what they are choosing to do at this moment. I am not sure on that. Nevertheless, I do not have a problem with it being required in the legislation.

It is just more information, and I think that as much disclosure as possible is desirable, as I already said, because I have concerns about the influence that these sorts of donations can have on a democratic system in the long run, particularly for emerging new parties and Independents. I think we have to be very aware of the dangers of this increasing reliance on corporate sponsorship of different kinds to political parties to run their campaigns.

MR OSBORNE (8.32):I am just speaking to Mr Moore's amendment and I will speak to the contentious issue later. This is just about, I think, better disclosure, Mr Speaker.

The one point I want to make, though, is that it is becoming even clearer to me that there is a potential conflict of interest in the stance that the Labor Party has taken in relation to poker machines because, from what I have heard today, I can hardly distinguish between the two entities. Anyway, I think that they really need to reconsider their position. You cannot stand up here in this place and argue passionately about the large amounts of money that you are receiving from an organisation, while really your vote is crucial in maintaining that monopoly.

Surely any reasonable sensible person would really have to question their motives. Mr Quinlan has been arguing quite passionately about how important money is for the Labor Party and how this plan of Mr Moore's will have a negative impact on their campaign, and how it is going to have a bad effect on them in the lead-up to the election. I think that it is become increasingly clear just how crucial that money is, and I would argue that that is the reason, Mr Speaker, that the Labor Party is taking this stance on poker machines in relation to the casino, or the pubs and taverns.

So I, too, share Ms Tucker's concerns about political donations. When I look down the list of both of the major parties, I scratch my head. There are a number of people on both sides who sent me cheques prior to the last election, which we sent back. I think that anyone who can stand up in here and claim that they are not influenced by an organisation that pays them over—what was the total here?—$388,594.24, is kidding themselves.

Mr Quinlan has made it very clear that it is all to help them in the election campaign. Anyone who receives that amount of money and then comes in here and claims that it does not have an impact on how they are voting is fair dinkum kidding themselves.

I will support this initial part of Mr Moore's amendments and I look forward to some further debate on the issue that seems to be getting people hot under the collar.

MR HARGREAVES (8.35): Mr Speaker, I cannot let that last comment go unchallenged, because what strikes me about this legislation is its lack of even-handedness. It also strikes me that there will be more casualties resulting from this than just the one that the government is trying to achieve.

It seems to me that the government, led by Mr Moore, is just targeting the Labor Club, and Mr Osborne is under the impression that the Labor caucus would dance to the Labor Club's tune. I have to say that, first, that is not so, and also that the reason why the Labor Club exists is because people join it to support the Labor Party. That is why they do it. That is why they are members of the club, in very much the same way that people contribute to the 200 Club.

And people who join the Labor Club know full well where their profits are going. Mr Osborne talked about disclosure, and he held up a piece of paper, Mr Speaker, which was a photocopy of an article in the *Canberra Times*, and it specified how much people received, down to the last cent. That is pretty open disclosure in my view. It says in here that Howard Smith Industries gave $1,500 to the Labor Party. It also says Howard Smith Industries gave $1,500 to the Liberal Party. It is pretty specific.

But this legislation only deals with the left-hand side of the ledger. All that Mr Moore's legislation is doing is penalising one club, because he has some kind of vendetta against it. He has been muttering about this as long as I have been here, and, in fact, even longer than that. I do not understand his logic. I have tried to understand his logic so that I can mount an argument against it, but I do not. It is obvious how much money we are receiving towards the running of the Australian Labor Party in this town. Not every penny of it is directed to people here and, I might say, not one penny is directed to any individual member here. Not one penny—it would be on my public disclosure.

Now, if anybody wants to look askance at that, as the Chief Minister is, I invite him to go to your office, Mr Speaker, and examine the records. Not one penny did I receive specifically from the Canberra Labor Club. Not one, in the campaign. Nor do I expect it. I understand where Mr Moore is coming from, but he is frightened because the Labor Party is getting all of this money from one source. And yet, if you have a look at the other side of the ledger, there are a lot of people there.

But where is the even-handed approach to that? Is Jim Murphy going to have to give the same amount of money out to charity? I do not think so. He is not going to be required to. Whether he does or not is immaterial, because these people on the other side here, Mr Speaker, do not count the amounts of money that go from these clubs into the charitable organisations, except for that one little ray of light that I saw a little earlier on, when the Chief Minister himself said "the best performing club".

You said this. You can shake your head till it falls off, Chief Minister. You said that it was the best performing club. And, in fact, if my memory serves me correctly, I think you will find that it is up around 23 per cent, on your own figures.

Mr Humphries: Of the ones I quoted.

MR HARGREAVES: Well, in fact, if it was only of those you quoted, I invite you to name the club that bettered it.

Now, what happens, of course, is that we have all of these others on here. There are a number of other clubs who did not make a contribution to the Labor Party. Have you singled those out? The Tuggeranong Valley Rugby Union Club gave $1,700 to the Liberal Party. They, too, have lobbied us all about the casino and poker machines. Are we going to be influenced by them? We received no money. Are we going to be influenced to vote the other way because we have received no money from them? I do not think so.

From what I can see here, I can understand Mr Humphries having as his life's work the destruction of the Labor Party, and good on him. If that is his life's work, I wish him luck, because he is going to need it. For, Mr Moore, I think it is an exercise in political expedience and political hypocrisy.

Mr Osborne, I think, is just mistaken. I would invite him, in fact, to have another look at the list that he picked up and consider whether he has been even-handed about this. When he stood away from the vote on this thing before, because he was connected with a club in West Belconnen, which will remain nameless, I thought—and I might say I was not surrounded by colleagues in this—that at least he had some idea of the right thing to do.

But he is not doing it if he is looking at this stuff here and saying, "Look at how much the Labor Club got. We have to vote against that. We have to make sure that the ALP gets absolutely nothing out of the Labor Club."

He is hiding behind this concept that they have to give the same amount out to charities. Well, they do already. So where is the problem? What I am seeing here is that you are not making these other people do it. You are supporting the Chief Minister's life's work.

That is what you are doing. I would urge Mr Osborne and the entire crossbench to be a bit even-handed about this.

It either applies to everybody who gives political donations, or it does not, and if the big issue is about disclosure, have another look at this list. What I see on this list is the Liberal Party and the Labor Party. I do not see on this list in the *Canberra Times* anything given to Independents or the Osborne group, which came into this chamber here and destroyed itself inside about 30 minutes.

Mr Berry: Come on, you are being nice so far.

MR HARGREAVES: I am being nice and I intend to continue. I do not see those here and part of the reason why they are not in this newspaper clipping is because nobody could care less how much these people are getting for their campaigns, but it is a big political point-scoring exercise for us. So I would urge Mr Osborne to think seriously about whether he wants to go on the record to say he received absolutely nothing in cash and in kind.

MR MOORE (Minister for Health, Housing and Community Care) (8.43): Mr Speaker, I have to say that the most sensible comment so far this evening, in my opinion, was Ms Tucker's, as it actually focused on what this amendment is, rather than on the broader issues, which we will get to when we reach my seventh amendment.

If you look at your bill, this amendment removes the word "community". Where it said "a licensee must record each community contribution" it now says "must record each contribution", so all contributions are covered. It then adds my clause:

> (2) A licensee must record each contribution made by a licensee to a registered party or associated entity, specifying—
>
> (a) the party or entity to which the contribution was made; and
>
> (b) the amount of the contribution and the date when it was made.

To that extent, there is an element about which Mr Quinlan is right: this does settle the legislation—and I have made that clear—for the final amendment, which is the one that has the effect that he was talking about.

But this does stand on its own. I think that is Ms Tucker's point. This stands on its own and can be debated that way. There are a few things that I would like to say in response to the comments made so far. Mr Quinlan's speech and other Labor speeches I think actually say much more about the Labor Party than they do about the people at whom they are directed.

Mr Quinlan is wrong. My amendments do not stop donations. What this full set of amendments says is that, where a donation is made to a political party, there is a dollar—

Mr Quinlan: Did I say "stop" or "inhibit"?

MR MOORE: You did. You actually said "stop" and then you later used the words "they are structured to inhibit the capacity of the ALP coming up to an election". I just want to clarify this and make sure that members do understand that this is a dollar-for-dollar situation, where a donation is made for a political party.

Then Mr Quinlan went on to say that this is discriminatory, and in fact ought to be considered and legally tested under discrimination legislation. I welcome legal testing, because I am absolutely sure that it is not discriminatory in that sense. The sense that it is discriminatory is the same sense in which there is discrimination currently in place for this particular form of revenue raising. There is discrimination in place concerning poker machines.

We have given a monopoly as a community. This legislature gives a monopoly to clubs to run poker machines. We maintain a monopoly for clubs to have the poker machines. Not just anybody can use them, and we know that that monopoly on poker machines delivers over $100 million in clear profit from those machines.

There are none so blind that will not see, and that is the case with Mr Hargreaves. I do not understand where you are coming from, Mr Hargreaves. It is very simple. There is a very special privilege associated with poker machines and it is about that special privilege.

If the amendments were to, say, specifically target the Labor Party and say that you can give political donations, but you cannot give them to the Labor Party, or when those donations go to the Labor Party you have to have these special conditions attached them, of course that would be discriminatory and of course that would be entirely inappropriate. This applies right across the system.

Finally, it was interesting that Mr Quinlan seems to think this is the lowest day in the Assembly. Where has he been in the last six months as people accuse other members of breaking the law again and again, and here we have Mr Berry—

Mr Berry: And they did—

MR MOORE: No, they did not. You are wrong. You insisted on that because that is the style of Mr Berry's politics and that is the style of Mr Stanhope's politics. That has delivered the lowest day. This is not the lowest day by any stretch of the imagination. It may be the lowest day in the terms of principle for the Labor Party—and Mr Hargreaves referred to this, but I have been on about this since long before he came in here. Because there is this very special discrimination in favour of the clubs, I still believe the Labor Party has a very clear-cut conflict of interest, as was expressed beautifully in the *Canberra Times* editorial not so long ago.

Mr Speaker, that is the lowest part: that these people still come in here and still vote on something that will assist them in the way that these poker machines do.

MR BERRY (8.48): Mr Moore and everybody else votes on their garbage collection and their rates and everything else. We can draw those distinctions in terms of conflict of interest wherever we like. Mr Moore says, "Read the editorial of the *Canberra Times*."

What do you think the Labor Party is ever going to get out of the squatters' paper? Not much. We are used to it. We have been here since 1989. Our party is used to living in adversity. We have had it ever since we first began. So there is nothing new in this. The trade union movement is the same.

There is nothing new in the attack on the Labor Party. The self-denial is quite interesting. We will cope. We will prosper as we always have, and we will do it on the basis of principle, not the work of despots trying to undermine the political standing of their colleagues.

I am a little disappointed in this amendment that is being put forward by Mr Moore, because it only adds the requirement to record a total value of contributions to registered parties and associated entities. Mr Moore, of course, fails to address other issues of disclosure that would be very interesting to the people of the ACT.

I am surprised and disappointed that Mr Osborne—and, I suspect, Mr Rugendyke, though he has not spoken on the matter—has formed a view about this and is so attached to the Liberals' attack on the Labor Party on the issue of principle, that is the principle of disclosure. I accept his attachment to the Liberal Party in government: we will work our way around that. However, when it comes to the issue of disclosure, I am a little disappointed in his lack of even-handedness.

It would be interesting if there was a provision there that dealt with some of the problems that the Liberals have. I recall that two elections ago—and I have mentioned it before today—the Liberals' position was that they were not going to change anything for the licensed clubs. The next election came around and there was a metamorphosis, something changed. The Liberals had a new policy, that is, to support poker machines in the casino. That is now very clear, unambiguous and nobody questions it. The Liberal Party has a policy of supporting poker machines in the casino.

Well, what has changed in the meantime? I know that the Labor Party made it clear publicly that we had no interest in spreading poker machines anywhere else. We made it very clear, so what did the casino do in respect to the Labor Party? They gave us nothing, not a dollar, because they expected nothing from the Labor Party.

But the Liberal Party got $15,000 from Casino Canberra. What I would like to see disclosed is what the Liberals agreed to to get the $15,000 or what Casino Canberra required to give them the $15,000. That is what I would like to see. I would like to see full disclosure in relation to the issue. It did not just happen for the fun of it. One party gets nothing, not a red cent. The party with which Mr Moore and the Independents are so enraptured gets $15,000, and the only thing that has changed, it appears, is that the Liberals now agree to poker machines going into the casino.

Talk about conflict of interest; that is a pretty clear one to me. The Liberals were clearly supportive of a move to put the poker machines in the casino. The only thing that I can see has changed is that Casino Canberra gave them $15,000. We are yet to hear an explanation of what the Liberals agreed to, or what the casino required, to ensure that generous donation to the Liberal Party.

The Labor Party said they did not have anything to offer them. I might say that we did labour over the issue of the establishment of a casino in the ACT, and there was something like a 20-year agreement under which there would be no casinos in the ACT. That was quite acceptable to all at the time, but I think the casino got a little bit confused between 20 years and 20 minutes, and that is about how long it took the Liberals to change their minds.

My concern here is that there are levels of disclosure under this legislation that will never uncover what Casino Canberra got out of the $15,000. I trust that one day we will find out. We will get a version of it, I expect, from Mr Humphries shortly, but who knows.

This is, as has been said by many, merely an attack on the Labor Party. As I have said, we can cope with that as we will cope with any other attacks on the Labor movement, one way or another. However, I wish those that were supporting the attack on the Labor Party would be honest with themselves, and with everybody else in the ACT, when it comes to the issue of disclosure. Tell us.

This is one we can see. It is about as plain as the nose on your face. Casino Canberra gives $15,000, but the Labor Party gets nothing and gives nothing to the casino, except our assertion that we will stick with the original agreement. There will be a review in 20 years if we have our way but, in the meantime, the Liberals who supported the original casino agreement have changed their position. They have changed it to "we support poker machines in the casino".

I will come back to something Mr Moore said. He said that the licensed clubs have been given this generous support for the establishment of poker machines in their clubhouses, and so on. Licensed clubs were here a long time before that was ever given to them, but what Mr Moore is very careful not to say is that the conditions are fairly tight. These are not the same conditions that Mr Moore wanted to apply to the pubs and hotels, because he was prepared to let them have poker machines without the same conditions that apply in licensed clubs.

In a licensed club you have to be a member of the club or an accredited visitor to get near the poker machines and the benefits of the club. There are conditions that go with the clubs' control of these poker machines. It is not something about which the government just said, "Look, here are a couple of poker machines. You can have them. Go for your life." The conditions are quite strict.

So, Mr Moore is speaking nonsense in relation to this generous monopoly that has been provided to the clubs. Yes, it is a monopoly, because it provides a level of security for poker machine gambling in the ACT, and rightly so, and I do not want to see it spread. I am against the spread of poker machines into the community.

Mr Humphries: I am not surprised. Of course you would be against it—you have a lot of benefit from it at the moment.

MR BERRY: Well, for other principled reasons, not for the $15,000, Mr Humphries. There is the difference.

Mr Humphries: No, it is much more in your case. It is $300,000 in your case.

MR BERRY: Mr Speaker, if you have a look at the list of the contributions to the Labor Party, you will see that I made a substantial one myself, as did many of my colleagues, and this adds up to a substantial amount. Somebody said it was the lowest period in this place. Well, that may be so, but this level of hypocrisy!

I can accept that the government would go down this course, but they cannot do it without support. What troubles me about this is the level of support that has been given to this government on the principle of disclosure, when some important issues are not being disclosed. I point to that one because it is clear that nothing was given to the Labor Party. The casino did not get its poker machines, and we stuck with the original agreement for a review after 20 years or whatever it was.

But the Liberals, even though they had supported the original arrangement with Casino Canberra, and had promised at a previous election that there would be no change for the clubs, all of a sudden get $15,000 and then allow poker machines in Casino Canberra. It speaks for itself. I do not have to say any more—it speaks volumes.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (8.57): I would like to take up a few of the issues that Mr Berry has raised and some others. Let me say first of all that the Liberal Party supports the amendment that Mr Moore has put forward. It was not part of the bill that I originally presented to the Assembly. Mr Moore raised it for the first time a few days ago with me. I put it to the Liberal Party room this morning and there was agreement to it.

Mr Quinlan might find that hard to believe, but the fact is that there was an issue and a debate about it, and the view was taken that this was appropriate. I think that the one thing the Labor Party has failed to understand about this debate and the comparisons they keep making with donations from business and others to political parties, is that there is a difference between the source of money in one case and the source of money in the other.

Nobody provides monopolies or privileges to business, at least for the most part, to generate profits that in turn are given to political parties. In the case of the poker machines, there is, as members have acknowledged, a very significant privilege, a very lucrative monopoly, which does provide considerable benefits to the particular organisations within the community that receive the takings from those machines. The community has a legitimate interest in what happens to that money.

Mr Berry says that the Liberal Party has taken the position in recent days that it will support poker machines in the casino, and it received a donation from the casino at the last election, therefore the party must have been bought off. I would like to respond to that by actually citing a situation that occurred a few years ago in this Assembly, where the boot was on the other foot. There was a debate in this place—several debates in fact—about X-rated videos, and the Labor Party at that time vigorously argued to allow the continuing sale of X-rated videos in the ACT.

The Liberal Party at the time pointed out that the Labor Party had received a very generous donation from the X-rated video industry. When I put to Mr Berry the very argument that he has put to me tonight—"Obviously the two are connected. It speaks for itself."—he said, "No, no, no," or his party said "No, no, no."

Mr Berry: No, so it was not me after all.

MR HUMPHRIES: No, no. It was not you. It was your party. Your party said—

Mr Berry: We are being Gary-ed again.

MR HUMPHRIES: The Labor Party said, "Our view about X-rated videos predated the donation that was made to us."

Mr Berry: And you are going to tell us that yours predated that payment, are you?

MR HUMPHRIES: And indeed, Mr Speaker, it did. Mr Berry says, "We should be believed when we say that we were not influenced by our donation from the X-rated video industry, but the Liberal Party should not be believed when it says the same thing with respect to the casino."

Sounds a bit implausible, doesn't it, Mr Speaker? "We are credible but they are not." Well, if he says that the thing speaks for itself. I will let him admit that and make his own comments about X-rated videos. On that issue, by the way, although the Liberal Party has more recently come round to the view that X-rated videos should be sold from the ACT, it has never accepted a donation from the X-rated video industry, to its credit.

Mr Quinlan: Have you been offered one?

MR HUMPHRIES: Yes, actually. Several times we have been offered a donation, and we have declined it, because, you see, we have principles.

Mr Berry says there is obviously something very suspicious here because the ALP gets nothing from the casino. I would be very grateful if Mr Berry or someone from the Labor Party could dispel a rumour that is going around this building at the moment, which is that the opinion polling which is being conducted at the moment on behalf of the Labor Party in Canberra is being financed by the Canberra Casino. That rumour is going around. I would be very happy if Mr Berry or Mr Quinlan would dispel that rumour—

Mr Hargreaves: Can I do that? I can, but I am not going to.

MR SPEAKER: I am sorry, the chair cannot rule on anything like that, Mr Hargreaves.

Mr Hargreaves: On a point of order, Mr Speaker: isn't that speculation, and therefore out of order?

MR SPEAKER: It is, but it is not in question time.

Mr Hargreaves: It is also irrelevant.

MR SPEAKER: Speculation is not covered in question time, and it is certainly not covered in debate, otherwise we would not have much debate at all, I would suggest.

MR HUMPHRIES: No, Mr Speaker, indeed. What would we do without speculation in this place? It is our grist.

Finally I want to reflect on the comments made about Mr Moore. Mr Moore was described earlier in the debate as a man with no future, as a dead man walking. I have been around this place since the beginning, and I have to tell members who arrived here more recently that Mr Moore has been described as a dead man walking, or something similar, at every election in this territory since 1989.

So who knows, Mr Speaker? It might be that eventually Mr Moore does come a cropper at election. I am sure he would be the first to concede that, but for a dead man walking, Mr Speaker, he has this uncanny ability to keep on walking and walking, much to the regret, no doubt, of some of those opposite.

MR SPEAKER: Order! Would the ghost who walks, Mr Osborne, and Mr Rugendyke, just keep their voices down, please?

MR QUINLAN (9.04): To satisfy the Chief Minister, I can happily deny that any polling done by the casino has been done on behalf of the Labor Party. I am aware, if you are not, Mr Humphries, that there are a number of bodies that do polling for business purposes and advise businesses. Without mentioning names, I can tell you that I have had another pollster in my office giving me the rundown on the ACT. Because the information is available, he might want to share it. He was doing it for business interests. Certainly no polling has been conducted by the casino on behalf on the ALP, at the behest of the ALP, or whatever.

Mr Humphries: So you are not doing polling at the moment?

MR QUINLAN: Are we not doing polling at the moment?

Mr Humphries: Yes. Is that what you are saying?

MR QUINLAN: That is not what I am saying at all.

Mr Humphries: So you are doing polling?

MR QUINLAN: No, I am not saying that either.

MR SPEAKER: Gentlemen, please! Relevance.

MR QUINLAN: There is one point I would like to make before we close on this issue. The term "monopoly, monopoly, monopoly" comes along. No individual club has a monopoly. Unless you live the very cloistered life of our chef friend over the way, Mr Humphries, you would know that there is very heavy competition between clubs. If you want to say that the clubs have a monopoly on poker machines, then you might say that taxis have a monopoly, because you have to have a licence to operate a taxi.

Pharmacists—an occupation picked at random—have a monopoly, because they have to be registered and accredited. There is a monopoly within most industries collectively. Individual clubs do not have a monopoly, and not all clubs are successful.

Amendments agreed to.

MR MOORE (Minister for Health, Housing and Community Care) (9.07): I seek leave to move amendments Nos 5 and 6 circulated in my name together.

Leave granted.

MR MOORE: I move:

> No 5—
> Page 7, line 8, proposed new paragraph 60D (c), at the end of the paragraph, add "and".
> No 6—
> Page 7, line 8, proposed new paragraph 60D (d), after proposed new paragraph 60D (c), insert the following new paragraph:
>
> "(d) the total value of contributions to registered parties and associated entities.".

These two amendments, in the same way as the previous two, move towards ensuring that contributions are identified.

Amendments agreed to.

MR MOORE (Minister for Health, Housing and Community Care) (9.08): I seek leave to move amendment No 7 circulated in my name:

Leave granted.

MR MOORE: I move:

> No 7—
> Page 7, line 23, proposed new subsection 60G (1), omit the subsection, substitute the following subsection:
> "**(1)** In relation to a licensee that is a club, the ***required community contribution*** for a financial year is the total of—
> (a) the total of the contributions made by the licensee during the financial year to registered parties and associated entities; and
> (b) the proportion of the club's net revenue in the financial year set out in the table below, or such other proportion as may be determined by the Minister.

Table: required community contributions

financial year	required contribution
2000-2001	5%
2001-2002	6%
after 2002	7%"

This is the important amendment. It says that we recognise the special privilege poker machines give, and therefore there should be a proper effort to ensure that contributions made during the financial year to registered parties do not disadvantage people in the community—sporting groups, community groups and so on. There will a dollar-for-dollar contribution.

There has been quite a deal of acrimonious debate here this evening, but it is clear to me that this provision would apply equally to any party a licensed club wished to donate money to. Since I have been in this Assembly, millions of dollars has been donated to the Labor Party, and there been nowhere near that level of donation to any other party. The parties here, in my opinion, effectively moved money away that could have been going to charities.

We have seen in this chamber over that period the significant influence of clubs over the Labor Party. If you had any doubt about that at all, you only had to listen to Mr Berry's argument about the impact that he believes a $15,000 donation had on the Liberal Party.

Mr Berry: I know the impact. You can see it for yourself.

MR MOORE: He adds, "I know the influence of $15,000. I know the impact $15,000 had. You can see it for yourself." If that is the case, what is to make the rest of us standing on the outside looking at the parties think that millions and millions of dollars has had no influence on the Labor Party?

Mr Berry: I am a great supporter of the licensed clubs and always have been. You can see that for yourself.

MR MOORE: Indeed, Mr Berry, you are.

MR QUINLAN (9.12): What we are about to do in this place, by majority, is set a standard. Mr Moore made some play about money going to political contributions when it could have gone to the community. But the rest of this legislation sets the required standard. This provision sets a different standard for one organisation. The provisions of this legislation require clubs to make a 5 per cent contribution from net gaming machine revenue to the community. That includes all clubs.

However, if you make a political donation, you have to pay more to charity as well. That is effectively a penalty applied to political donations. It can go under no other banner, no matter how many weasel words are attached to it. It is not a penalty applied to political donations of all kinds. It is a penalty applied to political donations made by clubs, whether they be Labor clubs or not. It just so happens that the practical effect only falls in any magnitude at all on the Canberra Labor Club.

Much has been said about the Canberra Labor Club having a monopoly. Most people in this place know that I spent some of my time working on the board of the Canberra Labor Club—for several years working very hard, because it was not travelling so well. A lot of other people have spent a lot of their free time working for the survival of that outlet. We have since made a success of it. I can understand a certain degree of envy flowing from the Liberal Party about our making a success of a business enterprise. It is a phenomenon with which they are not very familiar.

This provision is based on a spurious argument. It is certainly discriminatory. Any observer would conclude that it is specifically pitched at the Canberra Labor Club. It is specifically pitched, therefore, at the ALP. It is specifically designed to break the balance in financial support that has hitherto existed between the major parties in this town, clearly in favour of the Liberal Party. That will be its effect. In terms of principle and principle abused, this is the lowest proposition that has been brought before this place, at least in my time.

MR BERRY (9.16): Earlier on, when referring to this issue, I made the fairly confident prediction that in future there was going to be a piece of legislation that the Liberals and the Independents who support this particular move would have the opportunity to peruse in relation to the declaration of political donations. In other words, everybody else in this place will be required to be covered by the same rules. If Canberra Casino wants to make a donation to the Liberals next year, they will have to double it to have the same effect. If that is the game the Liberals want to play, I think it is outrageous, whichever way you look at it. It is outrageous to apply the same rules to other people as well. But at least it would level the playing field, so to speak.

What I find disappointing is the rusted-on support for this move by people in this place without a balancing provision to cover the traditional supporters of the Liberal Party.

Mr Osborne: You have to do it under a different act.

MR BERRY: I know that. If people want to support this sort of stuff, it will have apply to them as well.

I am not so sure that the warmth for this proposal will be so evident when the Liberals consider this next time. They might wish that they had never had this visited upon them. The $574,900 they received last year will, in effect, be reduced to $280,000 or thereabouts or the contributors will have to come up with twice the amount of money to get the same bang for their buck.

This is just nonsense. You would end up being forced into the same area to level the playing field. What is being attempted here in a crass political move is something intended to undermine the support of the Labor Party, pretty much as Peter Reith has done with the trade union movement. But they would not apply the same rules to themselves. Therein lies the gross hypocrisy and the lie to the claims they have made in this place tonight that this is not an attack on the Labor Party. Pull the other leg. It yodels. It is extraordinary that this Assembly and the supporters of the Liberals should support this attack on the Labor Party. We are used to it. We will fight back, and we will prevail. The hypocrisy of people who support this move is breathtaking.

MR OSBORNE (9.20): I move the following amendment to Mr Moore's circulated amendment:

> No 1—
> Proposed new paragraph 60G (1) (a), omit "registered parties and associated entities", substitute "registered parties, associated entities, Members of the Legislative Assembly, or candidates".

I will be supporting Mr Moore's amendment. I was a little concerned when I first read it. I felt that there was perhaps a loophole for donations to be made direct to individual members or to individual candidates. I understand the Labor Party has changed the rules so that in the next election individuals can generate some funds.

There are two distinct issues here. The unique situation with poker machines requires closer scrutiny by the Assembly. I hear what Mr Berry has had to say and what Ms Tucker and Mr Moore have had to say in relation to political donations. I think donations are a blight on our electoral process. You only need to look at the extremes in the United States, where it is very clear that whoever has the most money wins.

I intend to come back in the new year with an amendment to the Electoral Act to require anybody that makes donations to political parties to make a donation to charity. I look forward to working with the Labor Party and other members on that issue. That would be a tremendous boon for charities of the ACT. Adding up the figures, over $1 million would be paid to charities because of an election. Hopefully I can amend the Electoral Act in the first sitting week so that we can address that problem as well. I obviously cannot do it tonight, because it is a different act. I look forward to support from members on that issue.

MS TUCKER (9.23): We will not be supporting Mr Moore's proposal or Mr Osborne's proposal. I am listening to the arguments but I am not prepared to vote on this tonight. It is worth remembering that Mr Moore, when he was an Independent, took a very strong line on the need for his office to have time to consider what was put up by the Assembly. I even remember that Mr Moore required extra staff to deal with the workload when he was an Independent and had to cover every issue. I am now in that situation, as are Independent members and Mr Kaine. We have to deal with all issues, and I do not appreciate having these sorts of things dumped on me the night before.

I have not seen a scrutiny analysis. You might say we do not need one. I do not know that. I have no idea what the implications of this are. I am prepared to look at it later. I am not prepared to support it tonight. I want to make it clear that I think no-one should take the business of making laws lightly and that I take it very seriously. For that reason I will not be cooperating with people when I am not given a chance to work on the issues and understand the implications. I am not going to support the amendments.

MR STANHOPE (Leader of the Opposition) (9.25): The position has been put very well by my colleagues. We all know what this is about. It is a quite blatant attack on the Labor Party. Ms Tucker makes a very good point. The amendments were dropped on us today. We all know that this is about support for the Labor Party because of our association with the Labor Club. The artifice that this is all about dealing even-handedly with all members of this place and all parties represented here is absolute nonsense. It is intellectual dishonesty of the first order. It totally lacks credibility. It is so dishonest in an intellectual sense that it is staggering.

What does the amendment mean? Does it apply to any club, not just the Labor Club, that a politician visits for the purpose of discussions with constituents? I visit a number of clubs around the ACT. The clubs provide rooms to me free of charge as a meeting place.

This proposal now requires the Kaleen sports club, when I go there to meet constituents, to notionally charge me for the room. Is that what this means? When I go to the Kaleen sports club to meet some of my pensioner constituents, the club says to me, "That is fine, Jon. You can have a meeting room free of charge to meet your constituents." Do I now say, "No, you cannot do that"? Do I say, "You have to charge me notionally for the room"? Do I say, "Not only that, but you have to donate to a charity the amount that you should be charging me for this room"?

Is that what this amendment means? Can somebody explain it to me? When I go to the Kaleen sports club to meet with pensioner constituents, does it mean that the Kaleen sports club can no longer provide a room and facilities to me free of charge, as it has been inclined to? Does it mean that the club must donate an amount to a charity? Is that what we have descended to? Is that what this means? Is this the nonsense we have perpetrated here as part of a design to attack the Labor Party? Is this how farcical and how mad this desire to punish the Labor Party is? Is this the depth to which we have descended.

We do not know what we are doing. There is nobody here to explain what these proposals mean. Is any support provided to any political party of any sort to be notionally costed and the amount of the cost sent off to a charity? This does not attack just the Labor Party. That is the trouble with this unthinking, unprincipled attack on the Labor Party for base political purposes.

Mr Humphries: You are paranoid, Jon.

MR STANHOPE: We are not paranoid. We know what you are doing. So will the entire Canberra community. They are not stupid. We have one set of rules for all clubs in the ACT except for the Labor Club.

Mr Moore: You just gave the Kaleen club as an example.

MR STANHOPE: In a practical sense, we all know—and you know, you great lumbering hypocrite. Go back and take some more dough from the Australian Hotels Association. Go back and take another fistful of dollars, you great hypocrite.

Mr Humphries: Mr Speaker, there are assertions there which are clearly unparliamentary and should be withdrawn.

MR SPEAKER: Yes. Withdraw those, Mr Stanhope, please. I would ask the government to stop interjecting.

MR STANHOPE: What—that he is lumbering or that he is a hypocrite?

MR SPEAKER: Just withdraw the suggestions you made.

MR STANHOPE: I will withdraw whatever is unparliamentary.

Mr Moore: And any imputation.

MR SPEAKER: Mr Moore, you will stop interjecting, please.

Mr Berry: Mr Moore admits that he has taken the money. He has even declared it.

MR SPEAKER: You be quite too, Mr Berry, please.

MR STANHOPE: We know he took the dough, so I will withdraw "hypocrite".

Mr Moore: You took millions of dollars.

MR SPEAKER: Careful, Mr Moore, please.

MR STANHOPE: No, we did not take millions of dollars. As an organisation, we had the energy and the commitment and the support of the community to form a club. That is what we did. You are so sorry and so jealous that you did not have the energy, the commitment, the capacity or the wit to do it. That is what it is all about. Here we are down the track so disturbed by the fact that the Labor Party made a success of it that you have resorted to this tawdry device to try to create a political advantage for yourselves and your supporters in this place. When I say "you", of course I include Mr Moore, because we all know that is where he is—PG Moore, political genius, the brains trust of the Liberal Party, Manager of Government Business. Goodness me!

Mr Humphries: Can we have a bit less invective and a bit more debate and argument rather than this mud slinging?

MR STANHOPE: For sure, yes! Your hands are as clean as the driven snow over there I see, Mr Humphries.

Mr Humphries: We can have a few arguments in the debate rather than just calling people names.

MR STANHOPE: There have been no arguments from you, just absolute nonsense.

MR SPEAKER: Order please! I do not want argy-bargy across the chamber, thank you.

MR STANHOPE: If you do not know what it is you are doing, we know what it is you are doing and so will the Canberra community. It is an appalling unprincipled act that you have perpetrated here, designed simply to achieve a political outcome. It has nothing to do with clubs, nothing to do with donations for charity, nothing to do with supporting the community sector. It is all about undermining the Labor Party. It is appalling grubby, tawdry politics.

Mr Berry: You do not even know what this stuff means.

MR STANHOPE: That is right. You do not even know what it means and what the implications are. It is appalling.

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

> That the debate be adjourned.

The Assembly voted—

Ayes, 7	Noes, 9
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Moore
Ms Tucker	Mr Osborne
Mr Wood	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

Question put:

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

The Assembly voted—

Ayes, 9	Noes, 7
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Quinlan
Mr Moore	Mr Stanhope
Mr Osborne	Ms Tucker
Mr Rugendyke	Mr Wood
Mr Smyth	
Mr Stefaniak	

Question so resolved in the affirmative.

Amendment agreed to.

MR MOORE (Minister for Health, Housing and Community Care) (9.38): Mr Speaker, I seek leave to move an amendment to my amendment No 7, as amended.

Leave granted.

MR MOORE: I move:

> Proposed new paragraph 60G (1) (a), insert the words "an amount equal to" before "the total of".

This amendment is to clarify the clause for people and to make it more readable. When I gave drafting instructions to parliamentary counsel, they set out the legislation in the way we currently see it. Since then a number of people have said to me, "This is hard to read." When you go through it a few times, it is clear what it means. It seems to me that it would make for much clearer reading and easier reading if we had "an amount equal to" in the legislation. It would then read:

> In relation to a licensee that is a club the ***required community contribution*** for a financial year is the total of—
>
> (a) an amount equal to the total of the contributions made by the licensee during the financial year to registered parties and associated entities…

The amendment is about making it easier to read rather than about changing the substance.

Amendment agreed to.

Amendment, as amended, agreed to.

MR QUINLAN (9.40): Mr Speaker, I seek leave to move amendments 10 and 11 circulated in my name together.

Leave granted.

MR QUINLAN: I move:

> No 10—
> Page 8, line 1, proposed new subsection 60G (2), omit "the commission", substitute "the Minister".
> No 11—
> Page 8, line 8, proposed new subsection 60G (2), omit "the commission", substitute "the Minister".

These amendments are consistent with previous amendment No 9 and seeks to ensure that policy decision-making remains with the executive and that administrative and regulatory powers are separated and remain with the commission. I commend these amendments to the house as they are consistent with amendments already adopted.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (9.41): Mr Speaker, I am genuinely undecided about these two amendments.

Mr Quinlan: Then why didn't you adjourn the debate?

MR HUMPHRIES: Sorry, I am not prepared to do that. If you bring amendments forward at the last minute and then ask us to adjourn the debate because you have done it on that basis, I am afraid you will have to bear the consequences of that.

It is true that we have said that the minister should set the guidelines. That was Mr Quinlan's amendment No 9. That is fair enough. I think that is a job for the minister. The question here is assessing the worthiness of individual clubs to be exempted from the requirements to—

Mr Quinlan: And setting the rate.

MR HUMPHRIES: And setting an alternative rate for these particular clubs. The guidelines issue is an issue of setting a global requirement across the board. The issue in proposed section 60G is about allowing particular exemptions from those arrangements.

Mr Quinlan: It will not be too hard. There is only a page of them.

MR HUMPHRIES: If I am the responsible minister, I am happy to do that, but we did go through some pain last year to appoint an independent Gambling and Racing Commission and give it responsibility for areas of administration of the gaming legislation and related legislation such as interactive gambling legislation.

Is this not an application process which the commission ought properly to deal with? Guidelines which cover everybody are for the minister. I accept that. But is considering applications not a job for the commission? For example, we say that individual applications under the interactive gambling legislation to register as an interactive gambling provider are decisions made by the gambling commission, not by the minister. Why should those arguably rather more important decisions be considered by the commission but a less important decision be considered by the minister? I do not mind either way. I can live with the responsibility of making those decisions on a case-by-case basis, but it seems to me inconsistent. Should the commission not properly have that job, given that it considers all other applications under the gaming legislation for individual—

Mr Quinlan: Yes, examine; yes, recommend. You decide.

MR HUMPHRIES: That is not how it works in other cases. I do not think I get recommendations to consider interactive gambling licences. My recollection is that those decisions are made by the Gambling and Racing Commission. I have no role in that, and arguably I should not. That being the case, why should this be different? Why should the minister be making decisions about these matters, which are arguably of lesser importance? I would like to be satisfied on that question. I do not understand why we are being asked to change the policy we have used consistently throughout gambling and racing legislation.

MR QUINLAN (9.44): The number of clubs we are talking about in total fit on one page. The number of clubs with a gross turnover of less than $200,000 is only a part of that. I do not think it is too onerous a job. I rather think that those clubs for which these decisions are going to have very material effect might at least have confidence in the knowledge that their particular case is being considered at the highest level.

MS TUCKER (9.45): I want to speak in support of these amendments. As I understand it, the minister does not understand why we think he should take responsibility for this. A determination under proposed subsection (1) is a disallowable instrument. That subsection reads:

> In relation to a licensee that is a club the ***required community contribution*** is the proportion of the club's net revenue in a financial year set out in the table below, or such other proportion as may be determined by the Minister.

So the minister has that ultimate role. We get to a different set of circumstances if the gross revenue of the club in a financial year is likely to be of less than $200,000. Then the commission has the job—and it is not even the job of setting a rate. It is quite vague. It says that the commission may set a lower required community contribution for the club. Mr Humphries' argument was that guidelines to applicants and so on handled by the gambling commission are the same question, but I would disagree with that. If you look at those instructions to applicants, you will see hundreds of pages. There are very detailed criteria which will guide the commission's recommendations.

I think it is inconsistent to have within the same section the commission making one decision and the minister being empowered to make the other if he or she so chooses. This is a good amendment and it should be supported.

Amendments agreed to.

Clause 14, as amended, agreed to.

Clause 15 agreed to.

Title agreed to.

Clause 4—Recommittal.

Ordered that clause 4, as amended, be reconsidered.

MR OSBORNE (9.48): I move amendment No 2 circulated in my name:

> No 2—
> Clause 4, page 2, line 9, paragraph (b), insert the following new definition:
> "***candidate***—see the *Electoral Act 1992*, section 3.".

Amendment No 2 includes a new definition of "candidate" at the start of the bill. The definition is from the Electoral Act 1992 and a follow-on from my earlier amendment to Mr Moore's amendment No 7.

Amendment agreed to.

Clause 4, as recommitted, as amended, agreed to.

MR SPEAKER: The question now is that this bill, as amended, be agreed to.

MR QUINLAN (9:51): Mr Speaker, much has been said today, and I think most of the arguments and the decisions are fairly clear.

Mr Moore: Mr Speaker, I do not think Mr Quinlan can debate this question. This is one of the questions that are not open to debate. We ought not set a precedent. When we finish the bill, Mr Quinlan can make a statement.

MR QUINLAN: I seek leave to make a statement.

MR SPEAKER: Is leave granted?

Mr Moore: We will deal with the bill first, then we will give Mr Quinlan leave to make his statement.

MR SPEAKER: Very well.

Question put:

> That the bill, as amended, be agreed to.

The Assembly voted—

Ayes, 9	Noes, 7
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Quinlan
Mr Moore	Mr Stanhope
Mr Osborne	Ms Tucker
Mr Rugendyke	Mr Wood
Mr Smyth	
Mr Stefaniak	

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Mr Quinlan: Mr Speaker, I withdraw my request for leave to speak. I might just say too much.

MR SPEAKER: Thank you.

Mr Quinlan: It is about hypocrisy in this place on many fronts.

MR SPEAKER: You have withdrawn your request to speak, so sit down.

CRIMES AMENDMENT BILL 2000 (NO 2)

Debate resumed from 18 October 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (9:53): The Crimes Amendment Bill 2000, which was introduced by the Attorney-General, seeks to make some amendments to the law as it applies to the offence of stalking. I might say at the outset that the Labor Party is supporting the bill. I do not wish to speak at length about the amendments but there are some important aspects of this change in the law that need to be noted.

Stalking is, of course, a quite terrible crime. The offence of stalking is relatively new to the law. I think the first stalk law was implemented only in the last decade or so. The offence, which I think was first created in California, has been adopted by successive Australian jurisdictions during the last 10 years and I believe we have now reached the point where each of the Australian jurisdictions has an offence of stalking similar to that of the ACT.

The offence of stalking is generally accepted to be a phenomenon of obsessive behaviour which leads stalkers to torment and harm their victims. The offence has been a fairly recent innovation of the criminal law and, as a result, it has only recently become the subject of clinical research and social and legal study. Some of the reading I have done explains that stalking is invariably a secret form of behaviour and involves auto-eroticism and the power and control aspects of sexual behaviour.

As I said, stalkers and their victims have been the subject of only quite recent study. Some of the reading that I have done in order to prepare for this debate today gives one some insight into the personality and behaviour of persons now known as stalkers, who perhaps in the past were referred to more often than not as peeping Toms. Almost invariably they are predatory or over-dominant males, and it is quite an extreme emanation of a deviant individual.

Many of us know from media coverage of the quite tragic results of some crimes committed by stalkers or peeping Toms. These people often act as a result of sexual obsession or jealousy and are subject to an adverse range of psychological and pathological conditions. I have no doubt, and I think it is accepted quite generally, that stalkers are often amongst the most dangerous and disturbing social individuals that we have within our community and, as a result, they can be amongst the most frightening of criminals or other people. There is an acceptance of the enormous damage that stalkers can do to their victims. As I have indicated, stalking is predominantly a crime perpetrated against women by overtly jealous or sexually obsessed men.

The amendments that the Attorney proposes in this legislation have been commented on by the scrutiny of bills committee. The committee has raised some quite difficult questions and issues in relation to how to most appropriately legislate in relation to this offence. The committee in effect highlighted how difficult it is sometimes to balance the rights and liberties of offenders or potential offenders against the rights of the people being offended against.

I acknowledge that this is a particularly difficult area of the law. I think it is an horrendously difficult area of the law, particularly in relation to the determination of intent and intent to harm, and this would invariably be the defence of a stalker. I know from my own experience within the Domestic Violence Unit at the Magistrates Court that the response is invariably, "Oh, I didn't mean any harm, I didn't mean to frighten the person, I didn't mean to cause them alarm." Those sorts of statements illustrate how difficult it is to legislate in relation to these areas.

I repeat that the Labor Party supports this legislation. We acknowledge, however, that this is a very difficult area in which to legislate. It raises some very difficult questions, particularly in relation to the issue of intent and intention to harm, frighten or harass. But over and above that, of course, there is the absolute right which people within the community, particularly women and girls, have to be protected from this form of particularly frightening behaviour.

I am sure that the Attorney, his department and the courts will keep an eye on the amendments to this area of law. There are issues here that could perhaps benefit from some review in a year or so in relation to how the law is operating in the area of stalking. Issues relating to apprehended violence orders or restraining orders have proved from time to time to be quite difficult.

I imagine that the Attorney, his department and the courts would place these amendments under review to see how they operate in practice. I can indicate that from time to time I propose to follow up on how these laws are operating in practice.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (10.01): I thank the Labor Party for its support of the bill. I will make just one comment. There are other examples of stalking legislation which go further than our legislation. In Victoria, for example—

Mr Stanhope: And South Australia.

MR HUMPHRIES: And South Australia, Mr Stanhope advises me. In Victoria there is not a subjective test of intention but an objective test of ought the person concerned have realised that harm would be occasioned to his/her victim.

We have not gone that far in this legislation and I hope we do not have to go that far in the future. The intention here is to fix the problem of failed stalking prosecutions. As I said in my presentation speech, the majority of stalking prosecutions have failed since the new legislation was introduced. We want to correct that problem, and I am hopeful that this bill will do that. I would not like to have to come back to adopt a Victorian style bill in the ACT, but that obviously would be considered if these provisions somehow did not achieve the effect of protecting people, particularly women, against stalkers in the ACT.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

POSTPONEMENT OF ORDERS OF THE DAY

Ordered that orders of the day Nos 3, 4 and 5, Executive business, relating to the Road Transport (Public Passenger Services) Bill 2000, the Road Transport Legislation Amendment Bill 2000 (No 2) and the Leases (Commercial and Retail) Amendment Bill 2000 [No 2] be postponed until the next sitting.

ELECTORAL AMENDMENT BILL 2000 (NO 2)

Detail Stage

Remainder of bill as a whole.

Debate resumed from 30 November 2000.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): The question is that Ms Tucker's amendments 1 to 4, including amendments Nos 2 and 3 which insert new clauses 22A and 23A, respectively, be agreed to.

MR STANHOPE (Leader of the Opposition) (10.04): We are resuming the debate that we had last Thursday. I think the debate—and I say this with some hope in my heart—is just about concluded. Ms Tucker has some amendments, which the Labor Party has looked at and is prepared to support. Following representation by the Chief Minister, the Electoral Commissioner briefed me on some of the concerns he has about Ms Tucker's amendments, and I thank him for that briefing. Whilst the Electoral Commissioner did have a point when I spoke to him, I did not think his opposition to Ms Tucker's amendments was particularly strongly held. I think the Electoral Commissioner's view about the amendments was that they were not in fact required, that they did not achieve all that much, and that in any event he had given undertakings that he would deliver on some of the things that Ms Tucker was seeking to achieve through her amendments.

It seems to me that there is no harm in legislating in the way that Ms Tucker proposes in her amendments. On balance, the Labor Party is quite happy to support the legislative approach that Ms Tucker proposes and so we will support the amendments.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (10.06): In my absence on the last occasion the bill was being dealt with, Mr Smyth indicated the government's reasons for not supporting these amendments. Essentially, we were taking the advice of the Electoral Commissioner, who felt that it was unnecessary to support them. I suppose if the Assembly can disregard the views of the Chief Coroner, there is no reason why it should not also disregard the views of the Electoral Commissioner. I hope that in the future we can agree to disregard the views of other officials when it is convenient to do so. We will happily avail ourselves of that opportunity as well.

The point is that most of the things that are in the amendments that Ms Tucker has moved are either unnecessary or will be done anyway. I suppose it creates the impression that the commissioner needs to be pushed into these positions when in fact he is very willing to do so without that pushing. However, I acknowledge that this is the view of the Assembly and I hope the amendments do not overly complicate the work that the commissioner has to do.

MR RUGENDYKE (10.08): Mr Temporary Deputy Speaker, I will not be supporting these amendments. I have complete faith in the Electoral Commissioner in respect of the tasks that he has undertaken to do. I have understood fairly well the briefing that he gave me, and my concerns have been allayed by his explanations. He mentioned that a reference group was included in the original bill and I see no need to duplicate that.

MS TUCKER (10.09): I need to put on the record again for Mr Rugendyke's benefit that I have never suggested I do not have faith in the Electoral Commissioner.

Mr Rugendyke: I did not say you don't.

MS TUCKER: Okay. Mr Rugendyke said he had complete faith and so these amendments were not necessary, the implication being that all that was needed was faith, and that I must not have it. But if that is not what you meant, that is fine.

What I need to make quite clear is this is about ensuring that the process in place is watertight and that it is in the legislation. Fiddling around with the voting system is a very significant step to take and all the Greens are doing is putting these proposals of the Electoral Commissioner into law.

Question put:

> That the amendments (**Ms Tucker's**) be agreed to.

The Assembly voted—

Ayes, 6	Noes, 8
Mr Berry	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Moore
Ms Tucker	Mr Osborne
Mr Wood	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

Amendments negatived.

Remainder of bill, as a whole, agreed to.

Bill agreed to.

PSYCHOLOGISTS AMENDMENT BILL 2000

Detail Stage

Bill as a whole.

Debate resumed from 30 November 2000.

MR SPEAKER: The question is that Mr Stanhope's amendment be agreed to.

MS TUCKER (10.15): Mr Speaker, last week, after listening to arguments put by Mr Moore, I moved that debate on the bill be adjourned. Mr Rugendyke also expressed concerns at the time that Mr Moore's arguments raised some real questions about the consequences of Mr Stanhope's amendments. But Mr Rugendyke added that as he had previously agreed to support Mr Stanhope's amendments he would stick by that agreement nonetheless.

The responsibility of making law is not one I take lightly. It seems to me that we need to become more aware of the arguments as early as possible so that we can make informed decisions. When seemingly important matters are raised at a late stage of debate, then adjourning that debate in order to explore the matter more thoroughly is in my view not only reasonable but necessary.

As Mr Moore's arguments were also new to me during the debate last week, I sought an adjournment in order to gain advice. As it happens, a closer analysis of Mr Stanhope's amendments, and the arguments raised last week, has only affirmed my view that the amendments serve a good purpose.

These amendments echo the transition arrangements put in place for privately employed counsellors and psychologists when this act was introduced in 1994. The key feature of the amendments is that the temporary registration of a public sector employee only applies while that person is a government psychology employee. In other words, the amendments allow specifically for employees, such as those employed as counsellors in schools, to move towards gaining formal qualifications as psychologists, under the proper guidance of the Psychologists Board, and to retain their employment, conditions and duties during that process.

Last week Mr Moore raised the fear that the passage of Mr Stanhope's amendments would open a floodgate of unqualified psychologists. This does not appear to be the fact. These amendments provide some transitional provisions only for public sector employees presently employed in the delivery of psychological services. The interim registration will only be available to those employees while they remain in the public sector. Furthermore, registration is dependent on approval by the Psychologists Board, and permanent accreditation will only be awarded once the board is satisfied that the

applicants have completed the necessary qualification and demonstrated the necessary skills. This would scarcely amount to a flood.

The argument was also raised last week that the act, when passed in 1994, was intended to apply to all people delivering psychological services. As it happened, many of the ACT education department's counsellors took advantage of the opportunity to apply for registration as psychologists under the provisions of the act and were found to deliver bona fide psychological services.

Whatever the intent, it became clear that the requirement to register as a psychologist did not apply to public sector employees working in the Commonwealth or ACT public service. As I understand it, those employees who chose not to register under the transitional arrangements, terminated in 1999—perhaps because they had no intention of practising in the private sector and were happy in the duties and responsibilities of their current positions—would reasonably believe that the matter was ended.

As far as I am aware, there has been no information campaign conducted by this government to alert such employees that it proposed to change the law and that the registration requirements, as they apply to the private sector, were to be made to apply to them. In any event, given the termination of the pre-existing transitional arrangements last year, there would have been no real opportunity for those employees to adjust to the new regime.

So this new bill, if passed unamended, would immediately disqualify unregistered psychological services employees from continuing in their work. They would not lose their employment, I imagine, but they would be deemed to be no longer able to deliver psychological services. In some instances their work duties would change. In addition, their career expectations would undoubtedly be affected.

One reasonable suspicion is that the intention of this act was to catch out a few of these employees—to redefine the workforce in the education department, for example, and establish two classes of counsellors. Over time that might create greater flexibility for the department in setting the duties of counsellors, or reduce costs. This is, however, an industrial issue. If that were the intent of the government, then it ought to be dealt with as such.

Another theory is that the government or the Psychologists Board does not wish to classify school counsellors and other public sector employees as psychologists. It can be argued that the repeal of the transitional arrangements last year served exactly the purpose of preventing any such employees from gaining registration.

It has been shown, however, that such employees do provide psychology services. Given reasonable transitional arrangements, it is clear that such employees can gain the necessary qualification or demonstrate the required skills and experience. It is unreasonable for the government to bring in these new requirements without providing an opportunity for people to take the necessary steps.

The very real concerns expressed by the proponents of the bill—to ensure people practising as psychologists have an appropriate level of training and skill—will be addressed with or without Mr Stanhope's amendments. Reasonable transitional

arrangements would ultimately deliver the result the government intends, but in a much more sympathetic manner. I will be supporting the amendments because the Greens have a commitment to natural justice that, in this instance, would otherwise be sorely lacking.

Debate (on motion by **Mr Wood**) adjourned to the next day of sitting.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Assembly adjourned at 10.21 pm