



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

23 August 1989

## Wednesday, 23 August 1989

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**MR SPEAKER** (Mr Prowse) took the chair at 10.30 am and read the prayer.

**ELECTRICITY AND WATER (AMENDMENT) BILL (NO. 2) 1989**

**MR DEPUTY SPEAKER** (Mr Stefaniak): I call Mr Prowse to present the Bill.

**MR PROWSE** (10.30): I present the Electricity and Water (Amendment) Bill (No. 2) (1989). I move:

That this Bill be agreed to in principle.

Who is opposed to fluoride? This is the question that has been asked on a number of occasions. It is suggested that such people are crackpots or are opposed to anything different. Nothing is further from the truth. The opposition of those of us in the community who have, over the years, objected to this mad act of pollution, this medication against the will of the people - the people have no choice - has been based on opinions of learned scientists. Both medical and dental lecturers and practitioners have written learned treatises on the issue of fluoridation. For example, Dr Hans Moolenburgh from Holland was responsible for having fluoride removed from the water supply after 20-odd years of fluoridation in that country. He was a doctor, a GP. On the results presented, he was able to persuade the government of that country to remove fluoride.

Another learned writer, Mr Glen Walker, has written a treatise on fluoridation in Australia. He was an industrial chemist who was well aware of the toxicity of fluoride. He has written many, many works and has devoted the last 10 years of his life to preventing fluoride being added to water supplies artificially. Another Australian, Dr Philip Sutton, has written a book entitled Fluoridation, 1979: Scientific Criticisms and Fluoride Dangers. He was a lecturer in dental science at the University of Melbourne, and he was violently opposed to the use of fluoride. I can go on. The list of those who are opposed to fluoride is never ending.

Dunlop came back from the Second World War opposed to it. James Killen crossed the floor to vote with the Labor Party against the introduction of fluoride into the ACT. Killen crossed the floor. It was a Labor initiative - but Mr Anthony knew better. So here we have a situation where there are people of goodwill who are concerned that fluoride is a danger to the health of the public, yet we

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have the AMA coming out in support of this, and the Dental Association.

What is the issue here? Why is the medical profession opposed to the removal of fluoridation? I put it to you that those people have not read the facts. The people who present the fluoride case are biased because of their academic leanings. They have been presenting this case for fluoride over a number of years. They have hung their academic responsibilities and their opinions on outdated and incorrect information. We hear from some members of the AMA - not all, I must add - that there has been no proof of illness caused by fluoride. That is absolute rot. How can we have a highly toxic chemical, which, up until 1946 was used only as rat bait and an insecticide, now being put into our water supply on the whim of a group within the American continent for political reasons? At the end of World War II we had these people coming back from the devastations in Europe wanting to do something for community health, and they seized on the fluoride issue.

The World Health Organisation has stated that fluoride is a highly toxic poison. I have here an article from the World Health Organisation stating that fluoride poisoning can cause vomiting, abdominal pain, diarrhoea, muscle spasm, convulsions, et cetera. It is recognised world wide as the most highly toxic poison known to man. Fluorine is so reactive it does not exist in the free state anywhere. It always binds and forms salts, and that is how we get the word "fluoride".

So here we have a situation where we are putting a highly toxic substance into the water supply. The official line from the Dental Association and from the AMA is that it does not cause health defects in anybody at all. That is absolute rubbish, because we all know that some people are allergic to strawberries and some people cannot eat wheat. Your general practitioner knows that some forms of antibiotics cannot be taken by some people. Some people cannot handle penicillin. Yet here we have these people telling us that something that can affect the molecular structure, something that can affect cell development in a foetus, directs itself only to the teeth. That is absolute rubbish. I stress that whenever I can.

We know that in India, for example, in areas where there is malnutrition, water with a level of 0.8 parts per million - less than is put into our water supply here - is causing necrosis of the long bones. That is an explosion of the long bones, actually causing physical deformities.

What we hear from the AMA and those proponents of fluoride is, "All right; well, that is in an area where you have malnutrition". Of course, we all know there is no malnutrition in Australia, do we not? If you go to old people's homes, where people are still living at home but cannot cook for themselves, you will see that we have malnourished people in our country as well. I am deeply

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concerned that these people are in serious strife. They are taking in a highly toxic substance which is removed from the bloodstream by the kidneys. We all know that, as we get older, the kidneys do not function as well as they did when we were younger. Also bladder problems, I must add. The point is that our aged people in their twilight years are being subjected to having a chemical added to the water supply that supposedly helps decay rates in children. It certainly does not help the aged in our community who put their teeth by the side of the bed at night. There is no benefit to these people whatsoever. Their teeth are not being affected, but their bodies certainly are, and this is something that we must be aware of.

If we are taking a health measure in our community, we should not accept that one person might be adversely affected by it. So I repeat that all of the aged in our community are being affected by this highly toxic, cumulative poison, and that is not on. We find, at the other end of the scale, that a breastfed baby gets very little of the fluoride that mum accumulates in her body. There is a health barrier for that child, and fluoride is prevented from crossing the barrier.

So mum drinks lots of fluoride; they measure the milk excreted and find a very, very low percentage of fluoride. There is a protection within the body to prevent the child being damaged by this highly toxic poison. That is okay, but what about the trend within our society to take the bub from the breast because mum has to go back to work or whatever and to use formulas? The formula is mixed with fluoridated water and, weight for size or age of the bub, the concentration of fluoride is 50 to 100 times the dosage that is supposed to be acceptable for adults. So there is another problem.

I have not done the research, and I dare say no-one else has, but we have just had Red Nose Day, publicising cot deaths. Is fluoride associated with that? That is a preposterous suggestion but maybe it needs researching. The thing is that at a young age we have got a problem, at an old age we have got a problem, now let us see about the members of the community in between.

I have shown all members this little warning and I will just raise it again for those who have the eyes to see. That is a presentation of fluoride poisoning. It shows mottling of the teeth. We hear from the Dental Association, "It is only a presentation of mottled teeth; that does not really matter", but what I am saying is that when you get a mottling of the teeth that is a sign that that body has been poisoned by an overdose of fluoride. The situation is that of course we get a little lady who does not smile with an open mouth.

I will just show that again. You can see that lass. That is the way she smiles, with mouth closed. She is not prepared, at the age of eight, to have anyone see her

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disfiguration. People have come to me as a naturopath and reported the psychological effect of not being able to smile. A patient has come to me with 19-year-old twins, neither of whom are prepared to smile. They are a poor family. They cannot afford expensive recapping of teeth. But this is what the Dental Association tells us is all we have to do. We are told, "It is just mottled teeth, but come along to us and we will fix it" - not free of charge, by the way. That is something this Government might be responsible for - capping of teeth damaged by fluoride.

These people have to go to the expense of having their teeth capped, and the dentists blandly say to us, "Come along to us. We will recap all your teeth and make you look like film stars". That is outlandish. These people are promoting fluoride, I suggest, because it brings them business. That is the situation.

The other day Dr Mark Diesendorf, a research scientist who investigated the so-called good effects of fluoride as a visiting fellow at the ANU, made an observation and presented a learned report. I have sent a tape of it around. He presented facts, statistical evidence, that the children in Brisbane have the same decay rate as those in Melbourne and Sydney. Brisbane water is not fluoridated, Brisbane water has never been fluoridated, and here we see the decay rate is the same and, in one case, lower than Adelaide. All these other cities are fluoridated and Brisbane is not. Where is the lie? That was produced in the local press recently.

What do we get? We get a story coming back from our public health people to tell us, "Well, Canberra is better than anywhere else because we have had fluoride in the water supply since 1964 and because we have got more dentists per capita than anywhere else in Australia". How foolish! They argued my case. We have had fluoride and we have got more dentists. If fluoride is working, we should have fewer dentists. They proudly produced that as a media release last week. I ask: Are there vested interests at work? There certainly are. We have a responsibility to our community to stop this mindless act of pollution.

Why is it being allowed to happen? Look at the money that is presented to the research into fluoridation in Australia. We have got the National Health and Medical Research Council. It sounds very important. It advises the Government. It has advised the Federal Government on a number of occasions. We have a group of six people who have hung their academic hats on fluoride. They are not game to go back on it now, so they are trying to find reasons why fluoride might work.

Who funds this research? Who funds the research at the New South Wales University? Scanlan Sweets, Coca Cola, Cadbury Schweppes. That is where the money is coming from. These people want the panacea. They want children to be able to eat lollies all day long and not to have their teeth decay,

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so they are pouring millions of dollars into research to prove that fluoride works.

If anybody in the scientific area comes up with the statement that fluoride does not work, the report is not published. There is a move against the publication of the facts. It has been reported worldwide that anybody supporting fluoride is torn down by the scientific hierarchy, and it is only a few people worldwide who are perpetrating this act. The point is that we are pushed into this and we get reports written upon reports. There has been no research done on a scientific scale anywhere in the world since 1944 when this was first introduced.

It has been a political ploy all the way through. It is difficult to believe that this can be pushed through on a worldwide scale. The Western world produced this. It came from America. It came through to Australia and the UK. We were one of the first countries in the world to follow suit with respect to fluoridation. Less than one per cent of the world's population are drinking artificially fluoridated water, but here in Australia 80 per cent of people are being forced into this madness. We are doing wonders. Again we ask why.

One of the major by-products of aluminium smelting is fluoride. Thousands of tonnes of free fluoride are pushed into our air every year in Australia. The people responsible for control of pollution have not been requested to measure this, the reason being that everybody knows that fluoride is the wonder drug; it is not harmful. But if you go up to Tomago, around the aluminium smelter in Newcastle, you find there are racehorses there that cannot race any more because they have developed deformities since the plant opened. Farmers in that area have had to shift their prime stock away from the aluminium smelting plant because of the fluoride contamination. That is the fact.

Fluoride is highly poisonous, and we have been cajoled into believing that it is great for us. There is a pressure group within the aluminium smelting empire trying to perpetrate the idea that fluoride is good for you because, if they do not, they will have to close down their smelting plants. It will cost them millions of dollars to prevent the free access of fluoride into our atmosphere. That is another lobby group we have got to deal with. So we see there are vested interests right across the board.

But what about the people? That is the point. Fluoride is added as a medication, unlike chlorine. Chlorine is added to the water to kill bugs, to make it safe to drink. Fluoride is just a medication forced upon the people. As I was saying earlier, some medications, like antibiotics, have to be very closely controlled. We cannot all take the same dosage, otherwise we get sick. Here we have a medication put into the water supply at one part per million. What is the dosage? It depends on whether you play football. If little Johnny runs around or whatever

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and drinks twice as much water as anybody else, he gets twice the dose.

It is an uncontrolled medication, and people are falling ill from it. Has it been tested on humans? That is the next point. I heard just the other day a statement by a member of the AMA that it does not affect anybody, that it has never been tested. Well, it has been tested on humans. Moolenburgh, to present the case to the people of Holland, did a double blind test with lawyers. They had a group of general practitioners and their wives who submitted themselves to this.

The victims of fluoridation at one part per million showed us that poisoning was present. They showed that the whole population was imbibing a slow-acting poison and that these patients with side effects were simply the first ones. The poisoning was not an allergy; it was poisoning, in the same way as if we added arsenic or other such poisons to the water supply.

There are 15 countries that, after 20-odd years of fluoridation of their water supplies, have now ceased fluoridation. We have also been told that in Japan they have got bad teeth and they do not have fluoride. Well, you cannot compare Japanese activity in this area. Their diet is different; they have a higher cancer rate; they have blood pressure problems and hypertension because of their diet. I recommend that we cease this mad act of pollution of our water supply.

I seek leave to present the explanatory memorandum for this Bill.

Leave granted.

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

### **CULTURAL ACTIVITIES - SELECT COMMITTEE**

**MR JENSEN** (10.52): Mr Speaker, I seek leave to amend notice of motion No. 2 standing in my name on the notice paper by altering paragraph (3) to read: "the committee shall consist of Mr Duby, Mr Humphries, Mr Moore and Mr Wood."

Leave granted.

**MR JENSEN:** I move:

That -

- (1) a select committee be appointed to inquire into and report on cultural activity in the ACT with particular reference to:
  - (a) the range and adequacy of existing facilities for the preparation,



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performance or display of cultural works;

- (b) the extent to which library facilities meet the needs of the community;
  - (c) priorities for determining the nature, size, funding and use of future cultural facilities, including the facilities proposed for Section 19, taking into account the level of activity and needs of the ACT cultural community;
  - (d) Commonwealth financial assistance for those facilities which fulfil national functions; and
  - (e) such other matters relating to cultural facilities within the ACT which the committee considers should be drawn to the attention of the Assembly;
- (2) the committee shall report on the first sitting day after 30 April 1990;
  - (3) the committee shall consist of Mr DUBY, Mr HUMPHRIES, Mr MOORE and Mr WOOD;
  - (4) the majority of members constitutes a quorum of the committee;
  - (5) additional staff, facilities and resources be provided to service this committee; and
  - (6) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

Mr Speaker, whatever else can be said about it, the Government's proposal for the inclusion of a library and lyric theatre in the redevelopment of section 19 does show a commendable commitment to ensuring that Canberra's artistic and cultural communities are not left completely out in the cold. However, it is not as simple as that.

Often we look at past reports and recommendations, and only those of us without any real appreciation of the depth, complexity and vitality of a local cultural scene - I am sure there is no-one like that in this Assembly; I am sure that we are all fully aware of those aspects - could assume that a few new theatres, a library and perhaps a gallery might answer Canberra's growing cultural needs.

I do not wish, Mr Speaker, to argue against these kinds of additional facilities, whether they are planned for section 19 or anywhere else, but limiting our investment in that way reveals a very narrow view of what culture is, or at least what aspects of local culture we should be supporting. New theatres may help our local theatrical groups and industry. New theatres which may be too large or too expensive to run will be of no real use to local semi-professional or community groups. A gallery somewhere might help the more traditional sectors with visual arts, but what about the rest - the film-makers, the artists who work with video, the computer graphics people and so on who have different requirements for the way in which their work is to be displayed.

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So that takes me, Mr Speaker, to the Edmonds report, which I and my colleagues looked at during the consideration of the casino proposal. We also spoke at some length to Mr Edmonds, who actually produced that report for the Government. Unfortunately, the Edmonds report, I would suggest, suffers from this kind of narrow vision in relation to the future for the arts in Canberra. It does little more, I would suggest, than prove what it set out to prove, which is that Canberra should have three theatres, a library and an art gallery on that particular site, and it identifies the types of theatres that should go on that particular site.

It was said in its terms of reference that it was supposed to consider what we have in Canberra in relation to the needs of the cultural community. However, I would suggest that it paid only lip-service to that part of its terms of reference, and that is an attitude that has been clearly acknowledged by those thinking people in the arts community in Canberra at the moment. It is probably not the first report to have chased conclusions which were already quite clear because of its terms of reference, but it is not a report which I would want to place any faith in as a basis for determining Canberra's cultural needs.

What the arts community is concerned about in Canberra at the moment is being told by this minority Government opposite, "This is what you are going to have in section 19". Despite what happened and the discussions that went on during the Edmonds report, they did not feel that an appropriate assessment had been made of the real needs of Canberra in this particular area, and what they are really concerned about is a fait accompli: "This is what we are going to build now; that is it; end of section". I would suggest that that is not appropriate, and that is why this motion has been put forward today and that is why it is proposed to refer this matter to the select committee in the way I have.

The reason for my own lack of faith in the Edmonds report is its belief in simple and certain answers. I am sure the Chief Minister would acknowledge that arts and culture anywhere in the world are not that simple. Sometimes we possibly wish they were, but they are not. You only have to look at the history of the Australia Council to see that. There is an enormous range of needs that have to be faced in funding or assisting cultural groups.

Australia, as has often been said, is a country without any culture because of our limited history. The cities of Europe are claimed to have a greater culture and background than we have. That is so, Mr Speaker, because they have been at it much longer than we have. But we in Australia in the last 200 years of European settlement have developed our own culture and we have also taken some aspects of the Aboriginal culture to our hearts.

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The problem is, as I said, the enormous needs for funding to assist cultural groups. The groups are just like politics on the other side of the Assembly. There are factions and petty jealousies amongst the arts community and the real needs are in hidden agendas. We all know that and we see it happen. The appropriate requirement is to ensure that this sort of select committee that I am proposing the Assembly establishes takes note of those particular problems, considers them and gives those groups each a fair opportunity to put their case.

From the Assembly's point of view, what are the issues of substance, therefore, and what can be disregarded in funding decisions? At the moment we do not even have the material in front of us that would allow us to recognise the full range of cultural workers practising in the ACT, let alone the funding needs they have which the Government should or should not be involved in. We just do not know the facts, in a full and informed way, which would allow us to judge whether section 19 proposals or any others which attempt to help the cultural community are the right proposals.

We have to be a little humbler than the report makers of the past and admit that further inquiries are needed. We have to find out what kind of studio and workshop space is available here for dancers, singers and ensemble groups and how much more is required. For example, in the Tuggeranong area we have one theatre, the Erindale theatre. There is a new theatre about to open as part of the Tuggeranong College. That is theatre in the round, an entirely different type of theatre from the one that is proposed for the community centre, or town hall, as I like to refer to it, that is about to be built on the banks of Lake Tuggeranong.

During the discussions that were involved in that particular area in relation to what should and what should not go into that particular theatre, there were considerable discussions as to the nature and size of the theatre. The discussions ranged from some 300 seats down to about 150 seats, and the nature of the space varied as time went on. But it was important to make sure that an appropriate type of facility was put into that particular location. I know the member for Canberra was making some comments in relation to her concerns about the original size proposed, when we were talking about a 300-seat theatre.

Clearly, what came out of that, after discussions with the arts groups that are involved in the Canberra area, was that 300 was inappropriate and that a smaller theatre was required. That is the sort of thing I was talking about; that is the sort of consultation process which is important and necessary; and that is the sort of information, Mr Speaker, that I would suggest is required to be put before the select committee to ensure that, when they make their decisions and comments in relation to what should go on

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section 19, they are clearly aware of what is already here in Canberra and what are the further needs of the people.

We have to find out what kinds of theatres best serve local performers and local audiences, and that was another factor that was considered when we looked at the theatre for the town hall in Tuggeranong. Do we know where and what darkroom facilities are available for photographers, particularly art photographers? Where are the studios for artists and print makers? Where are the editing facilities for film-makers and video workers? It has been suggested at times, Mr Speaker, that Canberra may be an ideal location for a film industry. It has a perfect climate and it has incredible locations around this particular area that would be ideal.

Apart from that, does the Government have responsibility in these areas? Are there other activities, whether they reflect Anglo-Celtic cultural practices and concerns or those of the ethnic and Aboriginal community? We do not know, Mr Speaker. That is the problem, and that is why I am suggesting that it is appropriate for this particular committee to look at those problems, to make sure that our cultural facilities on section 19 are not a *fait accompli*. We do not know whether we should be supporting the limited proposals already before us or whether other facilities and activities are equally or more deserving. We need to know for the sake of Canberra's cultural future and its future as a cultural centre. We need the facts to be looked at carefully and dispassionately.

Mr Speaker, one of the other aspects in relation to this particular motion, you will note, is that the committee should look at Commonwealth financial assistance for those facilities which fulfil national functions. In the discussions that we had during the select committee on the casino we received some information in relation to the nature of the national capital aspects of the use of our particular theatre. It is quite clear that the Federal Government makes some use of our community facilities in relation to its attitudes to the embassy circuit in the ACT.

For example, I understand that the Russian Ballet, the Bolshoi Ballet, would not normally come to Canberra because of the size of the existing facilities, because of the smallness of the crowds for that particular area, and because of the shortness of the season. What happens is that the Government requires the Bolshoi Ballet to come to this particular theatre, the existing theatre, because it is part of the intergovernment relations between the Federal Government and the embassy and peoples of the Soviet Union.

So on that particular basis it is appropriate, I would suggest, Mr Speaker, for the committee to consider and try to ascertain what is the degree of national use of our facilities in relation to this matter and therefore what

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aspect and what part should possibly be provided by the Federal Government to assist in the development of what is after all to be a national facility, in the national capital of Australia. A national cultural arts centre is what it will be, and that is what it should be developed into, for the same reason that the National Convention Centre is called the National Convention Centre. So that is what I am suggesting, Mr Speaker, and that is why that particular matter has been put into this motion.

You will also note, of course, that I have allowed the committee an appropriate way out in relation to what other matters they wish to consider. I have enabled that particular committee to ensure that they are not bound by strict terms of reference; they can go onwards and look at other aspects in relation to this particular, important matter.

I have also in this particular motion required the committee to report on the first sitting day after April 1990. I would suggest that this provides ample opportunity for the community arts groups to get together between now and, say, January to develop their particular arguments and develop their proposals. We have heard, in the development of the committee system in our early days, suggestions that we are rushing too much and we are not giving people ample opportunity to prepare their cases so that they can put them before the committee. This, Mr Speaker, I would suggest provides ample opportunity for the community groups, cultural groups and other art bodies to get their act together and to get their information together so that next year it can be presented to the committee.

At the same time, it will be possible for the committee at leisure to examine that particular information, consider it as a committee, then come back and maybe request a re-examination and take the questions a little further. That, Mr Speaker, I would suggest is something that is critically important to the future development of our committees in this place, and it is most important that that be allowed to happen. I trust that in the future, when we consider committees of this nature, that particular matter will be taken into account, and that is why I have allowed this considerable amount of time for this matter to be debated. It is important that such a critical factor in the lives of the people of the ACT should be given ample opportunity to be considered and properly debated. I commend the motion to the members of the house and I trust that it will receive bipartisan support.

**MR WOOD** (11.08): I support this reference and, indeed, I look forward to participating in the activities it will generate. I will enjoy those activities. I might say that I have some preconceived ideas as we set about this task. I happen to think, as I am sure we all do, that the arts are of vital importance to any community. The arts, all the facets of the arts, are an important factor, an essential ingredient, in the mass of those things that make

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up the soul of a community. Without music and without drama and dance, literature and art, just to speak in very broad terms, where would our civilisation be? How would life in our city be without these things?

At the daily level, if I could not walk into my room upstairs and see a few paintings on the wall and be able to turn on a radio and hear some music of my choice, my day would be much less happily spent. If I did not have the opportunity of opening the Canberra Times and looking at what is coming up in the artistic and cultural world, my prospects and what I write into my diary would not be all that stimulating. The arts are fundamental to the way in which we live. In this inquiry I will be fascinated to undertake a more thorough examination to see the impact of the arts on Canberra.

There are several components of that. The people who benefit are the ordinary citizen at large, people like me who go to the theatre from time to time. I do not want to pretend that I am any great culture bug, but I certainly enjoy a variety of activities. But what is the benefit, in social or in spiritual terms, if you like, to the citizens in Canberra of the wide range of arts activities? Let us not exclude the generation that will go to a disco and listen to the very loud music that is there. That is an element we will need to look at.

What also are the benefits of the arts to that very large group of people who work in the field: the musicians, the artists, the performing artists, the visual artists, the photographers that Mr Jensen mentioned, a whole range of people? I do not have any idea of the number of people in Canberra who derive a living from the arts or who spend a great amount of time on the arts, on the one hand, and those who benefit from simply working in them in an amateur or very involved capacity. How many people in this community are sustained through their own activity in the arts? The Government, as a sponsor for the arts, needs to take a close interest in them and I will be very glad to share in that look.

There is one thing I will add, Mr Jensen, to your terms of reference, as you allow us to do, as we come down to consider these matters, and that is the impact that the arts can have on the image of Canberra. We all know, and it has been mentioned in this chamber from time to time, that Canberra suffers from the journalistic abbreviation that "Canberra" has today done something or other, so that the broader community develops a particular image of Canberra. It is the shorthand version of "the Federal Government", if you like.

I know, as I go back to places I have lived in before, that Canberra is not always viewed sympathetically. I am sure that the arts and the promotion of the arts can do quite a deal to soften that image. This is a lively place. I realised recently that just in Canberra, I know - not well,

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but I have met them - about half a dozen famous women authors. They are in Canberra. What impact must it have across the nation that we have this clearly identified group of people working here in Canberra? Outside of the college of the arts, I am not sure that we have produced yet an artist, a painter, who has made a national reputation. Perhaps that is something that is not too far away. There is a lot out there in the arts world that I am sure we do not fully appreciate.

In particular, I want to look at the effect that the arts can have on the tourist industry. We were told on the casino inquiry that people will come to watch theatre, and they are promoting the Royal Theatre and the Theatre Centre within a radius of 100 or so miles and they are bringing parties to Canberra. The arts, in a variety of areas, may have a very considerable impact. What impact does Cuppacumbalong have on the tourist industry, on people coming into Canberra, and the other very fine arts outlets in the ACT? So these are two aspects, Mr Jensen, that I will be taking a particular interest in.

There is another area which is of continuing interest from the casino inquiry, and that is what is going to happen over the road on section 19. For me, as I said in my speech in the casino debate, the focus of section 19 is not that fairly ordinary thing - a casino - but the arts complex. To me, the arts complex is the major part of what happens over there, hence it is very important to see what we are going to get. I acknowledge that there appears to be very considerable difficulty in expecting we are going to have a library, an arts space, three theatres, a plaza and whatever else has been touted at various times. If that is the case, we have to look very, very carefully at what we are to do.

Do we build up a major lyric theatre, with 2,000 seats, that probably caters for a very broad section of the community and, as claimed, will bring in major productions, or do we provide for the smaller theatre spaces that may be the ones that will cater for the community theatre groups though maybe not take in so many people? What are our priorities there? If we are not to have three theatres, which theatres do we have?

The library must surely play a very significant part. It has been the longest on the drawing board when we have been talking about the benefits to be derived from the casino. We cannot ignore that. So I would see the committee as having a very important role in making recommendations to the Government about the types of arts facilities that we will finish up with on section 19.

I do not share the unbounded confidence of Murray Edmonds. We met the gentleman in Adelaide. He is a fine person and, I think, like all theatre people, someone filled with enthusiasm. I guess that sort of enthusiasm is needed if you are going to survive in the entertainment, theatre and

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arts world. He certainly had that. But he set a great challenge to the theatre community in Canberra, if they are to meet the expectations that he wrote into that report.

There will be a great amount of work for the theatre groups in Canberra if they are to sustain performances in three theatres so that they are economically viable or drawing very few resources from the public purse. It will be a great challenge to the theatre community to fill those theatres. Indeed, it will be a greater challenge to the people of Canberra to fill the seats for those performances, if there are to be three theatres there. So some of that Murray Edmonds' confidence, which I have not yet acquired, I might say, will certainly be needed if that is to go ahead.

It is true that there is ample time, in these procedures that Mr Jensen has laid down, for responses. A recurring criticism that the committees get, as we move around, is "You have not given us time to respond". In this case, I do not imagine that responses will be required until early in the new year. That is ample time, and then there is sufficient time for hearings, for our inquiry, and to put matters together.

It also gives me time to accelerate my interest in the arts scene around Canberra and to make sure I can see as much as possible of it. I know that Mr Duby is going to be very interested in tracking around, and Mr Humphries and Mr Moore too, I am sure, and we will all be somewhat educated in what we do.

**A member:** It will be a cultural junket.

**MR WOOD:** Not at all. It will be a great experience for us all. Let me conclude by saying that the benefits of the arts to any community are such that they warrant the very greatest amount of support that can be given from the Government.

**MR HUMPHRIES (11.19):** The Liberal Party welcomes this motion and the establishment of this committee. I personally have a couple of concerns - reservations, perhaps - that I hope can be overcome through the way that the committee handles this task rather than through any change in the terms of the motion. The first reservation I draw attention to is the very broad nature of the motion. I suppose that is one reason for the very generous reporting date.

But, of course, if one looks at each of the items that are referred to in the motion, one sees a very great range of inquiries that might be undertaken, for example, under paragraph (a), "the range and adequacy of existing facilities for the preparation, performance or display of cultural works". We are talking here, of course, about everything from static art, such as sculpture and painting; through to performances of drama and ballet; to film, I



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assume; to virtually every aspect of cultural life. Of course, paragraph (b) also brings in libraries, which are another broader definition of cultural work or cultural life.

I suspect that any one aspect of that could absorb an entire committee's deliberations for some weeks. But we, perhaps, will have to be discriminating about exactly what parts of that we take as the more important aspects of this inquiry. "The extent to which library facilities meet the needs of the community" is paragraph (b) of this motion, and naturally an entire inquiry could be devoted to the adequacy of library services in the ACT. I hope that we focus, principally, on the needs of the library services in the central part of Canberra. That is certainly what I see as the most important aspect of the inquiry. But again that could be something we focus on in the committee, rather than attempting to cover every aspect of library services in Canberra.

Some of the ground referred to here has already been covered, to some extent, by the Select Committee on the Establishment of a Casino, and certainly we touched, as Mr Wood referred to, on a great many of these issues, particularly the lyric theatre and the possibilities that presented to both sustaining and enhancing cultural life in Canberra. I think that, if anything, our inquiries in that respect whetted our appetite for more extensive probing of what issues arise there. I hope that we will achieve that. That is a matter on which I hope we can again dovetail our work with what has already been done.

I notice in paragraph (c) of the reference that we refer to "priorities for determining the nature, size, funding and use of future cultural facilities", including those proposed on section 19. We do not refer, in those particular criteria, to location. We are talking about nature, size, funding and use, but not location. I read into that some concession that the decision to locate some cultural facilities on section 19 is one that has not seriously been taken issue with at this point, but that the nature and size and other aspects of those are yet to be determined and will be determined by this committee.

That, in turn, leads to a final problem, I determine, in all of this, and that is the reporting date and how that would dovetail with what is being proposed for the works on section 19. I am not sure exactly what the Government has in mind, but it would not surprise me if tenders were sought and successful tenderers were determined for section 19 some time before 30 April 1990. That then raises the question of how this committee's work, with respect to what should go on section 19, would fit in with that timetable. I hope that at the very least the problems might be overcome in this area by having the committee consult with the Government on its work to date before any final decision is made on the nature of what should occur or be placed on section 19.

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I do not raise that as a serious issue. I do not think it is feasible to bring the reporting date any further forward, because we would not really be able to achieve the sort of depth of analysis that Mr Wood has referred to in this inquiry.

So, broadly speaking, I welcome the terms of this inquiry. It is very clear that a review needs to occur, particularly as far as library facilities are concerned. I think that is even more apparent when one looks at what is provided at the present time by the National Library and compares it with what is provided in the ACT Civic centre. There are two very different things there. In fact, it may be that at some point in the near future we need to transfer some of what occurs in the National Library to some other place, probably the Civic centre of Canberra.

At the present time the National Library provides a service which is provided in other places in Australia, I understand, by State libraries; for example, the Mitchell Library in Sydney. That is a reference service to local business and institutional bodies concerning their work. I understand that that is generally provided on a fee for service basis. A company wanting to know, for example, about the history of a particular aspect of the community could ring the library and seek information, and the library would provide it and would charge the particular company for having found that information.

That service, as I mentioned, is provided at the present time for the business community of Canberra by the National Library. But that is not, obviously, the function of a national library. I am led to believe, and I have no reason to doubt this, that that service may not for much longer be provided. It may be incumbent on us, therefore, to seek to replace that service within the facilities of the ACT. It would be, I think, fairly obvious that that facility ought to be provided in the central part of Canberra, in the central business district. I am not sure when this might be occurring but I believe it cannot be discounted as something which might occur in the fairly near future.

I want to refer to a letter which appeared in the Canberra Times last Friday, which was from the president of the Australian Library and Information Service, which suggested that I had said that the library was a peripheral part of the cultural facilities to be provided on section 19, that it was something we could do "if the money was left over". That letter, unfortunately, was based on a misreading of an earlier article in the Canberra Times. I want to put it on the record that the quote that was attributed to me in that letter in fact was a quote attributed in the article of one week earlier to an anonymous Government spokesperson. I have never said that there should be some second grading or second rating for those library facilities on section 19. In my view and, I hope, the view of the Liberal Party,

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those library facilities are essential to that whole proposal and we would like to see those in the same order as the lyric theatre.

I might just say about the Edmonds report and Mr Murray Edmonds, whom we met on our journey to Adelaide, that I found him a very convincing and competent witness. I found his vision a very broad one, a very dynamic one, and one I hope that we can encompass in what we might achieve here in Canberra. It may be, as Mr Jensen and Mr Wood have said, that some aspects are not entirely achievable. That may be the case. I would like to start from the proposition that what he suggests in his report is a worthy vision for Canberra, a worthy vision for what might be achieved on section 19, and see whether we cannot achieve that vision by our endeavours in what we propose for that.

Paragraph (d), I think, is a very worthy idea, the idea of pursuing the Commonwealth for financial assistance. I fully endorse that. I would not be averse, for one, to building a lyric theatre on section 19, calling it the National Theatre, and having the Federal Government contribute some of the cost of that, because that may be a way of overcoming our possible shortfall problem and perhaps of enhancing the quality of that facility. I would be very keen to see that, and if it meant the Commonwealth had some part in using the facility, all the better, to make sure that the facility is economically viable.

So, Mr Speaker, I welcome this inquiry. I will be an active and keen participant in its work, as will the other members, I am sure. I hope that we can produce a report which does balance all the needs here, which provides a good overview, and which ensures that Canberra has top-class, national standard cultural facilities in all these areas.

**MS FOLLETT** (Chief Minister) (11.29): I will be fairly brief. As Mr Wood has indicated, the Government supports this proposal of Mr Jensen. I must say, for my part, it is the first time on which I have felt genuine regret that I am not able to take part in an Assembly committee. I can imagine no more delightful task than being required to inquire into and report on cultural activity in the ACT, and I would be quite willing to devote myself tirelessly to that task, as I am sure all of these committee members will do.

Mr Speaker, I expect to see them appearing in the Assembly with bleary eyes, vacant looks on their faces, and having been totally overwhelmed by the task that they are confronted with here. Of course, the ACT is very much blessed by the variety of its cultural activity and the standard of the cultural activity that takes place here. We have some truly outstanding facilities in the School of Music, the School of Art, our theatres and our performing arts area and, as Mr Wood has pointed out, we have some truly outstanding authors resident in Canberra and we are

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very proud of them as well. So I expect that the committee will undertake its work with great vigour.

The Government, of course, is totally supportive of the cultural life of the ACT. I think it is a measure of the health of a community, very often, to look at the vigour and the vitality and the variety of cultural activity that takes place in that community. Canberra, as I say, is much blessed, but it is a good opportunity to have a look at what our future needs might be and where there are gaps in the community at the moment in regard to cultural activities.

Mr Speaker, I would encourage the committee to seek a very broad range of views on the reference that they have here. I think that there has been an enormous amount of work done already on some of the aspects of their task, and I think that they should harness that work that already has been done and also get opinions and views from a very broad range of the community.

I would particularly encourage them to speak to some of the groups in the community that have expertise in cultural matters and to bear in mind that many of those groups, like the Arts Development Board, have devoted enormous amounts of time and voluntary effort to doing very much for the cultural life of the ACT. Those people have brought to their work a great deal of expertise, a great deal of experience, in cultural matters. I would encourage the committee to make use of that expertise.

I would also like to encourage the committee to look right across the ACT in their terms of reference. I know that we have heard of the cultural needs of Tuggeranong - obviously a topic which concerns all members of this Assembly - but they must bear in mind that there are other areas of the ACT besides Tuggeranong, and besides section 19, of course, and that they also have needs in the cultural area.

I, for my own part, refer you to the old North Canberra area, where just about the only cultural facility, I think, is the Dickson Library, which for many years now has been in need of some work. They have carried on a very efficient library service there but it is virtually the only cultural facility in that large area where the population is changing, and I would like the committee in particular to have a look at North Canberra.

I would like to encourage the committee, also in reference (b) of the motion, to have a look at the library facilities and the needs of the community. I think that libraries are often overlooked in terms of the cultural life of a community. In my view, they are one of the most basic requirements of any community. There can be nothing more important to the whole community than access to the sort of information that is only held in libraries. I think that in the ACT for many, many years we have been well served by the Canberra Public Library Service but that service has

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been under great strain on many occasions. It has only recently, I think, been subjected to some upgrading, and I would encourage the committee not to overlook the library and the library service in their review of our cultural needs in the ACT.

In regard to the reference to section 19, I am certainly happy for the committee have a look at the section 19 proposal. I would ask them to bear in mind that section 19, we hope, will eventually become the primary cultural precinct in the ACT and a real centre for some vigorous cultural life in the ACT. I would point out, however, that the definition of cultural facilities in the project design brief for section 19 cannot really wait for this committee to report after 30 April 1990 and that the Government will in fact be continuing its own work to define and look at the facilities that might be required and might be possible on section 19.

We have, of course, a commitment there to ensuring that the community gets absolutely the most and the best possible cultural facilities as a result of the section 19 development. We will be continuing our work on that while the committee is continuing its work, and we would certainly value any input that the committee has on that matter in the meantime.

In concluding, briefly, I would like to refer to part 1(d) of the motion which refers to "Commonwealth financial assistance for those facilities which fulfil national functions". I would again refer the committee to some work that has already been done on the extent to which national cultural institutions meet the needs of the ACT community. I think they would find it quite enlightening there to see the extent to which institutions like the National Library and the Australian National Gallery are actually fulfilling our local ACT needs. In fact, it is the view of most reports on that matter that those national facilities do not really address the needs of the local ACT community and that we need to develop our own local institutions to fulfil our own community needs there.

But I would encourage the committee to look at the work that has been done on that matter rather than to reinvent the wheel on the national institutions, and also, as I said before, to make use of the expertise that does already exist, of the work that has been done in a number of these areas. I regard it as a useful exercise for the committee to pull together a lot of that work. As I have said, the Government will be supporting this motion.

**MR DUBY (11.37):** I have just risen to say how nice it is to hear across the house support for this committee being established. It is such an important facet of life in Canberra that it is something that really does require close examination. I know that the breadth of the inquiry, as specified here, is quite a large one. Like the other members who have spoken, I am looking forward to being on

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that committee and helping in the preparation of that report.

All the speakers who have spoken so far have covered virtually every facet of cultural life in the ACT and have brought a lot of interesting points forward. I do not intend to expand upon them. I would just like to note that it is pleasing to hear the Chief Minister's support for this motion, considering especially in item 5 the words "additional staff, facilities and resources be provided to service this committee". I look forward to just that happening - to additional staff being provided. So, on that note, I support it.

**MRS GRASSBY** (Minister for Housing and Urban Services) (11.38): I also rise to support this motion. After all, it is said that all the world is a stage and we are mere players. What better entertainment can Canberrans have than coming here? I think the best entertainment in town is here. I do not know why anybody would want to go anywhere else.

**Mr Kaine:** Your audience at the moment consists entirely of the opposition.

**MRS GRASSBY:** That is all I need, Mr Kaine. That is all I need. I would ask this committee, in supporting it - and I join our Chief Minister in this - not only to look at a theatre for adults. I am wondering whether people read the paper today and saw one of the letters from the children which said, "It is all right if you are 18; there are lots of bands you can go and listen to and things on holidays. But what do we do? Watch television and stay home, and there is nothing to do".

I would hope that this committee would look at ways and means of providing theatre and entertainment for children on holidays, because unfortunately we now live in a world where children find it very hard to entertain themselves. I am sure the opposition members, when they were growing up, learned to entertain themselves all very well. They have learned to entertain themselves in this house very well, so I am sure they had good training. Children today need to be entertained. Therefore, I would like to think that this committee would look at that.

I would also like to think that this committee would look at not only theatre and the arts in English. There are a lot of people in this city whose first language is not English and there are a lot of very talented people amongst the original people who owned this land. We know this from plays like *The Cake Man* and *The Fringe Dwellers*, which we saw on television the other night. I would like to see the arts in this field being tapped and these people being given a chance to show the ability they have. I find that there is very little in this city for people whose first language is not English and for the original people of this country that they find entertaining. I would like to think that the committee would look into that field as well.

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I think that the committee is going to have a wonderful time. Like the Chief Minister, I think it would be one of the best committees to be on. Like the member of my party, Bill Wood, I enjoy going to the theatre, I enjoy going to art exhibitions and I enjoy seeing different things from different countries. I think I would very much enjoy being on this committee.

I do not want to take up much more of the house's time. What I want to say is that I support it but, please, will the committee look into things for children of a young age on holidays, the fact that not everybody understands English well, and the fact that our original people who once owned this land also have rights in this field.

**MR STEVENSON** (11.41): I support the motion. My colleagues have spoken well on the values that will be looked at with the inquiry. I particularly would like to highlight a point that Mrs Grassby just mentioned, about the possible benefits to children, with an example of a play I went to see on Saturday evening. The Jigsaw Theatre Company had a special preview on at Gorman House and it was entitled *Could Do Better*. A number of members from the Assembly were there, having been invited along, and it was one of the most inspiring shows for children that I have seen. It got across a wonderful message of the value of setting a goal and striving towards the goal.

The show was about two students, a boy and a girl, who met. He was a footballer, not so much interested in the academic life, and she was considered a "brain" and not so much interested in the sporting life. As the play unfolded, each started to understand the value of the other; they helped each other; they worked at both those activities; and it was most motivational.

There are some 40 to 50 schools throughout Canberra that have already agreed to take the show, and I would recommend to anybody who knows any teachers or principals of schools certainly to mention it to them. If that is an example of what can be done for our young people - and it was not a political message; it was a motivational message - then I would certainly recommend it. Perhaps the inquiry can take note of that specific opportunity that we have.

**DR KINLOCH** (11.42): I would like very much to echo Ellnor Grassby's and Dennis Stevenson's comments about children. I would commend Ronin Films for running a children's film festival, a splendid thing they have been doing for some years, and they continue with that now. I would certainly like to echo Rosemary Follett's feelings about wishing to be on this committee, bleary eyed or otherwise. If ever there is a spare seat on the bus, give us a call.

Let me now briefly mention Murray Edmonds' report. I will not go into criticisms of it; that has already been done. But my own main criticism of it is a simple one. It is as

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though film did not exist; it is as though cinema did not exist. I felt the same with Anthony Steel the other morning: film was unmentioned; cinema did not exist. Yet I would like to stress that the present Playhouse - and may we preserve it - is a site for some of the best films we see in this city. But much more importantly than that, within the present Canberra Theatre - and may we preserve it - is Ronin Films. Ronin Films has its offices in there.

This company is not merely a distributor of films; it is a maker of films. They have makers of films on their board, on their staff, on their ownership, and they represent some of the best film-making in Australia.

I do ask Mr Wood, Mr Humphries, Mr Moore and Mr DUBY from the heart to please take on the question of Canberra as a centre for Australian film - the Australian film industry - especially in the realm of documentary film. David and Judith MacDougall have been at the Australian Institute for Aboriginal Studies. They make superb ethnographic films. Their films have been shown in film festivals around the world. There was a special festival for the MacDougall films in Berlin several years ago, and in the United States, in New York. Similarly, Dennis O'Brien lives and works in the ACT. One could go on and on. I could mention half a dozen film-makers at this very moment.

The Humanities Research Centre at the ANU is concentrating on film and humanities this year. The ANU is a centre already for ethnographic film. The present CCAE, the future University of Canberra, or by whatever other name, has a media program within it which stresses, among other things, film. So I do believe, without any question at all, that this is an area the committee should strongly address. I hope they will become very familiar with it and it may produce even more bleary eyes than any other form of the arts.

**MR MOORE** (11.46): I also welcome the opportunity that this motion provides to serve on this committee. I see others are envious about not having the opportunity to serve on it, and I am very pleased to be able to do so myself. I have a background in the arts, having served on two arts councils in South Australia and being a founding member of one of those. Let me say that I have taken particular note of the comments made by members today and am very pleased about the bipartisan approach to this particular project.

I will be paying particular attention, not just to children, as Mrs Grassby suggested, but to youth who are at that point of leaving school - Mr Stevenson also referred to them - because of their involvement in theatre, the arts, film, writing and the whole range of cultural facilities. It gives me great pleasure to be able to support this motion and to be able to support the cultural life of the ACT.



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**MR JENSEN** (11.47), in reply: Mr Speaker, I will try to be brief in my closing comments on this motion, as I note that time is awasting and this matter clearly has bipartisan support from all present. As I listened to the speeches from members talking to this issue today, it was quite clear that I barely touched on some aspects of the arts in the community. That, I guess, is indicative of the diverse nature of the arts community in our fair city. In fact, this motion provides for an assessment of the arts community from the outside, which I think is important.

There are three broad categories of culture. There is the "high" culture of the galleries, theatres and opera performances, and I should add that the adjective "high" is a term that they use and not one that I use. There is "popular" culture which my colleague Dr Kinloch has referred to and Minister Grassby has referred to as well. And there is the "avant-garde", an area which may not always be well understood or appreciated but which is just as vital and necessary.

I notice Mr Humphries' concerns about the expanded nature of the inquiry and the degree of areas that the motion provides to be covered. But while noticing his concerns, I would suggest that anything less than a wide-ranging review provides only a limited assessment of the cultural needs of the community. That, in fact, is really what the arts community and the people in the arts community that I have spoken to are concerned about.

I note the words of advice from the Chief Minister, and I am sure that the members of the committee will take those on board, and also the comments by my colleague Dr Kinloch in relation to film, which is something that I do not get to see much these days. I tend to rely on the odd movie on that terrible square screen. I commented on what was happening at Tuggeranong, and I must refer to that in relation to the Chief Minister's tone, because I detected a form of rebuke for the fact that I raised that particular issue. I raised Tuggeranong in that way, Mr Speaker, in the same way as the Chief Minister raised the lack of cultural facilities in the area in which she lives. It is an area that I have some interest in and some involvement in, but it was just an example of the nature of the need for a proper assessment of the arts community in the ACT.

I also noticed with great interest the commitment by the Chief Minister to the cultural facilities on the section 19 site and the time factor as it relates to the proposals for section 19, which the Government is currently seeking to develop. I trust that the Government will not take this opportunity of time to bulldoze through what they perceive is required. In fact, the whole aim of this particular motion is to ensure that that does not happen, and that what does get developed as the major cultural centre of the city takes into account all aspects of the arts community in the ACT - and not just the arts community, of course, but the people of the ACT, those who visit here, those from

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outside this country and also within who visit this fair city of ours.

If the sale of this site goes through - that is, the current site of the Playhouse and the existing library - I trust that the Government will not lose these funds into consolidated revenue. Let there be no chance of that, Mr Speaker. The Rally will be very concerned to ensure that this does not happen. I would strongly suggest that the Government consider placing the funds from the sale of this site, if it does go through, into a trust account so that the money is not lost into the bottomless pit of consolidated revenue, and so that while the cultural development is being properly prepared and planned these funds can be retained. It may be possible for some additional funds to be made available, if this trust account is properly and effectively managed.

Mr Speaker, it is with some regret that I am unable to be on that committee, but pressure of work in other areas precludes that. At the heart of the motion is a concern for Canberra's cultural expression of itself at all levels. We have the scope to bring in international and interstate works and performers to entertain and enlighten us, but we have just as much scope, and an obligation as well, to ease the way for our own writers, world famous writers, performers and artists to tell us more about themselves.

I am pleased, in closing, Mr Speaker, to see that this motion will go through on the voices, and I look forward with great interest to sitting in on some of the committee's deliberations and also to reading the report of the select committee.

Question resolved in the affirmative.

**Sitting suspended from 11.54 am to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **Environment Education**

**MR MOORE:** My question is addressed to the Minister for Industry, Employment and Education. In view of the recent publicity surrounding the proposed staffing cuts to the Environmental Outdoor Education Centre at Birrigai and the relevance of that to our general environmental attitudes, can the Minister enlighten the Assembly as to whether or not the reduction in staff numbers in that area will go ahead as part of the budget?

**MR WHALAN:** Mr Speaker, the question relates to the budget statement and the details of the expenditure and savings which are being examined by the Government and are being discussed in the consultation process at this point in time. Regardless of the outcome of those discussions, I

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can reassure the Assembly that the Department of Education gives a particularly high priority to teaching care of the environment. The Department provides curriculum frameworks to assist all teachers and schools to develop their programs. The environment is a major theme in three separate curriculum frameworks: in social education, in science, and in technology.

Many schools and colleges also have innovative extracurricular activities, such as the waste watch project at North Belconnen schools and the Children of the Green Earth Club at Hughes Primary School. Some schools have developed their own environmental and recycling centres. In addition, the Birrigai outdoor school and the Dairy Flat Education Centre offer, and will continue to offer, special environmental programs. Sunship Earth and Earthkeepers at Birrigai and environmental farming practices at the Dairy Flat Centre are examples of those programs.

The Government, in its budget, has also indicated an intention to allocate a substantial sum for capital works in order to enhance the facilities at Birrigai. The Department of Education recently formed an environmental education working party to promote environmental awareness and to encourage all schools and the office to take an active part in conserving the environment. It is also participating in national environmental projects.

**MR MOORE:** I have a supplementary question, Mr Speaker. Would the Minister mind telling me whether, in fact, the proposed reduction to the staff at Birrigai will go ahead, especially considering that their program, Sunship 3, along with the other programs that he mentioned, will be put at risk by that staff reduction?

**MR WHALAN:** Mr Speaker, there is no reason at all to expect that any of the environmental programs, which I have just indicated to the Assembly extend right across the area of the schooling system, should be at risk or in jeopardy as a result of the Government's budget statement.

### **ACT Budget**

**MR WOOD:** In yesterday's debate on the Federal budget there were serious questions about the assumptions underlying the ACT budget in view of the forecasts in the Federal budget. Chief Minister, can you explain if there are any difficulties in this area?

**MS FOLLETT:** I thank Mr Wood for the question. Indeed, Mr Kaine did make such a statement yesterday in his response. During my statement yesterday on the Commonwealth budget and related financial matters I said that the Commonwealth has changed some of the parameters that we have used in calculating our estimates and that this will have the effect of marginally increasing our outlays. This will be

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largely offset by an increase in general purpose funding, which has also resulted from the changed parameters.

In specific terms, the revised CPI forecast will be taken into account to update the expenditure side of the budget where that is appropriate. In this regard, a very small number of ACT expenditure items are tied to the CPI, as it primarily reflects movements in the expenditure of households. You might be familiar with the household basket of goods. The major index used for public and business sector expenditure is the gross non-farm product deflator, which is estimated to be 6.25 per cent, where previously it had been estimated at 5.5 per cent.

The revenue side of the budget has, of course, also been revised in line with the revised parameters and will now receive a greater amount from the Commonwealth than we previously expected. The fees and charges have, as you know, already been set and they will not be further increased. The rates are before the Assembly today, and we do not propose any change. Revenue from fees and charges is, however, a small proportion of total ACT receipts. The bulk of the ACT receipts are taxes. The tax rates are set by legislation and are, therefore, not affected by such parameter variations.

Mr Speaker, the effect of the price parameter movements has been calculated to be an increase in expenditure of \$2.5m offset by an increase in receipts of \$2.3m. The variation in a budget of over a billion dollars is therefore of little consequence to the overall budget strategy and it will be addressed in the fine-tuning of the draft estimates in the budget process.

Mr Kaine also raised the matter of the expected wages growth. The estimates used in compiling the ACT budget are based on the national wage case decisions that have been taken both last year and this year. A realistic provision has also been made for adjustments to professional salaries. This basis of estimation provides the most accurate guide to public sector wages growth, so there is no need to adjust our wages growth estimate.

On the question of the expected employment growth, also raised, the estimate Mr Kaine has quoted is, of course, the national estimate. Our ACT estimate of two per cent is still current and more accurately represents what is actually happening in this Territory. We are all aware that the growth in employment in the Commonwealth public service is expected to be zero. That being the largest single employer in the ACT, it has, of course, a very significant impact on ACT employment forecasts.

### **Youth Homelessness**

**MR HUMPHRIES:** My question is directed to the Minister for Community Services and Health. I draw the Minister's attention to the plight of the CANA youth refuge in Manuka run by Mr Nathan Stirling. Is the Minister aware that this youth refuge is in a very difficult financial position, that it cannot apply for CDF funds for several months and that it is likely to close unless the Minister intervenes? Given this Government's claimed commitment to youth homelessness, what action does the Government intend to take to ensure CANA does not close before it can apply for and receive CDF funding?

**MR BERRY:** It is true that the Government has a strong commitment to intervene in the area of youth homelessness. I must say that I am not fully conversant with the circumstances of the organisation to which you refer. However, I did see in my diary an appointment for the person you referred to, to see me some time earlier this week and that had to be cancelled for some reason, which escapes me now, but I am certainly keen to see him again and talk to him about all of the details of it. If you like, I would be quite happy to report back to you the outcome of those discussions.

### **Calwell Shopping Centre**

**MRS NOLAN:** My question is to the Chief Minister. It refers to Calwell residents and the fact that they still have no local shopping centre. Some of these residents have lived in Calwell, in Tuggeranong, since 1984 or 1985, when the first houses were built. When are these residents likely to see a replacement for the mobile bus that currently services the area?

**MS FOLLETT:** Mr Speaker, I think the question might more appropriately be answered by the Deputy Chief Minister.

**MR WHALAN:** Mr Speaker, I thank the Opposition spokesperson on these matters for the question. There has been a review of the retail facilities in this area of Tuggeranong, initiated by my department, within the Office of Industry and Development. That review is being undertaken in close consultation with community and industry representatives. We have had discussions on this very matter this morning, and I am expecting to receive recommendations concerning the timing of the release of the Calwell group centre within this current month.

The Calwell site was due to be released in the March 1988 auction. However, following representations, the sites were withdrawn from auction on that particular occasion. The bulk of the required population already exists within the catchment area, so the need for the retail facilities by the local population is recognised.

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**MRS NOLAN:** I have a supplementary question. You made reference to a group centre. I asked about a local centre. I believe that back in April promises were made for a local centre to replace the group centre. Perhaps I could have some explanation of that.

**MR WHALAN:** Yes, I did refer to a group centre, and indeed the earlier site that was withdrawn from the auction in March 1988 was a group centre. I apologise; it was March 1989. My note here says 1988 but it was in fact in March 1989 that it was withdrawn from auction. I would just like to have that recorded.

**Mr Jensen:** And 1988.

**MR WHALAN:** Sorry?

**Mr Jensen:** And 1988.

**MR WHALAN:** Well, it was withdrawn from the auctions in this year, in 1989. Anyway, there were very extensive discussions. I have seen a list of the organisations that have been consulted in relation to this and it is a very comprehensive list. There must be a dozen or 14 organisations on the list. It will be a group centre that is released rather than a local centre, but it will be of a smaller size than the original group centre which was planned for the site and it does reflect the perception, arising from the consultation process, that a local centre would have been too small to have served the long-term needs of the community. A compromise in size between the original size of the large group centre, which was withdrawn from sale, and a small local centre seems to have been arrived at. So it will be a group centre but a smaller one than originally planned.

### **Car Parking in Manuka**

**DR KINLOCH:** My question is to the Minister for municipal affairs, who so delightfully this morning reminded us of our theatrical nature here in the Assembly, and indeed we are the best show in town. But there is another show in town about which I need to ask a question. This is a dangerous show, to which I have not personally been exposed, and so I am reliant on a number of constituents who have brought this to my attention. Apparently it is dangerous. It relates to the design of the recently constructed parking area, sometimes referred to as the panel beaters' dream, incorporating a speed hump, in Bougainville Street, Manuka.

Apparently the layout of this area creates severe constriction to flow-through traffic as vehicles try to enter or exit the right-angle-to-the-kerb parking bays, and the area is now a somewhat dangerous parking area. Could I

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ask the Minister therefore to investigate this and to answer this question: Why were speed humps not placed at both ends of this new parking area to slow the traffic down, and why were the parking bays not angled in sympathy to the traffic flow? I am sure, Ellnor, it was not your fault.

**MRS GRASSBY:** Thank you, Dr Kinloch. No; at night-time I do not go out and do that sort of job when I am not here. I do understand about that. I was quite amazed to find out that central parking had been taken away from Manuka. I realised it had been a long time since I had been to Manuka. My department is looking at putting in angle parking, because I agree with you that apparently it is - - -

**Mr Kaine:** Do they not tell you what they are doing, Ellnor?

**MR SPEAKER:** Order!

**MRS GRASSBY:** Apparently it was already organised before we became the Government and it was carried out - - -

**Mr Kaine:** What, four months ago?

**MRS GRASSBY:** Yes, apparently. So it has been changed. It was thought that we would get more cars in to have straight parking. That was the idea. They now realise that you do get more cars in that way but you also damage a lot more cars. So we are looking at now putting in angle parking. As for the humps, the idea was to try to stop people speeding down there, because there are a lot of people around about your age and my age, Dr Kinloch, who live in that area and shop there and find it rather difficult to get across the road as fast as 18-year-olds. It was felt that this would slow people down and stop them racing down there and probably knocking down a lot more Labor voters. As we did not want to lose any of them - - -

**Dr Kinloch:** In Manuka?

**MRS GRASSBY:** Look, we are picking them up everywhere. It is wonderful. We have got them everywhere. I mean you have only got to look at the polls. We are just doing so well.

**Mr Stefaniak:** They have not got too many Poles, have they?

**MRS GRASSBY:** I am sorry, Mr Stefaniak; I did not mean those sorts of Poles; I meant the polls in the paper. We are picking up those as well.

**MR SPEAKER:** Order!

**MRS GRASSBY:** So I will look into the humps, Dr Kinloch. I thank you for the question and I feel very sympathetic for the people whose cars get damaged and also for the people

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trying to cross the road. I will have my department look into that and maybe report back to you at some other time.

### **Home Ownership**

**MR KAINE:** I would like to address a question also to the Minister for Housing and Urban Services, and it has got nothing to do with sprightly people like Hector being run over. Minister, in the Commonwealth Gazette of 18 May 1989 there is listed a range of responsibilities for your portfolio, and one of them is identified as the promotion of home ownership. Could you tell us what activities you have engaged in in the last four months to actually promote home ownership?

**MRS GRASSBY:** You will be delighted to know about that when we come down with our housing review, because in the past months we have been talking to building societies and banks on ways that the Housing Trust may be involved in helping people to own homes. In the money that came down with the last Federal budget, you will be also very happy to know, the Federal Government under that Act has allowed us, and we feel able, to help at least 50 and maybe more people. We are lifting the level of how much money they are allowed to earn before they can get it, to bring their interest rates down to maybe 15.5 per cent until interest rates drop.

**Mr Kaine:** Can I be on that list?

**MRS GRASSBY:** Well, you could apply. I think your salary is just a little bit above it.

**Mr Kaine:** No, it is not. I am below the poverty level until the Remuneration Tribunal determines otherwise.

**MR SPEAKER:** Order! Members will direct their questions and statements through the Chair.

### **Youth Homelessness**

**MR WOOD:** I have a question also on youth homelessness. In view of assertions that have been made about a lack of interest by the Government, can you, Minister Grassby, explain what the Government is doing on this matter?

**MRS GRASSBY:** Yes. I think it was Mr Collaery who said yesterday - if I am wrong, I stand to be corrected - that we had done nothing about youth homelessness. May I report that the Commonwealth budget provides \$655,000 in tied grants under the Commonwealth-State housing agreement for the crisis accommodation program. I have nominated this level of funding. It is an increase of \$372,000 over the amount provided last year. Young people are a major target



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for this program. In addition, the Commonwealth has offered another \$166,000 provided that the ACT matches the recurrent funding of \$67,000 which the Minister on my right, Mr Berry, will be doing. I can assure the Assembly that the Government will match these funds.

One of the first steps I took as Housing Minister was to release a report of the Housing Trust on youth homelessness in the ACT. I said it was a priority of our Government and my Chief Minister wanted it this way. Copies were circulated to every member of this house. If they remember - they may not have read it - there was a No. 1 volume and a No. 2 volume; they were yellow with black writing on them; and they had black binding on the side. You may be able to find them in your in-trays somewhere. A few weeks later I distributed a discussion paper on a proposed single share accommodation scheme.

The housing policy review has continued to look at the measures to assist homeless young people, and I expect a significant ACT innovation to be announced when I provide my progress report in September. I therefore reject what was said by Mr Collaery, or whoever it was from the opposition. This Government is committed to helping to solve the problems of housing of all people, especially young people.

### **Government Consultation**

**MR DUBY:** Mr Speaker, my question is addressed to the Chief Minister. Yesterday in the Commonwealth budget debate, Chief Minister, reference was again made by you to your Government's commitment to consultation, particularly with other parties in this Assembly. Some members gave the impression that consultation does not occur. The thought occurred to me that maybe our definition of the word is different from yours. Could you please define what you mean by "consultation", particularly in relation to other parties in this house?

**MS FOLLETT:** I thank Mr Duby for the question. Mr Speaker, I believe that my definition of "consultation" would be largely similar to anybody else's, in that it generally means to discuss matters with other parties, and certainly in the ACT budget process that is what the Government has sought to do. Members will be aware that a budget consultative committee has been established and that the leaders of major parties in this Assembly are in fact taking part in that consultative process.

Furthermore, the consultations of course have extended beyond the formal budget consultative committee and have included, on my part, discussions with groups wherever they have been requested. In fact, I know that other Ministers also have held any number of discussions on budget matters with groups in the community, with anybody really who has

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requested such a meeting or such consultations. I do not think there is anything very unusual in the way I use the term "consultation". I use it to mean a real exchange of views, and I believe that that is what is occurring in relation to the ACT budget.

### **Members' Staff**

**MR STEVENSON:** My question is to the Chief Minister and it concerns the cost of supplying staff to the ALP, a question asked on 31 May in this house. Two months later, on 1 August, the Minister in her capacity as Treasurer replied, indicating that the budget for the Executive, the four Labor Ministers, was \$548,769 and that allows 14 staff members on an independent list. The phone book listing Ministers' staff, which is effective from the same date as the Minister's reply on 1 August, lists 21 staff members for the four Labor Ministers, a difference of seven, or 50 per cent. If you divide half a million by two you get a quarter of a million dollars difference in staffing.

**MR SPEAKER:** Order! Mr Stevenson, please ask your question.

**MR STEVENSON:** Would the Chief Minister please explain the difference between the 14 staff listed in her reply and the 21 staff listed on the same date in the phone book?

**MS FOLLETT:** Mr Speaker, I do not have detailed information before me but I have absolutely no hesitation in saying that the ALP is provided with no staff whatsoever at the ACT's expense. In fact, staffing is provided to the Government and to the Executive; it is not provided to a party. I think Mr Stevenson is quite wrong about that. Staffing indeed has been provided to all members of the Assembly, and to members of this Assembly in their various capacities.

I do not think it is any secret, Mr Speaker, that the Executive, the Ministers, have a larger staffing allocation than do other members of this Assembly. Certainly I do not back away from that at all. But, of course, there has been a basic staffing allocation made to members of this Assembly, which Mr Stevenson currently enjoys, as do other members of this Assembly. He is smiling and laughing. We can tell he is enjoying it.

Mr Speaker, the telephone list that Mr Stevenson refers to includes in the listing under staff for the Executive some staff who are made available from within our own departments. They are made available either in their role as liaison officers or in their role as administrative assistants.

**Mr Kaine:** Can we have some?

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**MS FOLLETT:** Mr Speaker, Mr Kaine asks whether he can have them. Indeed, it is my understanding that other members of the Assembly do have some such provision made to them in terms of typing support, library support and so on, and that the only real difference is that I have not listed them in the phone book.

**MR STEVENSON:** I have a supplementary question. The question asked in this house was: What are the estimated costs of providing staff? It did mention to the ALP. That was in my words. I do not mind where the staff come from. The question was about the costs of providing staff.

**MS FOLLETT:** Mr Speaker, I do recall the terms of the original question asked in the house and I also recall the terms of the reply, which was a full and adequate reply. I do repeat, however, that the Australian Labor Party, the Liberal Party, the Residents Rally party, the No Self Government Party and the Abolish Self Government Coalition are not staffed at the public expense. Members of this Assembly have staffing allocations.

I very generously, in my view, answered the question that was placed on notice, although it was incorrectly phrased - to suggest that political parties did in fact receive some staff. They do not, and that is the basis on which I answered that question. It has been answered.

### **Youth Homelessness**

**MR COLLAERY:** My question is directed to either Mr Berry or Mrs Grassby, and they can make the decision. I refer to the question asked by my colleague Mr Humphries regarding the Caring for Adolescents in Need of Assistance group at Manuka, known as CANA. I draw their attention to the fact that the chairman of that group is Terry Higgins, QC, of their party, and one of the assistants and supporters of CANA is of course a member of the personal staff of the Chief Minister here in this Assembly.

What I ask either of the Ministers is this: In view of those facts known to me, also as a founding member of CANA, would you please outline to the house how Mr Berry is unaware of the situation that the CANA group is in and what steps you propose to take to talk to your own colleagues on the fifth floor about the circumstances of CANA.

**MR BERRY:** A point of order might have been raised in relation to this question, which is essentially the same as one asked just a few minutes ago. I refer to standing order 136, which says that the Speaker may disallow any motion or amendment which is the same in substance as any question, which, during that calendar year, has been resolved in the affirmative or negative - and I think I have made a mistake now.

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But, in any case, I go back to the question that was raised by the deputy leader of the Opposition in relation to the matter. I am sure that Mr Collaery was listening to it. If he had paid attention he would have known that I was not aware of the circumstances because I have not yet spoken to Mr Stirling, who was mentioned by Mr Humphries. I can advise you that Mr Stirling has an appointment to see me, and I will see him about the circumstances of that organisation, and, if you like, I will discuss with you the outcome of those discussions, as I have indicated I will with Mr Humphries.

### **Molonglo River Footbridge**

**MS MAHER:** My question is addressed to the Minister for Housing and Urban Services. Over the last 12 months, the footbridge over the Molonglo River below Scrivener Dam has been unserviceable due to the fact that it was washed out. This footbridge was used regularly by people entering Stromlo Forest to use the picnic spots and for walking, riding horses and other recreational uses. Is it the intention of the Minister's department to have this bridge repaired and, if so, when will the work be carried out?

**MRS GRASSBY:** Thank you, Ms Maher. You are correct; the bridge was washed out in a flood. My department at the moment is looking at doing a temporary fix on it, but I have a submission coming to me - for a new footbridge to be built there - from the conservation and parks area to construct it in this financial year. It is apparently used a lot, I understand, by joggers and people walking in the area. That footbridge is to be temporarily fixed until it is replaced with a brand new bridge.

### **Sports Injuries**

**MR STEFANIAK:** My question is to the Deputy Chief Minister and Minister for sport. Today's Canberra Times details on page 1 the faults of the New South Wales sports injury compensation scheme, which many ACT sporting associations are afflicted with. It talks about the injuries received by young Paul Bramley, a rugby league player, and the problems he has had. Does your Government intend to look at the introduction of an ACT sports injury scheme and, if not, why not?

**MR WHALAN:** The circumstances of Mr Bramley's injury are indeed tragic and I think we all sympathise with the circumstances which surround that. As a result of earlier discussions with officers of the Office of Sport, Recreation and Racing, we are reviewing this matter generally and I hope to be able to report to the Assembly further on the matter.

### **Eastern Parkway**

**MS FOLLETT:** I would like to make available a couple of responses to questions asked yesterday. The first is a response to a question from Mr Jensen concerning briefing of the Tuggeranong Community Council on the Eastern Parkway proposal. I undertook to ascertain why a briefing had not taken place. Mr Jensen is quite correct that a briefing in addition to that provided by Mr Sommer on 4 August 1989 did not take place within the time frame suitable to Mr Read. However, the assertion that this was due to political interference cannot be sustained.

My inquiries indicate that there has been a breakdown in communication between the Office of City Management, the Office of Industry and Development and the Interim Territory Planning Authority. I believe that this has been rectified and that the Tuggeranong Community Council will be provided with a comprehensive briefing in the immediate future. I regret the problem has emerged, and I undertake to implement procedures to ensure that it will not happen again.

### **Consultative Committee on Education**

**MR WHALAN:** There was a question yesterday asked by the Leader of the Opposition concerning the consultative committee on schools and I did undertake to give the details of the membership of that committee. The committee has representatives nominated by the ACT Teachers Federation, and they are Audrey Duke, Jim Stoddart and Lynn Rainforest; a representative nominated by the Canberra Preschool Society, who is James Dexter; two representatives from the ACT Secondary Students Council, who are Ian Triddle and Candice Seaman. There are three representatives nominated by the Parents and Citizens Council, being Ian McRae, Pam Cahir and Janice Crosswhite; and a representative of the Public Sector Union, Catherine Garven; and the chairman is Mr Alan Burnett.

### **PERSONAL EXPLANATION**

**MR WHALAN:** I wish to make a personal explanation, Mr Speaker.

**MR SPEAKER:** Do you claim to have been misrepresented?

**MR WHALAN:** Yes. During the debate yesterday on the matter of public importance, Mr Collaery made allegations regarding a statement which I had previously made about a road in the suburb of Gordon. I would like to clarify that position to demonstrate that Mr Collaery's allegations of yesterday were totally inappropriate and fallacious.

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The road in Gordon is part of Knoke Street. Construction of this road will firstly open up South Gordon and then, as Knoke Street is completed, it will connect through to Tharwa Road and thus provide the shortest access route from Johnson Drive at Calwell to the southern portions of Banks and also to travel further south to Tharwa.

The reason for this is that the existing Tharwa Road actually traverses through the edge of Conder and Banks. It is therefore intended to progressively close Tharwa Road and utilise the distributor road system, including Knoke Street, to serve the whole of the South Tuggeranong area. In fact, when Tharwa Drive is closed, this road through Gordon - Knoke Street - will be the shortest route to Tharwa, even beyond Tharwa to Namadgi National Park, and the alternative route to Adaminaby and indeed to Melbourne. It could be renamed "the Melbourne Road".

**Mr Kaine:** Mr Speaker, I would like to raise a point of order in connection with the misuse of question time. Yesterday the Chief Minister made a statement in connection - - -

**MR SPEAKER:** Excuse me, Mr Kaine; this is not a point of order. Are you seeking leave to address the Assembly?

**Mr Kaine:** I am seeking leave - I am making a point of order in connection with the misuse of question time, which I believe I am entitled to do, Mr Speaker. I am raising a point of order on which I am going to seek your judgment when I have concluded making it.

**MR SPEAKER:** Proceed.

**Mr Kaine:** Yesterday the Chief Minister opened a debate on the Federal budget. She had all the time permitted by this Assembly to present her case, and other members of the Assembly, including me, had the opportunity to reply. As I understand it, that concluded the debate. This morning, the Chief Minister's office sought and obtained a copy of the comments that I made yesterday, and in question time today, in response to a dorothy dixer, the Chief Minister perpetuated the debate on the Commonwealth budget in a manner that does not allow other members of this Assembly to pick up the debate, and I submit that it gives her an unreasonable opportunity to make the point in a continuation of the debate which I thought had concluded yesterday.

I seek a ruling, Mr Speaker, on the question of whether or not it is appropriate for the Chief Minister to respond to a dorothy dixer in that fashion on a matter on which, for the rest of us, the debate is closed. I would seek a ruling from you as to whether or not in future you intend to accept questions of that kind that put the Chief Minister at an advantage that the rest of the members of this Assembly do not enjoy.

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**MR SPEAKER:** Mr Kaine, I will take advice on this matter. However, I believe that, as it is now open to all members to suspend standing orders, I would see, at first glance, that members of the opposition do have a chance to respond if the Chief Minister uses so-called dorothy dixers. I will take advice and advise you further.

#### **DEPUTY CHIEF MINISTER - ADMONISHMENT**

**MR JENSEN (3.12):** Mr Speaker, I seek leave to move, without notice, a motion of censure of the Deputy Chief Minister.

Leave granted.

**MR JENSEN:** I move:

That this Assembly censures the Deputy Chief Minister, Mr Whalan, for -

- (1) his unwarranted personal attack on another member of the Assembly;
- (2) for misleading the Assembly in his personal explanation on 22 August 1989 when he accused Mr Jensen of making an outrageous and mendacious allegation in relation to a matter which the Deputy Chief Minister knew or ought to have known was properly raised by the member; and
- (3) for being unable to discharge his ministerial obligations.

Mr Speaker, I do not propose to speak at any great length on this particular issue. I just wish to make a number of points in relation to the matter that I have raised in my motion. This motion is brought on today by me because of what I suggest was an outrageous attack by Mr Whalan on me and, by implication, on an upright and hard-working community member. I have taken this action only because Mr Whalan has failed to take the opportunity that he has been given today to correct the answer he gave to the house on behalf of the Chief Minister during his personal explanation.

Mr Speaker, I refer to the statement made by the Chief Minister today - I have yet to see a copy of it, but I would like to at some stage - in relation to her answer. I do not accept that particular answer in relation to the motion that I have put before the house. It would seem, Mr Speaker, that that answer in no way excuses the attack by Mr Whalan on me yesterday. In fact, I would have thought it appropriate, in view of the answer that was given by the Chief Minister, in which it was clear that there was some misunderstanding between the various elements within the two departments in question - the Territory Planning

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Authority and Mr Whalan's department - for Mr Whalan to have unreservedly withdrawn in public his attack against me by his statements.

Just in case there are some people in this place who are not aware of what was said, I will read it. Mr Whalan said:

During the question time, Mr Speaker, in a question addressed to the Chief Minister Mr Jensen made a most outrageous and mendacious allegation in relation to the Tuggeranong Community Council.

**Mr Whalan:** At least you pronounced it properly today.

**MR JENSEN:** Are you quite finished? Mr Speaker, for those who are not aware, "mendacious" effectively means that Mr Whalan called me a liar. I resent that implication. In view of the statement by the Chief Minister, that was answered, I would have expected Mr Whalan to have had the decency and the good sense to apologise unreservedly.

However, I continue. He said:

His allegation was that my office had in some way intervened to prevent the Tuggeranong Community Council receiving a briefing from the Interim Territory Planning Authority in relation to the Eastern Parkway.

We have been informed by the Interim Territory Planning Authority that it is not aware of any approach whatsoever made by the Tuggeranong Community Council or any representative of the Tuggeranong Community Council for a briefing on the Eastern Parkway and that, if such a request had been made, it assures us that that briefing would have been provided.

I have no doubt, Mr Speaker, that that would have been provided. However, that is not the point. I continue quoting from Mr Whalan:

In addition to that, officers of my department have contacted us to say, that they also were not aware of any request for such a briefing and thus it was impossible for them to intervene in any way whatsoever. It is yet another example of misrepresentation by the Katharine West party.

Mr Speaker, that is the sort of attitude and nature of the attacks that the member opposite has made on my colleague Mr Collaery in the past whenever he has deemed fit to raise an issue of major importance. It would seem that, now that my colleague Mr Collaery has indicated publicly that he will step back from making those sorts of attacks, Mr Whalan has decided to direct his attack to me personally. Mr Speaker, I think it is totally inappropriate and unnecessary for those things to happen.



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I refer to another time, when I asked a question of Mr Whalan in relation to the Bruce Stadium. I asked that question on 6 July, and Mr Whalan, rather than providing an explanation to say that he had not correctly stated the facts to the house on that particular day, provided me with a personal letter in which he redressed the matter. At the time, it was decided that we would not make an issue of that particular matter. Mr Speaker, I think that it is totally inappropriate and it is in the nature of the way that Mr Whalan seeks to do business in this place that he did not, once again, have the decency to table the letter that related to an answer that he gave which was clearly incorrect, for the benefit of the rest of the members of this house and for the record.

Mr Speaker, in this particular issue, I now turn to the fact that the Deputy Chief Minister ought to have known that I raised that particular matter. He has had the opportunity between now and yesterday, when he spoke to the house, to check and find out the facts of the matter.

I have no doubt whatsoever about the validity of the statement that I read into the Hansard yesterday from Mr Read, the letter from the chairman of the Tuggeranong Community Council to me, in which he indicated quite clearly to me, as he did in a letter to the Canberra Times which was printed in the Canberra Times on the same day, that he was given the clear impression and clear understanding that a member of Mr Whalan's staff had been involved, indicating that the briefing was not available and that his staff was involved in setting up the briefing.

Mr Speaker, the Community Council sought to have this particular briefing given because they were about to appear before a Joint Parliamentary Committee to which the chairman of the Community Council had in the past spoken at some length and in some detail. I know other members of this house are aware that Mr Read gives good, solid, strong evidence and there is no doubting his veracity or his honesty. The implication that was made yesterday is quite outrageous.

They sought this briefing, Mr Speaker, so that they could appear before the committee as the representatives of the people of Tuggeranong, that particular area, as a recognised community organisation, to put forward the issues in relation to the development of the Isabella Plains flyover, or roundabout as it is now known. The result of that was that they went before that meeting without being made fully and properly aware that, in fact, the proposal that they had received from an officer of Mr Whalan's department referred to a flyover. They found when they got into the meeting that the proposal for a flyover had been changed and it was to be a roundabout.

That, Mr Speaker, was most unfortunate for that group because, clearly, if the full information that they sought

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from the Deputy Chief Minister's department or from the Territory Planning Authority had been provided they would have been able to provide their evidence in a much better and more forthright way.

Mr Speaker, it seems to me, because of those particular matters and those issues, Mr Whalan clearly is not able to have solid, strong access to his staff. He has clearly been misinformed, and I think it is appropriate that he should take the necessary action. He has not done so. This is not the first occasion on which this type of action has been referred to. The first time he did it to me directly.

Today an attempt was made to redress that matter, but once again I suggest that the sort of language and the attacks that Mr Whalan made on my personal integrity yesterday and on the integrity of a fine, upright citizen of this city are disgraceful and should not be tolerated. That, Mr Speaker, is the reason why I rose today on this particular matter, to seek to have the house censure the Deputy Chief Minister because of his outrageous and unparliamentary actions.

**MR KAINE** (Leader of the Opposition) (3.22): This is an interesting time in the life of this new parliamentary body and I think that historians in the future will look at this as yet another stage in the development of this institution, because it raises the question of whether this institution is a truly Westminster-style parliamentary body or whether it is not. I would submit, Mr Speaker, that the validity of this censure motion rests on the assumption that this is a Westminster-style parliament and that there is, therefore, inherent in it the concept of ministerial responsibility which is part of the Westminster system.

We have had a great deal of debate over recent months about just what form this Assembly is going to take, and I think it is still evolving to some degree. So this will be a landmark in the development of this institution if it is to become truly a Westminster-style parliament.

The substance of the censure motion was not discussed with me beforehand. I think that the motion has to be divided into two parts, Mr Speaker. I think that the mover should consider whether or not the motion should be put as a total motion or whether it should be broken down and put in several parts. Although I understand Mr Jensen's feelings on the question, I submit that part (1) of his censure motion is not, in fact, the substance of a legitimate censure of a Minister or any other member of this Assembly.

Over the last four months of the life of this body, there has been a fair amount of cross-chat across the floor, some of it getting very personal. All kinds of words have been used. It is my observation that, after the event, when emotions have cooled a bit, that exchange has become somewhat of a joke between the parties concerned.

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As I say, I understand fully why Mr Jensen feels aggrieved at the words that were used, but I am looking at the concept of this Assembly as a parliamentary body, and the question really is, I think, whether the substance of that problem warrants a censure of a Minister. I ask Mr Jensen to consider that very carefully, in terms of the institution and not just in terms of the personalities that are part of it.

However, to get to the second and third parts of Mr Jensen's motion, there is clearly the basis here for ministerial censure if we accept the fact that this is a Westminster-style parliament and that ministerial responsibility in that sense is part of our procedure. I think it raises the question of the degree to which a Minister can be held accountable and responsible. As I understand it, Mr Speaker, when Mr Whalan answered the question yesterday, and I have got a copy of the Hansard report, what he said was:

We have been informed by the Interim Territory Planning Authority that it is not aware of any approach whatsoever...

In fairness, I think we have to assume that, when the Minister said that, he was acting on advice that he had received from officers or administrators responsible to him for ensuring the accuracy of what he says in this house. If the Minister took that advice without question and presented it here, then it is a question not of whether he personally has done something reprehensible but of whether he lacks some judgment in not verifying the information first.

It is not a question of whether he deliberately set about to mislead the house, I think, but whether he lacked and failed to exercise judgment in determining that the advice that he had received was correct. So I submit that we have to be very careful here, because at some time in the near future some of the members on this side of the house may be sitting over there and we have to consider whether the same predicament is going to present itself to us.

I have a great deal of sympathy for the position that Mr Jensen has adopted. He feels that he is aggrieved personally. He feels that a person in the community whom he knows to be a man of integrity has been maligned. He feels that the Minister should have taken more trouble to verify the facts before he presented them in answer to a question. I can understand all of that, but I would ask Mr Jensen to consider the longer-term implications of this motion. I would also ask the Minister to whom it is directed to examine his actions and to determine whether, irrespective of whether this censure motion passes or not, there is some way that he can solve the personal problem between him and Mr Jensen and whether he might examine his conscience in the future to ensure that what he says is correct.

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We on this side of the house have had some difficulty over the last four months in terms of ministerial response to questions. We have raised the matter in debate, that we have felt at times that Ministers have not responded in the spirit of question time, where the actions of the Administration and the actions of Ministers are open to question.

We have complained that at times we have not received comprehensive answers. Indeed, in some cases the questions have not been answered at all. That is not part of the parliamentary system and it is not part of the consultative and open government that this Labor Government has promised this Territory. If this response by the Minister in this case was another instance of an attempt not to address the question but rather to evade it, then of course the Minister's action is reprehensible and he should be held to account for it.

So I think that, while a censure motion itself is a landmark in the development of this institution, we have to treat it with some caution and we have to ask ourselves whether there are not other ways of resolving the tensions and the differences between us, the members of the Assembly, on the floor of the house, and whether this kind of act is necessarily in the best interests of this Assembly and of the community we were elected to serve.

Mr Speaker, I will be most interested in the debate. I will certainly be interested in the outcome. I hope that it is somewhat of a sobering lesson for all of us, not just the two people that are involved in this. We have a responsibility; we were not elected by the community frivolously; and we should not take our job frivolously. We should be careful to serve the public interest in what we say and what we do. While we have to recognise that we are human beings, we are fallible and we will from time to time make mistakes and do things that perhaps it would have been better not to have done, the bottom line is our responsibility to serve that community. We have to decide whether this is really the way to address problems and resolve them.

**MS FOLLETT** (Chief Minister) (3.31): Mr Speaker, I think in many ways it is a bit unfortunate that this rather unedifying debate has been continued, but it does at least give us an opportunity, as Mr Kaine has pointed out, to reflect a little bit on the standards of behaviour of Assembly members and the kinds of standards that I believe the community would expect us to adhere to.

I believe, Mr Speaker, that I gave a factual explanation after question time today of the events that flowed from Mr Jensen's question in the Assembly yesterday. But I do think that we must also bear in mind that, in asking his question yesterday, Mr Jensen made a very clear implication that there had been political interference in the request

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for a briefing by a particular community organisation. I realise that Mr Jensen made that statement because he had taken at face value the statement made to him.

I think, Mr Speaker, that it might have been more proper for Mr Jensen to have phrased his question somewhat differently and that, if he had done so, we would not be in this current difficulty. However, it is very clear to me that, on certain issues and amongst certain members, tempers obviously run high from time to time and statements are made that might have been better considered. Nevertheless, the question asked yesterday referred to political interference by Mr Whalan in a quite proper - we all accept it is quite proper - request for briefing by a community organisation.

I think that that kind of an allegation is the kind of an allegation that is designed to inflame passions, the kind of an allegation that demands a response of some sort, and I think that in phrasing it in that way Mr Jensen was well aware of that. I also think that the explanation which I have given today on the events surrounding the community organisation's request for briefing is a rather mundane explanation: there was no conspiracy; there was no Machiavellian intent; it was a bit of administrative mismanagement.

It was, as I say, rather a mundane little series of events that led to the Tuggeranong Community Council not getting the briefing that they sought at the time that they sought it. There is no doubt whatsoever that they would have got that briefing had I been aware that they wanted it. They would have got that briefing had those certain administrative errors not occurred. But the Tuggeranong Community Council, in writing to Mr Jensen - and he has given me a copy of that letter - are not totally accurate in their description of the events either. They have, for example, named an officer of the Government administration and said that that officer is an officer of the Interim Territory Planning Authority. He is not; nor is he an officer of Mr Whalan's department. He is in fact an officer of the Office of City Management.

So, as I say, there was a three-way communication breakdown, and I think that in a small way the Community Council itself might have contributed to that communication breakdown by talking to the wrong person and by not following it up vigorously enough. Nevertheless, it was a very mundane error that was made and I do not really think that it deserves the amount of heat and the amount of debate that it is receiving today.

Mr Speaker, the exact motion that we have before us I find somewhat mystifying, really. I agree with Mr Kaine that the first part of the motion we have before us is not really appropriate in a censure motion. But, in the second part of the motion that we have before us, it appears to me that the substance of the motion there is that my Minister

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has misled the Assembly by accusing Mr Jensen of making an outrageous and mendacious allegation.

Mr Speaker, I put it to you that the substance of part (2) of that motion is really that Mr Whalan has used particular words. It was open to Mr Jensen, I would submit, at the time that those words were used, to seek their withdrawal. He did not. I do not know why he did not. Mr Speaker, I believe that part (2) of the motion that we have before us is really no more than an objection by Mr Jensen to the use of those words. I do not know why he did not seek to have that matter rectified at the time. I think that might have been the correct course of action.

Also, Mr Jensen's motion goes on in part (3) to make a sweeping allegation that Mr Whalan is unable to discharge his ministerial obligations. Mr Speaker, I put it to you that to bring forward such a sweeping statement as that, without supporting information or even without a supporting allegation other than that Mr Whalan used the words "outrageous" and "mendacious", is something of an overreaction to the use of two words. I do not understand it.

Mr Whalan has my confidence as my Deputy Chief Minister. He has my confidence in the performance of his ministerial duties. I believe that he is one of the most able and probably the most experienced person in this Assembly. I think, to make a sweeping assertion such as Mr Jensen has done, on the basis of the use of two words, is frankly somewhat childish, Mr Speaker. I regret that this motion has been brought forward. I think the matter could have been settled in a civilised manner between us. I believe that there has been an error made, which I fully acknowledge and for which I apologise. I can assure you that the procedures put in place will ensure that there is not such a breakdown in communication again.

As I have said, Mr Speaker, I think that such a motion is a gross overreaction to an administrative blunder of a minor nature, and I would urge all members of the Assembly to vote against this motion.

**DR KINLOCH (3.38):** Mr Speaker, I wish to support my friend and colleague Mr Jensen. I know him to be clear and forthright and honest in his actions and words and I know that he is not mendacious, the word chosen by Mr Whalan to describe Mr Jensen. I have objected before, including in yesterday's debate, to some of the verbal games played in this Assembly - verbal games which go beyond what is polite and reasonable. Let me quote this again:

Those of us who from time to time have played our own games during these 100 days now recognise that some members enjoy confrontational slanging matches, a kind of verbal croquet which the rest of us do not always take seriously although we sometimes object to it.

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I called on members to move to a higher area of game playing.

I suppose I am particularly worried about what has been said because it seems to me to lower the tone of this Assembly. I take Mr Kaine's point absolutely, that we are at an historic time and we should play this game very seriously indeed. I recognise there are game elements to it. We should not slang each other across the Assembly. I object to it. I do not wish to see it. I do not wish to see comments made, and I have fallen into this myself once or twice, merely to be antagonistic or aggressive. I object to them. I do not wish to see it done. I think here we have a case where we are taking a stand on this matter. We are asking that this no longer be done. So I will be supporting Mr Jensen in this matter.

I do hope, though, that the outcome of what we are now doing is to help us all - and I speak personally, certainly - not to indulge in this kind of talk and behaviour. I recognise the excellence of some of the remarks the Chief Minister just made and I would feel sympathetic to some of those. At the same time I think we have got to draw a line now and we have got to take a hard look at this motion and see to what degree we should pass it or agree to it in order to prevent further things going on.

I would think, though, that there are ways in which Mr Whalan, who is an excellent performer - may we say an excellent games player - in this Assembly could now resolve this matter, and I would call on him certainly to apologise in this matter, as indeed I would want to apologise for any perhaps unnecessary things I may ever have said.

**MR COLLAERY (3.41):** Mr Speaker, last Sunday the ABC radio carried a very clear olive branch to Mr Whalan from the Residents Rally and from me in particular. The ABC's broadcast on Sunday morning, an appropriate morning, contained an acceptance by me that I had erred in joining issue with this man in this Assembly and that that probably reflected a bad poll result I received in terms of personal image on one part of the score.

The very strong determination of the Rally was to come to this sitting and to ensure that we were not bringing this Assembly back into that style and mode of conduct. So I join with my colleague Mr Kaine in expressing personal regret that we are unable to put the proper standards into place in this Assembly.

It is with some satisfaction that I point out to the Assembly that it probably was not me causing this behaviour in the first place from this Minister. Clearly, he has now taken on Mr Jensen as part of what appears to be a planned and concerted drive by Mr Whalan, Ros Kelly and Senator McMullan to move into personal belittling of and attacks on

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members of the Rally because of some perception that they may be a threat or for reasons unknown. But there has been a very consistent attempt, and everyone knows, particularly the media, that at luncheons and dinner after dinner, where members of the Rally have been unable to respond, there have been personal attacks by this Deputy Chief Minister.

I went to great lengths last Sunday morning to get that on the air on the ABC and to ensure that we could come to the Assembly this week in a spirit of reformation. Now, sadly, we are at the same issue again. But I am not going to be my same self. I am simply going to read from the book. I hope the Chief Minister listens to this, because it may be a guide to her as to what she is going to do in the party room upstairs tonight.

I will read from House of Representatives Practice an excerpt from the 1976 report of the Royal Commission on Australian Government Administration which, the text I hold before me suggests, reflects the current position. Presumably my friend will want me to table the book but it is the only copy I have got, let me say in advance. The report states:

Ministerial responsibility to the Parliament is a matter of constitutional convention rather than law. It is not tied to any authoritative text, or amenable to judicial interpretation or resolution. Because of its conventional character, the principles and values on which it rests may undergo change, and their very status as conventions be placed in doubt. In recent times the vitality of some of the traditional conceptions of ministerial responsibility has been called into question, and there is a little evidence that a minister's responsibility is now seen as requiring him to bear the blame for all the faults and shortcomings of his public service subordinates, regardless of his own involvement, or to tender his resignation in every case where fault is found. The evidence tends to suggest rather that while ministers continue to be held accountable to Parliament in the sense of being obliged to answer to it when Parliament so demands, and to indicate corrective action if that is called for, they themselves are not held culpable - and in consequence bound to resign or suffer dismissal - unless the action which stands condemned was theirs, or taken on their direction, or was action with which they ought obviously to have been concerned.

So clearly, on that score, Mr Whalan's bacon is saved. But the royal commission goes on to say that there are still circumstances in which a Minister is expected to accept personal responsibility and to resign, or be dismissed. It says:



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Resignation is still a valid sanction where ministers have been indiscreet or arbitrary in exercising power. In cases where the minister has misled parliament, condoned or authorised a blatantly unreasonable use of executive power, or more vaguely, where the minister's behaviour contravenes established standards of morality, resignation or dismissal is the appropriate action. In these cases, the factors which may often excuse the minister from blame for administrative blunders do not operate to the same degree: the minister's personal responsibility may be more easily isolated.

The responsibility of ministers individually to parliament is not mere fiction.

That is at page 82 of the current House of Representatives Practice.

Mr Speaker, I conclude my remarks by drawing attention to the facts at issue in this motion moved by my colleague Mr Jensen. They include an unwarranted personal attack on another member of the Assembly. Mr Jensen has indicated to me that he is willing to withdraw that section of his motion, provided this Deputy Chief Minister accepts personal responsibility.

More importantly, Mr Speaker, the misleading of the Assembly is clear on the facts. It is clear on the admissions made on the Deputy Chief Minister's behalf by the Chief Minister. It is an overwhelming admission, and clearly the Deputy Chief Minister was misled either intentionally or unintentionally - one assumes, unintentionally - by his subordinates. But a very senior subordinate was one of them. One of the named persons, whose name will not enter this chamber this afternoon, is or was either the acting or the permanent first assistant secretary.

That shows a very severe and unwelcome and troublesome breach of the normal ministerial responsibility chain of command that led this Deputy Chief Minister to leap to his feet, when his Chief Minister had herself undertaken to respond to the question raised by Mr Jensen. One should recall that in refuting the Chief Minister's claim that Mr Jensen provoked Mr Whalan. That, of course, is utterly unarguable. The fact is that this Deputy Chief Minister got to his feet much later and wanted to make a personal explanation, which was an attack.

He has done the same in this chamber today over a road, but that road will come home to roost soon for this Deputy Chief Minister somewhere else. Now, Mr Speaker, the fact is that this Minister is currently unable to discharge his ministerial obligations. The decision, as my colleague Mr Kaine said, of the Chief Minister in this affair is hers, and presumably hers alone, and she will not be dictated to,

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one assumes, given the warrant she has taken on her sworn oath, by any party factional issues. She will presumably make a personal decision as to whether Mr Whalan comes within the criteria I have outlined in House of Representative Practice, which, as you know, Mr Speaker, guides us both by law in the ACT (Self-Government) Act - section 24, from memory, or thereabouts - and convention. It is sad that, quite by chance, this Deputy Chief Minister has come unstuck after such a career.

**MR WHALAN** (Deputy Chief Minister) (3.49): Mr Speaker, I said yesterday in the Assembly, when we were debating the matter of public importance, that the Government appreciates the effective contribution which the Liberal Party and the No Self Government Party are making to the government of the ACT. We know, on this side of the chamber, that we can talk sensibly to representatives of those parties and have constructive negotiations on important issues, and we do it constantly.

If I had not been interrupted by the shortage of time yesterday, I would have gone on to say that the contribution of the Residents Rally party falls into an entirely different category. The Residents Rally party is practically impossible to deal with because it has no coherent philosophy and only a very limited degree of unanimity on a few issues. It is impossible to predict which way its members will jump on an issue, and often they jump in different directions on consecutive days. Their position on the move-on powers is a case in point. Under their maverick leader they are simply unable to take a stand on principle, because they do not have any.

**Dr Kinloch:** Mr Speaker, I take a point of order. I do ask that words like "maverick" not be used. That is not an appropriate parliamentary word. It implies a judgment which should not be made in those terms.

**MR SPEAKER:** The point of order is overruled.

**MR WHALAN:** Of course, we know that within the Residents Rally they have grave difficulties over the leadership issue, and there is indeed a leadership crisis which is disruptive.

**Dr Kinloch:** Mr Speaker, on a point of order; that is not true. I do ask that at least Mr Whalan speak the truth.

**MR SPEAKER:** Please proceed, Deputy Chief Minister.

**MR WHALAN:** Thank you, Mr Speaker. In support of that, Mr Speaker, I would like to inform the Assembly that on 19 July a secret meeting was convened by Chris Donohue, the president of the Residents Rally party, and Sue Douglas, a member of the executive, both of whom of course are not members of this chamber. The purpose of that meeting was to discuss the leadership issue within the Residents Rally party, but no agreement could be reached on a replacement

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leader, the choice being between the more reasonable Mr Moore and the more conservative Mr Jensen.

**A member:** What about Hector?

**MR WHALAN:** I understand that Hector was not considered for the leadership on that particular occasion. So what happens as a result of these tensions within the Residents Rally? We find that they merely seize on issues as they arise and they seek to make cheap political capital of those issues. It used to be a truism of Federal politics that if you could make a Minister deny something, whatever the nature of the allegation, then you had won the political exchange. The denial becomes the story and the facts become irrelevant.

The matter which has been raised today is therefore a classic example of the political style of the Residents Rally party. They have seized on a minor matter, attempted to elevate its significance, and now seek to require a defence from me. I should say, however, Mr Speaker, that it is a relief for me today to respond to a matter of this consequence. I would like to comment on Dr Kinloch's heartfelt words when he spoke about behaviour in this chamber. I would like to comment on Mr Collaery's words when he spoke about the style, or the mode of conduct, and spoke about proper standards within this chamber.

In the paper last Sunday he was quoted as saying that he had been the target - that is Mr Collaery - of "unremitting personal attacks by Mr Whalan". Mr Speaker, can I take you back, and can I take you back, Hector, to Bernard Collaery's allegations that I had taken a \$100,000 bribe. Who made the allegation against whom on that occasion? Hector, can I take you back to the allegations by Mr Collaery that I had sold land at low prices to a particular developer. Who made the allegations on that occasion and against whom? It was Mr Collaery once again.

I remind you, Dr Kinloch, through you, Mr Speaker, of the allegation that I had personally undertaken to allocate the casino licence to a particular property developer. Who made the allegation on that occasion and against whom? I put it to you that the person whose behaviour, allegations, fallacious allegations, indeed mendacious allegations - - -

**Mr Jensen:** Mr Speaker, I take a point of order. I think it is appropriate that the use of that word be ruled out of order and I seek that you do so in this context. Let us not get back to what started this nonsense.

**MR SPEAKER:** I request the Deputy Chief Minister to be careful. I assumed he was referring to past tense not present.

**MR WHALAN:** Mr Speaker, the allegation that I had received a \$100,000 bribe is mendacious. The allegation that I had sold land at cheap prices to a particular developer is

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mendacious. The allegation that I had agreed to allocate to a particular developer a casino licence is mendacious. All those allegations are mendacious. I defend their description as such.

I now turn to the facts of this matter. The allegation is that the Tuggeranong Community Council was promised a briefing on a proposed variation to the city plan in relation to the Eastern Parkway. It is alleged that that briefing did not take place because of some intervention by my office.

That was the allegation made during question time when Mr Jensen asked a question of the Chief Minister, to which I responded because - to take the words out of this motion that we have got here today - it constituted an unwarranted personal attack upon me because it was false.

It implied, Mr Speaker, that some political intervention on my part had been applied to prevent the Tuggeranong Community Council from receiving a briefing. That was clearly false.

If we look at the motion, the first part is that saying that an allegation was false constituted an unwarranted personal attack on the other member - on this occasion, Mr Jensen. I would reject that proposal outright. I state again that his allegation was that my office had in some way intervened to prevent the Tuggeranong Community Council receiving a briefing from the Interim Territory Planning Authority in relation to the Eastern Parkway. I state categorically that that allegation was false. The facts are that there was an undertaking to brief the council. That briefing did not take place because of the circumstances outlined by the Chief Minister at the end of question time today.

As I said yesterday, Mr Speaker, the chairman of the council had been briefed separately on a range of Tuggeranong development issues on 4 August by an officer of my department at a separate meeting instigated by that officer, and I have a record of the meeting prepared by an officer of the department. This was signed by Hans Sommer, who is the assistant secretary, land development. That document is headed "Briefing of 4 August 1989 of Chairman of Tuggeranong Community Council". I will quote from the document:

I initiated contact with Mr David Read in July to seek discussion with the Tuggeranong Community Council on a range of issues including the retail situation in the general Calwell area...also the Gilmore Highway Service Centre and any other issues that the Council were interested in discussing.

The aim was to ensure that in formulating our sales and marketing program we had appropriate

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community input and that their views could be included in any decision making by the Government in implementing the land development program.

Mr Read decided that it was best for he and I to have this first discussion.

(Extension of time granted)

I continue quoting from the officer's report:

It was held on 4 August in my office.

We discussed all the above issues in some detail and I was able to explain to Mr Read the sort of proposals we were considering and in the Gilmore Service Centre case to explain the proposal, discuss the gazettal requirements, that there was the developer who had initiated this venture, that the Eastern Parkway was a separate issue and that the work at the intersection with Isabella Drive was not required for the Centre.

Mr Read indicated that the Council were supportive of the Service Centre as now proposed. They were also keen to see the retail centres proceed as soon as possible even if they were smaller than originally thought about.

The meeting concluded with my offer to Mr Read to present our work and provide details to the Council either during the day, in the evening or at weekends with a view to establishing a liaison between us.

Specifically I was aiming to ensure that all views were taken into account in formulating the land development program and our advice to the Minister and Government.

I seek leave, Mr Speaker, to table that document.

Leave granted.

**MR WHALAN:** The council in this letter to "Norm" - and I assume the Norm in this letter is our Norm Jensen - has claimed that the briefing did not cover all the matters of concern to it in relation to the Eastern Parkway. My response to that is that it was open to the council to raise any matter with the officer and he would have responded appropriately.

I think it is disappointing, Mr Speaker, that the Tuggeranong Community Council has been politicised in the way that it has. The Tuggeranong Community Council's role is to bring together different views of organisations within the Tuggeranong Valley so that they can be presented in a unified manner. We have seen their political

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statements; a very public association with Katharine West; the interest rate meetings which have been held in the Tuggeranong Town Centre; the public association with the repressive move-on powers that have been raised here; and now we see this final stage of the politicisation - - -

**Mr Stefaniak:** Only repressive for a few criminals, Paul.

**MR WHALAN:** Well, when you see the interpretations of the legislation which are possible you will realise that what it will be doing is moving on the criminals rather than arresting them.

This is a tragic occasion when the Tuggeranong Community Council has been politicised in this way to such an extent that the effectiveness of this organisation in its role as a representative of the people of Tuggeranong is being frustrated.

Mr Speaker, this matter is simply another poor try by the Residents Rally party to put me on the defensive. Regardless of the outcome of any vote that is taken here today, it has failed because as usual they have not done their homework. If they are getting this desperate, I am developing a greater sense of confidence about being able to make a long-term contribution to the Government from this side of the chamber.

**MR HUMPHRIES (4.03):** Mr Speaker, I think I need to seek leave to move an amendment to the motion that stands before the Assembly. If I do, I so seek leave.

**MR SPEAKER:** No. Please proceed.

**MR HUMPHRIES:** In that case, Mr Speaker, I move the following amendment to the motion:

Delete "censures", substitute "admonishes".

**MR SPEAKER:** I request that that be put in writing.

**MR HUMPHRIES:** Mr Speaker, I think the comments that one should make about this kind of motion are fairly obvious. A motion of censure of a Minister is a very titillating occurrence and causes a great deal of attention. I have no doubt at all that this will be the lead item on the news programs this evening and in tomorrow morning's newspaper, despite the fact that the Assembly today has dealt with other important matters such as establishing a select committee to look at the cultural activities of the ACT, considering the question of fluoridation, and considering other important matters in question time. It concerns me that this should be the case.

I am concerned because I believe it reflects to some extent, and the underlying reasons for this motion reflect, not just on the Minister concerned but also on the entire conduct of this Assembly. It does so because, as a new

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body, this Assembly is yet to win widespread acceptance and credibility in the wider community, and I say that on careful reflection and on the basis to some extent of the opinion polls that were published this weekend just past. This Assembly is yet to win that confidence. In light of that fact, the motion that appears today and the debate that has ensued as a result of that motion do cause me some concern that the repute of this Assembly might be dragged down because of a debate of this kind occurring now.

I have no doubt, Mr Speaker, that the contents of this motion are true, that Mr Jensen has correctly identified conduct of the Minister which is reprehensible, and there is no doubt in my mind that censure of some kind is deserved. But I am also aware of the traditions that pertain to a Westminster-style system. Those traditions have been referred to already by my leader, Mr Kaine. Those are, generally speaking, that a censure of a Minister does require - in this case - the Chief Minister to consider whether that Minister ought to continue to serve in the Chief Minister's Government. I, for one, am concerned that that should be the inference or the suggestion that arises out of this motion.

It was certainly wrong for the Deputy Chief Minister to have engaged in this conduct, but I am in two minds as to whether that should be the cause for his resignation. I seek the agreement of the house to substitute the word "admonishes" for "censures". I do not believe that the word "admonishes" carries the same overtone, the same compulsion on the Chief Minister to take the Minister aside and consider his future, although I would hope that, as a result of the motion being carried in its amended form, the Chief Minister would take the Deputy Chief Minister aside and counsel him on his proper course of conduct, particularly with respect to the Residents Rally.

I have not found the Residents Rally as difficult to deal with as has the Deputy Chief Minister. I believe that much of what he has complained about in his statement in this debate is quite adequately reciprocated by his own conduct. I know that some things have been said in this chamber which, although I am not able to prove or disprove those statements, nonetheless give me cause to think that people are going too far.

It is very easy in this place for us to make statements we cannot and are not required to back up. It is very easy for us to make accusations. It is a quite enormous responsibility on the shoulders of all of us to come into this place knowing that we can say that Mr Bloggs in Wanniasa is a child molester, knowing that we have no obligation whatsoever to substantiate that claim and moreover that there is no redress on the part of Mr Bloggs. I hope there is no Mr Bloggs living in Wanniasa. I will be extremely concerned if there is.

**Mr Kaine:** The fictitious Mr Bloggs.

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**MR HUMPHRIES:** Knowing that the fictitious Mr Bloggs has no right of redress and cannot even write back to the newspaper and criticise the bona fides of the Minister or the person concerned because that person in making those counterallegations has no protection, unlike the person making the original allegation. So, for those reasons, Mr Speaker, we should treat the capacity to make such statements with great care and caution.

I believe we ought to withdraw from extreme positions of the kind that have been adopted previously. I hope this motion, in its amended form, will teach prudence to all parties, and I hope that as a result of this experience we can be a little bit more careful and we can move more quickly and readily to addressing the proper issues of concern to the Territory and to its citizens and avoid peripheral personal issues of the kind that has given rise to this motion.

**MR MOORE (4.10):** I would just like to take issue with some of the points that Mr Whalan raised, supposedly in response to this debate, but I believe that they were not done as such. He attacked first of all the Residents Rally on its lack of coherent policies. I would like to point out to the Minister that we follow directly our policies. I am sure he has a copy. I will certainly be delighted to provide him with a copy if he has lost it.

They are summary policies. We have further policies on planning, health and, in particular, as I have mentioned on a number of occasions, there is the 17-page document on environment. The Labor Party has perhaps relied heavily on the same sources to get a competent environment policy - its two-page or four-page environment policy or whatever it is.

With reference to the leadership crisis meeting on 19 July that he mentioned for the Residents Rally, he talked about a secret meeting. Of course, the statement is obviously circular: if it is a secret meeting, how did he know about it?

**Mr Whalan:** It was held at Dickson.

**MR MOORE:** Now, that is interesting, is it not?

**Mr Whalan:** I can give you an exact address.

**MR MOORE:** Perhaps I could just explain to Mr Whalan that it takes more than three people to roll a leader in the Residents Rally. In fact it takes a full meeting of all members in the Assembly and all members of the executive. So I doubt that two people or even three could constitute anything in the way of a leadership crisis. He has also suggested that this is a minor matter. To suggest that misleading the house in any way is a minor matter, I think, speaks for itself.



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Further, I would like to comment on his concept of the politicisation of the Tuggeranong Community Council and to support him when he went on to say that they were interested in interest rates and had actually spoken to Katharine West. He went on further to say that they also supported the police move-on powers. Just because they have different political views from the Deputy Chief Minister does not mean to say that they are politicised. In fact Mr Jensen himself resigned from the Tuggeranong Community Council to allow that body to remain apolitical.

**MR STEFANIAK** (4.12): I rise to support the remarks made by my leader, Mr Kaine, Mr Humphries, Mr Jensen and also Dr Kinloch. It concerns me that we have to spend time on motions such as this. I think the mover is quite right, though, in bringing this motion before the house, but it is a pity that we have to spend time debating issues such as this.

There is a lot of business now banking up on which the house could better spend its time. I think we all should be mindful of that when we conduct ourselves in the house, not only so that we can get on with the real business, but also so that we create a proper impression for the public. I think some of the things Dr Kinloch said are particularly appropriate there.

I support the motion as amended by my friend and colleague Mr Humphries. I agree that "censure" could well mean that the Chief Minister was left with no alternative but to discharge Mr Whalan from his duties as a Minister, and I think he probably has not, at this stage, gone as far as to warrant anything like that. However, I think he certainly should be admonished for his conduct.

Mr Speaker, Mr Whalan does seem to have some problem with the Tuggeranong Community Council and I can recall - he brought up the subject of the move-on powers - that he interfered in the debate and in fact directed that council to butt out of the debate on the move-on powers. I think I indicated in a question to the house shortly after that and in a press release that he had no right to do that. He certainly did not attempt to tell the TLC or ACTCOSS to butt out. Of course they were supporting his side.

**Mr Berry:** Why should he do that? They were on our side.

**MR STEFANIAK:** Exactly; they were on your side. In fact he refers to the repressive move-on powers. I have made it quite clear that the Labor Party's opposition to this very sensible, commonsense power is quite disgraceful. At least Mr Collaery, although he has indeed watered down my original Bill, has consistently supported the need for a move-on power. I commend him for that and I commend indeed his party for their consistent support. It is not perhaps quite the same type of power I would like to see but it is nevertheless a consistent support for that power.

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I think Mr Whalan should take a good look at himself and his conduct. Indeed I think the Chief Minister should take him aside and have a few words to him in relation to his conduct. I do not think "censure" is appropriate. I think "admonish" in this case is appropriate, but he should lift his game.

**MR BERRY** (Minister for Community Services and Health) (4.15): The first thing I would like to talk about is what was said on the ABC last Sunday when Mr Collaery reported about his popularity being affected by personal attacks on him. I must admit that when I heard that I was jolted into being wide awake because I was rather surprised that even Mr Collaery would try that one on, given our experience in this Assembly.

**Mr Jensen:** Did you not hear Bob McMullan the other day?

**MR BERRY:** You will get your turn, Norm. The fact of the matter is - and we have all heard it in this Assembly - there have been a number of fairly malicious, I would say, personal attacks made against Ministers of the Government. As a minority Government and as a Minister in that minority Government, we expect to get a bit of stick from members of the Opposition and other parties because of the political circumstances. We are prepared to live with that, but I would expect that in some circumstances, where members of opposition parties seem to have no scruples - or at least the Residents Rally seems to have no scruples - about the viciousness of the attacks, they might expect that members from these benches would be somewhat angry and antagonistic towards the Residents Rally.

I go back to Mr Kaine's earlier statements and Mr Humphries' statements. They expressed some concern about how this Assembly might be viewed by the public at large when it considers issues such as this over such a long period of time when other important matters - and I think this was also raised by Mr Stefaniak - might be dealt with by the Assembly which have an important effect on the public at large.

**Mr Moore:** Good. Keep your speech brief.

**MR BERRY:** You will have to speak up, Mr Moore. The real issue is about the Residents Rally members feeling free to wield the big stick at every opportunity with as much viciousness and antagonism as they feel appropriate and then, when there is at times an angry response, we hear whinges and whines about the reaction of those nasty Government Ministers. I think it is about time that the members of the Rally woke up to themselves and approached the business of this house like mature politicians and did not seek to waste the time of the house on matters such as have been brought before the house by Mr Jensen.

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I turn to the motion moved by Mr Jensen. Subsequently, of course, an amendment was moved by Mr Humphries. I will just read from each one of them. I think this has been dealt with by the Chief Minister. The motion talks about an unwarranted personal attack on another member of the Assembly. I must say that you can be as judgmental as you like about whether the comments were warranted or not, but I did not feel that it was a personal attack on Mr Jensen. I just saw it as the thrust and parry between two politicians in a real, grown-up parliament, and I think it ought to have been taken that way. If Mr Jensen was so hurt by the processes, he had the protection of the Chair available to him if he chose to raise it with the Speaker, but he did not, and I just wonder about the political motives that might be behind all of this.

I turn to the second part of the motion. It talks about misleading the Assembly by accusing Mr Jensen of making an outrageous and mendacious allegation. I cannot see how the Assembly was misled by that. I cannot for the life of me see how the Assembly was misled. Then to go on and say at the end of it "for being unable to discharge his ministerial obligations" is outrageous in the extreme, and for this Assembly to adopt that motion as it stands would make us look like a bunch of rank amateurs. I think you have to sit down and read it. That motion is rubbish and I think members who are about to vote on the issue ought to consider that.

The last thing I would like to touch on is the issue of sincerity that was raised by Dr Kinloch. I must say, Dr Kinloch, that it grieves me to continually hear noises of sincerity coming from you. We have not had close contact over the last three or four months, but I know that they are well-meaning. However, this sort of sincerity does not emanate from the Residents Rally. I think, if you can convince your comrades in the Rally to use the same sort of sincerity when they deal with matters in this house and behave like professional politicians in the thrust and parry of debate, this will be a better place and all of the parties will be able to operate in the best interests of the people of the Australian Capital Territory.

I urge members to oppose this motion and to oppose the amendment. Finally I would like to say, Mr Speaker, that Mr Whalan has my full support. I would just like to echo that which was said by the Chief Minister: He is one of the most experienced, if not the most experienced, politician in this place and I think due regard should be given to that by all members of the Assembly. I repeat my urging that members oppose this unwarranted motion.

**MR WOOD** (4.23): Mr Speaker, I rise to add some greater balance to this debate. Let me begin by saying that in parliament, more than anywhere else in society, there is a need for accuracy. It is also the case that parliament is sometimes the place where you see the least accuracy of all, if not downright distortion on occasions. Certainly I

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know that Ministers, when they stand on their feet, have to be accurate. As far as I can see, all the evidence tells me that, when Paul Whalan stood to his feet yesterday and said that he had not intervened in a case, he was right. No-one has stood up and said today that Paul Whalan intervened to stop a consultation. So that is not an issue. Was he not correct?

**A member:** That is right.

**MR WOOD:** Thank you for that. I am pleased to have that acknowledgment. But there have been inaccuracies surrounding this chamber. Let me give one case that I objected to. I was outraged recently as a member of a committee to sit and watch television one night and see a report of a red-faced public servant admitting that land had been sold cheaply. I had sat in a committee room all day and I had not seen or heard that, and that was a statement emanating from this chamber, or from members of this parliament. So we do need to be accurate. Let us have some accuracy. There was a statement about a \$100,000 bribe, known now to be totally outrageous. So let us have some accuracy. Mr Whalan has dealt with this matter and others. Let us have some accuracy.

If Mr Whalan finds offence at this, as he is justly entitled to do - because on two occasions that I am aware of he was told that this consultation had been stopped because of his intervention - I am not going to say, "Paul, that is something you should cop quietly". I saw a report, I think, in a newspaper, saying that Mr Whalan had interfered, and it was repeated in this chamber. Mr Whalan objected. Frankly, I think he is entitled to object. Let us look at what we do. If we stand up here, let us be very clear that what we say is spot on, and, if it is not, let us not be offended at the remarks that might be thrown back at us.

**MR JENSEN:** (4.26): Mr Speaker - - -

**MR SPEAKER:** Mr Jensen, I remind you that you are talking to the amendment. You are not closing the debate at this stage.

**MR JENSEN:** In that case, I do not need to speak at this stage, Mr Speaker. I thought we would be speaking to both the motion and the amendment.

Amendment agreed to.

**MR STEVENSON** (4.27): I move the following amendment to the amended motion:

At the end of paragraph (3) add "in this matter".

I feel there is no intention to suggest that Mr Whalan was unable to discharge his ministerial obligations as such, and I take the point that the Chief Minister made earlier.

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In view of the time problems we have here, I will leave it at that.

Amendment agreed to.

**MR JENSEN** (4.28), in reply: I note with interest the comments made by Mr Kaine and others, particularly Mr Kaine, in relation to a suggestion that there was a particular personal problem between me and Mr Whalan. Let me assure members of the house and others present in this chamber that that is not the case. I felt, as I said in my remarks, that Mr Whalan was given a perfect opportunity, after the explanation by the Chief Minister, to withdraw the implication about my integrity. In fact, it would have been open for me as soon as we started proceedings this morning to move this particular motion, but I chose not to do so because I did not think it was appropriate and I thought it was appropriate for Mr Whalan to be given sufficient time, once he had seen the information that I had passed to the Chief Minister last night, to withdraw his comments about my integrity. It was for this reason and for this reason alone that I was forced to raise this matter.

In fact, I was much surprised by the response from Mr Whalan, in view of the fact that all I asked was what I felt was a legitimate question of the Chief Minister on an issue of concern. I can assure the house that I would not have asked the question if I had not had complete confidence in my information. Once again, I refer to the contents of a statement that I read into Hansard yesterday, a statement that I have complete confidence in. Mr Speaker, I will refer to the question again so that people are quite clear what I said. I take Mr Wood's point about a suggestion - - -

Debate interrupted.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

### **DEPUTY CHIEF MINISTER - ADMONISHMENT**

Debate resumed.

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**MR JENSEN:** I feel I must read my question again for the benefit of those who seem to have got the impression that the implication in the letter that Mr Read passed to me, and thereby my question, was directed specifically at the Deputy Chief Minister. My question was:

Is [the Chief Minister] aware that an attempt by the Tuggeranong Community Council to obtain a briefing from the Interim Territory Planning Authority on the Eastern Parkway, prior to a council representative appearing before the Joint Parliamentary Committee on the ACT, failed following involvement by the Deputy Chief Minister's office?

I repeat the words "by the Deputy Chief Minister's office". Nowhere did I say "by the Deputy Chief Minister". I would also refer to the letter that I provided to the Chief Minister last night. Mr Whalan quoted from the first paragraph of it but failed to quote from the second. Once again, I read what Mr Read has said:

He told me the meeting was going to be cleared by Paul Whalan's office and that they wanted to deal with me direct. Nothing eventuated.

Nowhere in any of those statements is there any suggestion that the Deputy Chief Minister was personally involved in this particular matter. Nowhere was that raised. I think it is important that that be put clearly and simply before this house before members vote.

On that basis, I do not believe it is necessary for me to make any further comments. I would have expected, on the basis of the answer provided by the Deputy Chief Minister, on reading the letter by Mr Read that I passed to the Deputy Chief Minister, and on re-reading the question that I asked in the house, that it was quite clear that there was no implication that the Deputy Chief Minister was personally involved.

It was interesting to see why he felt it necessary to rise to his feet and attack me and, by implication, the Tuggeranong Community Council so personally. That is why I felt it was necessary to raise this particular matter. I have no problem with the amendments that have been moved today to this motion.

Mr Speaker, I regret having had to take this action today, but I felt it was important that I do so because of the failure by the Deputy Chief Minister, when he was given an opportunity, to take the aggravation and the angst out of this particular matter to ensure that we could get on with the business. It is unfortunate that, because of this matter, time will now probably be restricted in other areas that are just as important. I commend the motion, as amended, to the members of this Assembly.

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Question put:

That the motion, as amended, be agreed to.

The Assembly voted -

AYES, 10

Mr Collaery  
Mr Humphries  
Mr Jensen  
Mr Kaine  
Dr Kinloch  
Mr Moore  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak  
Mr Stevenson

NOES, 7

Mr Berry  
Mr Duby  
Ms Follett  
Mrs Grassby  
Ms Maher  
Mr Whalan  
Mr Wood

Question resolved in the affirmative.

### **CANBERRA TIMES BUILDING SITE Discussion of Matter of Public Importance**

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

The Canberra Times building site decision and its effect upon the economy of the ACT.

**MR KAINE** (Leader of the Opposition) (4.35): Mr Speaker, I would have to say that I consider it a matter of regret that we have had to sit through an hour and a half or more of a rather unproductive debate when a matter of the importance and urgency of this matter was on the agenda to be debated today. The subject matter is the Canberra Times building site decision and its effect upon the economy of the ACT, a matter that calls for urgent and positive action in the interests of this community.

The background to this most significant and important matter is well known. Briefly, on 21 July Mr Justice Kelly in the Supreme Court rejected an application by Concrete Constructions to vary the lease purpose clause relating to the old Canberra Times site in Mort Street. The company had purchased the vacant site in 1985 for \$7.5m and had planned to erect a six or seven storey office building housing some 700 workers.

The grounds for Mr Justice Kelly's rejection, in general, were that there were long-term traffic and pollution problems facing the area. Those are the facts, and it is not my intention to debate the rights or wrongs of that decision. Let me say at the outset that my comments are in

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no way a reflection on Mr Justice Kelly or his decision. There can be no criticism of Mr Justice Kelly, because he has acted properly, within currently applicable appeal procedures. It is my intention to focus on the economic consequences for the city centre, and indeed for the ACT, of that decision.

It is not going too far to say that the Canberra Times site decision is a landmark in the planning processes of Canberra. It was not far off the mark for the Canberra Times itself to headline its story on the decision "Civic at Standstill". Of course, the decision does not only affect the central business district; it will have ramifications right throughout the Territory.

Because of the enormity of the ramifications deriving from the precedent established by this decision, it is timely to assert what many have been saying for years; namely, that a court of law is no place to decide planning issues. The Canberra Times site decision provides a good illustration of the sense of that opinion.

The decision raises two crucial matters which must be dealt with. The first is the short-term problem of how to reactivate the particular project and others now in abeyance because of the decision, and the second is the long-term problem of planning for development and land use and establishing adequate processes for appeals.

In relation to the short-term problem, the matters raised by the Canberra Times site are more than simply localised planning issues. The location makes it a city planning matter, and resolution of the problem involves the consideration of wide-ranging matters that take into account the totality of the area in question; that is, the Civic centre. I am referring, for example, to balancing residential, business and recreational concerns; to consideration of environmental issues; and to the provision of transportation adequate to the task of moving large numbers of people, commuters and shoppers, into and out of the area.

There are some matters that bear on this broad issue. They include, firstly, the fact that the development of section 38 was encouraged on the understanding - and I emphasise this - that Civic would be the base for expansion of office facilities; secondly, the fact that this expansion has not occurred to the extent then predicted, with the Civic work force now approximately 24,000 rather than the projected figure of 29,000; and, further, the fact that the required space per office worker has increased from 14 square metres five years ago to 20 square metres today. Thus, while extra space is now required, it does not necessarily translate into extra workers.

I cite these points, not to be partisan on the issue of the Canberra Times site but to show the complexities of planning decisions, complexities that underline the question whether



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a court of law is the appropriate place for their consideration. So the Government must establish interim arrangements to enable decisions to be made. This must be done quickly so that business initiatives currently being taken do not fail to materialise. It is important for the future economic health of the ACT community that this be done quickly.

The second matter for Government attention is, if anything, of more importance than the first because it goes right to the heart of the problem. Indeed, if this aspect had been addressed earlier, there would be no problem with the Canberra Times site today. I refer to the need for comprehensive plans for Canberra in its entirety and for Canberra's city centre in particular. I believe the plans should be sufficiently forward-looking to carry us through to the year 2010; that is, 20 years from now.

The Government therefore has also an urgent duty to improve and to clarify the planning process and to remove the appeals process from the costly and time-consuming jurisdiction of the courts. Ideally, the Government should set up a suitably qualified tribunal to consider lease purpose variations, one that is open, accessible to all and responsive to this community's needs.

Until now, the development of Civic has been somewhat piecemeal and, as a result, has brought conflict between residents, developers, retailers and workers. What is needed is a clear, understandable statement of what is proposed for Civic centre so that conflict is minimised and planning decisions are reached with some confidence that they will not be overturned. Unless we have a comprehensive plan, investors and developers will have no confidence in growth in Civic and, without that confidence, both the construction industry and retail outlets will be the poorer.

Very simply, Civic development or redevelopment projects cannot be looked at on an individual case basis. If we do so, and the Government fails to remove planning decisions from the courts, are we to see a repeat performance of the Canberra Times site decision in other Civic properties with a potential for redevelopment every time one comes up?

There is clear evidence that several potential redevelopment proposals involving lease purpose changes are now in abeyance pending resolution of the future intentions of the Government. This means no jobs, no betterment tax, no continuing investment, no increasing revenue base. It has been estimated that these projects could have a total cost of the order of \$200m.

Unfortunately, we cannot expect to sort out all of the complexities of our planning problems overnight. The roles of the National Capital Planning Authority and the Territory Planning Authority, particularly in the areas where their responsibilities overlap, will require much

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patient negotiation before an acceptable arrangement is reached. Similarly, the setting up of a planning board, as was admitted by Mr Peter Berry of the BWIU only yesterday, will take some months if the consultative process to which this Government is committed is to be allowed to function. Yet we have potential development projects valued at \$200m currently on hold. So what are we going to do about it?

It has been suggested that the Government fast-track approvals for these projects. Now, "fast-track" is not a word I like nor, I suggest, is it a procedure acceptable to the ACT community. Fast-tracking suggests cutting corners, paying less attention to detail and perhaps not doing a thorough job. That is not what we want, but neither do we want \$200m worth of projects delayed unnecessarily.

The Government has had ample warning of this problem. It is a month since the Canberra Times site decision was handed down and at least a fortnight since the construction industry and the construction unions first raised the alarm as to the disastrous effects of existing planning difficulties. And it is not just existing developments under threat. We need to look further ahead than even these current redevelopment proposals.

What, for example, will be the fate of the Olympic Bowl site in Allara Street or perhaps the Queen Elizabeth Home for Mothers and Babies behind the ACT Health Department building? You see, it is not only the developers who suffer from the lack of a comprehensive city plan; it is also the owners of the current leases and in the final analysis it is the community.

Where does the anti-development lobby stand, for example, on the Queen Elizabeth Home? If it were thought desirable that the home should move - and this has been considered from time to time - the sale of such a prime piece of real estate would more than cover the relocation costs; that is, providing the developer who purchased the site could be assured of getting his money back. If, however, redevelopment approval were refused, or refusal were even considered to be highly likely, then I suggest to you there would be no sale. The home would stay where it is, denied the opportunity to relocate, and a more profitable use of the site would be denied.

Of course, there is an alternative. The Government could relocate the home, although in these times of financial stringency that seems unlikely. We would then be faced with a financially irresponsible situation of a prime Civic site sitting vacant, a cost and waste that I doubt the ACT community would welcome. So there is a cost to existing lessees as well as to potential lessees arising from the current unsatisfactory procedures and the lack of any comprehensive plan.

There is also a cost to the wider community. I have used the Queen Elizabeth Home as an example, but the argument is

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applicable to any potential development or redevelopment site. The piecemeal development of Civic has seen windfall profits made by some developers because of the failure of the ACT Administration to levy a realistic betterment tax to cover the cost of additional public services like roads, sewerage and parking to support the new development. There has not been consistency in the assessment of betterment tax either.

Such mistakes of the past need not be repeated in the future, however, and the Government should ensure that this is so, otherwise ACT residents will continue to foot bills which should be a charge to the developer. Preventing the development itself, however, will not save the ACT community money; indeed it could deny it some savings through economies of scale in some central business district developments.

The Canberra Times site decision has had an inevitability about it. It was going to happen. It was only a matter of when and where. While we can sympathise with Concrete Constructions and trust it will find its way out of its expensive difficulty, it is nevertheless fortuitous that the issue has arisen now so it can be addressed now. As the Liberals said in our policy document during the Assembly election, predictability is one of the cornerstones of the Liberal's approach to planning, and it is never more in need than now, so that people know the rules and can play accordingly.

In summary, Mr Speaker, with the establishment of self-government and the concomitant change in land planning arrangements, wide-ranging changes need to be made to the processes of land planning and land use. This is crucial to our future well-being as a community. The necessary changes include, firstly, the development of comprehensive plans for the city area as a whole and for each existing or future redevelopment area including the city centre. Secondly, it needs the creation of a permanent territorial planning organisation, and that organisation must have its responsibilities, authority and role clearly defined; it must have a clear line of responsibility to a Minister of the ACT Executive; it must have unambiguous planning criteria; it must have internal delegation to ensure that development and redevelopment proposals are dealt with comprehensively at the lowest possible level; it must have an appeals process which is responsive, open and accessible, with the responsibility for consideration of, and decision on, appeals being vested in an appropriate tribunal - and I mean more administrative than judicial.

We, the Liberals, call upon the Government to implement these actions with emphasis and urgency on resolving the Canberra Times site problem and ensuring that other projects in abeyance can proceed. Both the short-term problem and the longer-term planning issues must be addressed urgently. Mr Speaker, I foreshadow that I will seek leave to move a motion calling upon the Government to take urgent action to

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address the problems that exist, at the conclusion of this debate.

**MR MOORE** (4.47): I would like to start by taking up a couple of points that Mr Kaine has raised. One of his concerns is, of course, that there is \$200m worth of development proposals in abeyance because of this decision. To start off with, his figure of \$200m, I presume, is being bandied about from the same source from which I have heard those figures, and that is from the lobbyists for Concrete Constructions. So I question those figures in the initial instance. Secondly, the Canberra Times site decision by Justice Kelly was about the Canberra Times site; it was not about all the sites in Civic. They can be handled in different ways. That lease purpose change can be made in a series of ways.

Let me start by saying that what we are talking about here is not about development but about office block development, and we need to keep very much in mind that the office block development and the peak-hour traffic that it generates and other environmental factors are absolutely critical here. This problem would never have come about in the first place if those people who were in power and had the ability to keep planning on the rails had done so.

There is a plan that goes well past the year 2000. Here it is in my hand, the Y plan. It deals with planning for Canberra until there are 400,000 people in Canberra. Some people simply do not like the plan; but there is a plan, and, until we have a better plan, we should be sticking to the plan, and that is where the problem arises. The Civic centre plan is subservient to that plan, and that is where misunderstanding occurred on the part of the principals of Concrete Constructions when they purchased the Canberra Times site. I will get to that a little later.

More important is the political incompetence of the Labor Party that has been in power in Canberra for over six years, its adviser, Paul Whalan, and its member for Canberra, Ros Kelly, who have been looking after their development mates.

**Ms Follett:** Mr Speaker, I object. I must ask that Mr Moore withdraw those words immediately.

**MR MOORE:** I withdraw that, Mr Speaker.

**Mr Berry:** You should have moved a censure motion.

**MR MOORE:** Yes; at least I withdrew it.

They have been coldly taking advantage of the unions whose members are unfortunate to be in the position, thanks to the cessation of work on Parliament House, of losing jobs. It was always the case, and it was always understood to be the case, and any reasonable person within Canberra would understand, that those people who came to work on

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Parliament House understood that there would not be the same number of jobs available after Parliament House was built as there were while it was being built. It would be madness for us to try to maintain a construction industry that matched that. That is not to say that we do not have a responsibility to ensure that as much work as possible is available within our plan.

All they had to do was establish a program for accommodating Canberra's Commonwealth public servants' office needs. Had that program been established, or if it is established now, the development will go in the right places, certainty will be there for the developers - that is most important and I echo that sentiment from Mr Kaine - so that they can serve the appropriate purpose that they have in our society, where we have a combination of needs for the planning and the development to be planning driven, not development driven.

I refer to the Weekend Australian and a comment from that paper last weekend. A principal of Concrete Constructions, Mr Bob Westman, said:

The new administration can see how ludicrous the decision is -

I presume he is referring to the Labor Government here -

and is enacting new legislation that will automatically change the zoning so we will be able to do our building.

His lack of understanding in terms of the zoning, I hope, also reflects his lack of understanding as to what the Government is doing and the fact that they realise that they do not need to enact any new legislation at all. A change of purpose can be achieved by the Minister, should he so wish.

The Canberra Times site is one of a series of 11A cases that have come before the Supreme Court. In fact there was a whole host of 11A cases that went before the Supreme Court, and there was some concern expressed by the Supreme Court that it had become just a rubber stamp body for the Minister and for the planning of Canberra until three cases that preceded the Canberra Times site case - the Morpath, the Tekmat and the Atherane cases.

Those three cases - in Northbourne Avenue, Turner; Moore Street, Turner; and Mort Street - were of course lost by the objectors, or won by the developers. There was no outcry then, no scream about the Supreme Court, no squeal about what an unfair system we had - not then, when residents were looking for a cheap and accessible appeals system. Nobody else was going to worry about it at that stage.

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What about the Canberra Times site and the 800 workers? It was different from the other sites because, when the Canberra Times site application was lodged, it did not have ministerial approval. That ministerial approval had been granted in the other cases, but not with that particular case.

Let me refer to a press statement from the NCDC that goes back to 6 November 1987. It states:

The NCDC will not support the Concrete Constructions proposal for the redevelopment of the former Canberra Times site in Mort Street, Braddon.

The NCDC commissioner then went on to explain why that was the case. When I put things in time perspective, you will see that, in the Canberra Times site, the result of the particular case was that they had made a very, very poor business decision.

Let me also point out that a ministerial submission dated 14 December 1987 about this site also makes it very clear about who was involved, who understood, who could have taken action about that ministerial approval at the time. A person signed PL - which I take to be Peter Loveday in the National Capital Development Commission, but I may be wrong there - has typed in a note on the side of this ministerial submission, advising the Minister on the background of the refusal to allow that site. It says:

9.45am 14.12.87 and immediately also faxed to Mr Harris's office. I spoke to Paul Whalan of the Minister's staff in Sydney and alerted him to the advice, which he was expecting. I had provided an earlier draft on Friday afternoon which was substantially similar.

At this stage the Minister, probably with the advice of his adviser, was advising that the Canberra Times site development in terms of office blocks not go ahead. The application by Concrete Constructions was put in in late May 1988, six months later. They knew, they understood, that the Minister was not recommending that it go ahead for office blocks.

Let me make it very clear that the present territory planner, who was then the chief planner of the NCDC, opposed - and I have the documents, of course - the development of that site as office blocks on environmental grounds.

Let me move now to the attitude to the court. I think, because I am short of time, it is best set out in Justice Else-Mitchell's letter to the Canberra Times today in which he sets out the role of the court in this case as the arbiter. It is not expected to be an expert. It is set out very eloquently in today's Canberra Times. We have to be

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very careful of our attitude to the court because, if we find a way to undercut the court's decision, that will reflect our attitude to that process.

That is not to say that we ought not to work towards a cheaper, more accessible planning appeals system. Of course we should. We have pushed that for a long time. Let me point out, of course, that Justice Else-Mitchell was the chief judge of the New South Wales Land and Environment Court. One of the things that we are at risk of doing is protecting business incompetence.

When they lodged the application for their change of purpose clause in May 1988, Concrete Constructions were well aware through their various firms what the lease purpose clause was. But prior to that, when they were arranging settlement, the Canberra Times themselves had taken on the responsibility to change the purpose of the clause, but Concrete Constructions, in a poor business decision, themselves - and this was told to me directly by Mr Bob Westman and probably to you when he went around lobbying the various members of the Assembly - had decided to go ahead with the settlement despite the fact that they did not have the 11A change, that they did not have the change of purpose clause, although earlier they had, because it was settled in September 1987 and earlier there were indications that they would not be able to change the lease purpose clause to allow them to build office blocks.

The problem really exists because they paid \$7.5m for the Canberra Times site, a price which is appropriate for a site for office blocks. However, if they cannot build office blocks, it would have been much more appropriate to pay, say, \$2.5m or something along those lines. But they committed themselves, so they felt they had to build office blocks. There ought to be a development on the Canberra Times site. There should be an appropriate development, but it is not the responsibility of the ACT Government to bail out Concrete Constructions to the tune of \$5m plus what they have lost in interest on top of that. I have heard the figure bandied around of up to \$13m.

Let us not be mistaken about the importance of this decision by Justice Kelly. It is the first environmental impact statement we have had on Civic. The section 38 development, which Mr Kaine referred to earlier, resulted in a joint parliamentary committee hearing. By the way, I should point out that Ros Kelly chaired that committee. They called for an environmental impact statement into Civic.

It was never done, and it still has not been done. The closest thing we have got to it is this particular judgment by Justice Kelly, who listened to a group of planners, transport planners and other experts including the chief planner of the NCDC, and made his decision.

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Some of the evidence that was presented to him was that on a given day the traffic from London Circuit to Haig Park, at this stage on Northbourne Avenue, consists of 400 cars. It takes 8 minutes and 20 seconds for those cars to move across that distance, which is an average of 7.5 kilometres per hour. The energy impact that that type of travel has is quite significant to this Territory. One thing that we are well aware of - and Mr Wood could verify this if he were here because he was at an energy briefing the other day - is that the dispersed city concept has given Canberra a situation where there is about a 75 per cent correlation between people working and living in the same decentralised city, and as such we have a reduced fuel consumption from our vehicles.

Vehicles account for basically half of the energy consumption in the ACT. So it is absolutely critical that this philosophy of decentralised city centres and decentralised work centres be taken into account in such decisions. In fact, Justice Kelly had the foresight to understand that, and he made an appropriate decision when he handed down his decision about the Canberra Times site - specifically the Canberra Times site, specifically office buildings.

One of the problems we have is that the building in Civic is out of kilter with the building in the town centres. It is very clear to us - it takes no expert to know - that the office block development in Belconnen and in Tuggeranong is behind the development in Civic.

**MR SPEAKER:** Order! Mr Moore, your time has expired.

**MR MOORE:** I seek an extension of time, Mr Speaker, for another five minutes.

Leave not granted.

**MR MOORE:** Mr Speaker, can I move to suspend so much of standing orders as would allow me to have an extension of time for three minutes?

**MR SPEAKER:** You could do that, Mr Moore, but I believe the vote has already been taken on your behalf.

**MS FOLLETT** (Chief Minister) (5.03): Mr Speaker, the Government is very pleased to see that Mr Kaine has raised this matter today, and we join with the Leader of the Opposition in expressing grave concern about the effect of the ACT Supreme Court decision, both on the redevelopment of the Canberra Times site and on other redevelopment in Canberra. The Supreme Court decision has placed many major redevelopment proposals, both in Civic and elsewhere in the Territory, in jeopardy. Mr Moore should be listening to these comments.

It must have adverse effects on the local economy and on the confidence of the private sector, and this is of course



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of great concern to the Government. There is no exaggeration when I say the development of Canberra is now at a crossroads. We can either go forward as a strong and growing community or we can regress and face a slowing economy. There is only one path that is acceptable to my Government and I would suggest there is only one path that is acceptable to the vast majority of the community.

The Government is committed to a healthy private sector in Canberra. We know that, without private sector growth, employment opportunities in Canberra will be limited. The Government has given priority to building the confidence of the private sector. It has built strong links already and will do more in the future. I recently announced a business regulation review unit as a measure of our concern to make business here as efficient as possible and to ensure that government regulations do not stifle worthwhile enterprise.

We have targeted unemployment in our very first budget - another sign that we want a strong and dynamic private sector. The Government regards employment growth and maintenance as critical elements in its policies for Canberra. Opportunities for continued employment are critical to the continued health of the economy and to maintenance of the city's standards of living.

The cancellation of any development project has substantial employment implications. It does not just affect the overall community's economic health and well-being; it also causes a great deal of suffering for the people concerned who lose their employment and of course for their families as well. At its peak, employment in the ACT construction industry was 12,000. It has now fallen to 8,000, and the Government wants to ensure that this level does not drop further. Some people may be under the impression that construction workers are a transient group who follow big jobs from city to city and expect periods of unemployment as part of their lifestyle, and I think we had that particular view put to us in this Assembly.

**Mr Collaery:** By whom?

**MS FOLLETT:** I would not care to speculate, Mr Collaery. The fact that there has already been a drop of one-third in the jobs in this area, Mr Speaker, should make it very clear that further construction industry job losses will affect permanent residents. These are people who own houses in the ACT and who are committed to Canberra for their own and their children's future. We are going to do all that we can to retain investor confidence so that these people can remain in the ACT as productive members of the community.

As part of this process, the Government remains committed to effective, orderly and sensible development in Civic, in the town centres and, indeed, across all of Canberra. A possible effect of Mr Justice Kelly's interpretation of the

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current legislation is that the metropolitan policy plan overrides the more detailed plans which have been subsequently developed. Many proposals which are now at risk were the subject of normal consultative processes and took account of the public comments received.

An appeal by Concrete Constructions against Mr Justice Kelly's decision has now been lodged. The Government will support arguments by Concrete Constructions that the appeal should be heard expeditiously because of our concern about the decision and its possible implications for the local economy. Additionally, as I foreshadowed in the Assembly yesterday, we are moving urgently to put planning procedures in the ACT on a better footing.

Planning procedures currently used in the ACT have been the subject of regular public criticism over the past few years. The legacy of Commonwealth legislation at the time of self-government has exacerbated these problems, and this has occurred at a time when construction activity has already been reduced significantly. I believe that we can no longer afford to continue with a system which allows planning matters to be fought out in the Supreme Court.

One of the highest priorities for the Government is the introduction of comprehensive and comprehensible planning, heritage and environment legislation. As you know, I have given an undertaking to make public the principles which will form the planning legislation, by October this year. This timetable is somewhat shorter than I had originally envisaged, but this is really a reflection of the ability of an ACT government to respond to rising demand much more quickly than the Commonwealth ever could. We need to get some certainty back into planning and investment processes.

The Territory's new planning system is evolving in an environment of continued change to a wide range of interrelated elements. This has the positive benefit of providing the opportunity of reviewing the whole system and provides scope for simplifying and integrating planning legislation. The Government recognises that planning is about more than land use. It is about developing a safe, efficient and attractive environment in which people can live, work and spend their leisure, and about the wise use of resources, including land. This means that the planning system needs to encompass more than just physical planning.

Some of the challenges the new system must address are to allow for adequate public consultation and effective decision making. The process must provide an opportunity for community input. At the same time, our legislation must avoid the risks of unnecessary delays, increased costs and reduced confidence in the planning system by private enterprise. Important elements in the future planning system include the need to sensitively handle future urban change and redevelopment, the ability to respond to technological change - for example, the very fast train - and the use of the planning process to promote the well-being of Canberra residents.

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The planning proposals must provide opportunities for public consultation. Opportunities will be included in the statutory provisions for making and varying the statutory plan in the environmental impact statement procedures and in the scope for appointment of inquiries. The aim, Mr Speaker, is to provide a system that works, that provides a range of opportunities to comment, but which reduces the amount of disputation and formal appeals. It must be a system acceptable to the Government and to the community.

Until a new planning system is in place, the Government will ensure as a matter of priority that the existing system works ethically and efficiently. Above all, we must not impede the orderly development of the Territory. I am aware, Mr Speaker, that this will involve a heavy workload for the Interim Territory Planning Authority, but the development of the new system is a priority. All will eventually win from such a new system.

Additionally, and as part of our commitment to the broadest possible community consultation, we will be consulting closely with the private sector to assist in management of proposed investments so that new projects are brought forward to maintain current activity levels.

We are confident that this process of working cooperatively with the private sector will maintain investor confidence and ensure that we keep the construction industry and the overall economy at acceptable levels of activity. As a community, we need to ensure that properly made decisions and the processes of public consultation result in the orderly and planned development of the city and town centres and the continued economic health of the Territory.

In conclusion, I repeat that the Government is looking at means to expedite the resolution of the current appeal. As I have explained, we will also be working with private sector investors on sites not affected by Mr Justice Kelly's decision. We will be encouraging these developers to bring forward their approved projects to take up any slack in the industry. This will ensure that the effects on employment and the overall economy are kept to a minimum. We have also instructed that more work be done on further options for the ACT construction industry to ensure that adequate employment levels are maintained.

**MRS NOLAN (5.12):** It is a widely accepted fact that the future success of the ACT economy depends on the private sector. It depends on the diversification and improved performance of that sector. I am pleased to hear the Chief Minister make that commitment again today. Building and construction, Mr Speaker, are vital components of the private sector. They are components of the private sector that must be encouraged at every available opportunity. This is especially so given the downturn that building and construction now face in Canberra. Yet Canberra developers and our economy as a whole have suffered a dramatic setback

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because the ACT Supreme Court has refused to approve the redevelopment of a key commercial site in Civic.

May I say, Mr Speaker, at this time, like Mr Kaine, I see that as no reflection on either the judge or the court. It should never have been in the court system in the first place. This is the type of situation that must be avoided if the private sector is going to assume the leading edge in the Canberra economy.

I would like to discuss the ramifications that this decision will have on the ACT economy. I would also like to take this opportunity to stress, as has been done already by Mr Kaine, that the ACT Government must remove lease purpose clause changes from the jurisdiction of the court.

The decision not to allow the Canberra Times site redevelopment to go ahead is the first time a major building project in Canberra has been vetoed by the court. This places any future development in Canberra's central business district and elsewhere in Canberra in jeopardy. The decision has given the private sector an environment of uncertainty at a time when it is essential that the private sector be given every encouragement through a stable economic environment. The ramifications of this decision for the ACT economy are enormous.

This decision does have a series of consequences for the ACT economy which will go well beyond the corporate interests of the company seeking the Canberra Times site redevelopment, Concrete Constructions. It will affect many areas of the Canberra community. This decision will affect the ACT building industry and its work force by not allowing that major development project at a time when the industry is experiencing quite a downturn. The decision will affect Canberra retailers, especially when the almost completed section 38 is coming on line.

The decision will affect office space in the city, and rent increases could be quite large because there will be much less office space available. Taxpayers will have to foot the bill for the increases because the ACT Government may well not have as much revenue raised as a result of the decision, as private industry investment will be hesitant in Canberra in the future. The decision will also affect the ACT economy as a whole because investors, as I have just mentioned, will from now on be reluctant to commit themselves to Canberra. The decision may well prevent investors from outside the ACT being attracted to Canberra.

The denial of the Canberra Times redevelopment will mean hundreds of building workers will miss the opportunity for work, which will place increasing pressure on the Canberra job market to come up with alternatives. It will also mean that Canberra will lose skilled building tradesmen. Canberra's planning authority should be committed to a strong and viable private sector in the ACT.

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The environment must be created in which existing business can expand and new business will be attracted to Canberra, yet this is exactly what the decision has denied the Canberra business community. It highlights the need to discriminate against one particular lessee in the process of changing a lease purpose clause. The strategy that will ensure this is to abolish lease purpose clauses on an individual commercial basis and replace them with a broad based zoning system.

If we had a zoning system already in place, the Canberra Times site issue would have been avoided entirely. Not only would the cumbersome and costly procedure that Concrete Constructions had to undertake to attempt to change its lease be eliminated, but the whole scenario of its being denied that change would not have occurred.

Mr Speaker, it is unfair to discriminate against one lessee. This is especially true given the contribution that that individual developer has made to the Canberra economy over many years. It has, for example, been operating in the national capital for 60 years and has been responsible for buildings like the Administrative Building in Parkes, the Patent Office, the Red Hill School, Black Mountain Tower, the Australian Defence Force Academy and more recently, as the head joint venturer, the new Parliament House. There are probably many others.

In addition to the major projects the company has undertaken in Canberra, it has completed numerous other projects. It is a ludicrous situation when a company which has made such a valuable input to our region's development is refused permission to develop a low-quality, derelict structure. Concrete Constructions was officially told on two occasions, in early 1986 and again in early 1987, that its development proposal would succeed. To have one official body condone the project and another refuse it indicates the inconsistency and inappropriateness of Canberra's planning system.

Canberra has the honour of being one of the better planned cities in the world. Nevertheless, a wide range of things need to happen so that these changes continue not to occur. The process of land planning and land use must happen in a proper and planned way. As Mr Kaine has already noted, the Supreme Court's decision was within the law, but planning should not be the role of our city's court system. Excessive bureaucratic restriction of commercial activity must also be avoided. This is clearly the trap that Canberra's planning officials have fallen into with the Canberra Times site.

The planning system must provide for Canberra's expansion, especially in the business sector. Only in this way can our employment base be diversified. In encouraging business expansion, the planning system must both avoid unnecessary restrictions and pursue a predictable approach to planning.

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Predictability must be one of the cornerstones to planning, so that businesses can make decisions for the future in an environment free from uncertainty arising from unannounced changes to policy plans.

Predictability is something that the ACT planning authorities have lost. Hence, that position will have the ill effects on the investment confidence of businesses that I outlined earlier. The Supreme Court decision renders useless the substantial cost of the site to Concrete Constructions, and it is not counting the extra amount of \$1m which industry sources estimate holding charges and legal fees would have added to the original purchase price.

Because of the cost that such developments do require in initial outlays, as the Canberra Times site example demonstrates, the decision of the court is going to make developers in the future hesitant as to whether they should undertake the project they have planned. I stress yet again that this is not what Canberra needs. Canberra needs the private sector to take the leading edge in its economy. The public sector is no longer providing the development and employment opportunity on which the ACT economy has relied.

The private sector must assume this role, and to do so it must have the correct environment in which to succeed and to take on new challenges. The Canberra Times site issue is the perfect example of what should not be done if private enterprise is to assume the leading role in the ACT economy. For this reason, I urge that the Chief Minister and the Government ensure that the current proposals for a major reform of the ACT's planning and development laws be published for open discussion at the earliest possible date. Then maybe the uncertainty that the decision has given ACT businesses can be overcome. The Government must ensure that nothing ever happens along these lines again. This city simply does not have room for three planning authorities, a position for which the Supreme Court also seems to have had to assume responsibility.

In conclusion, the matter demonstrates a problem in Canberra's planning system and must be addressed as a matter of urgency if the building and construction industry and the ACT economy as a whole are to prosper.

**MR JENSEN (5.22):** Mr Speaker, the problems being experienced by Concrete Constructions in this particular matter are not, in fact, a result of the leasehold system per se but a result of the way in which this system has been administered over the years, under the stewardship of successive Federal governments and Ministers who either do not understand the difference between freehold and leasehold or did not have the time to take this issue head-on.

In fact, I recall just recently a call from a distinguished scholar in this town, asking why this report

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on the Canberra leasehold system has not been placed before the parliament. However, times have changed and we now have self-government, and we must accept this responsibility and seek to develop our own planning and development system of controls which fits these unique circumstances, a matter, Mr Speaker, that the Rally has been strongly advocating since and prior to its election to this place, and during the election campaign.

The 1984 metropolitan Canberra policy plan and development plan set the scene for the future of Canberra. One can examine the reasons for the acceptance of the dispersed plan rather than a concentrated one and see why the Y plan was confirmed. The plan estimated, for example, the difference in cost for provision of car parking spaces. For a dispersed plan it was \$50m for an extra 8,100 spaces and \$110m for 180,000 spaces for a concentrated plan. That, Mr Speaker, is one of the reasons why we have the Y plan today.

However, what happened in the years that followed the plan that was produced in the metropolitan policy plan was the lack of development of infrastructure in the Civic area but the development of offices, at the expense of developing the Tuggeranong town centre and delays in developing offices in the Belconnen and Woden centres. Those of us in the community who participated in the development of this concept soon realised that the Ministers responsible for development in our city were long on rhetoric but short on delivery.

The prime example of this, Mr Speaker, is the claim that the Department of Social Security's complex in Tuggeranong is a major plus for the town centre and the residents of Tuggeranong seeking opportunities to work close to their homes. This claim is true, of course; there is no doubt about that. However, as I have suggested before, it is three or four years too late. I note, Mr Speaker, as I read through the metropolitan policy plan, statements like "A major strength of Canberra's urban structure is its system of centres combined with the transport network. They produce a relatively efficient and congestion-free city, despite its apparent widespread character", and "The dispersed plan would require a lower level of government investment to implement than would the concentrated plan".

These are the sorts of issues that Mr Justice Kelly raised in his historic judgment and the reasons why he upheld the metropolitan plan. However, now that the decision has been made, it is time to look at the issues and see how we, as a community, can either live with the decision or seek another way in which the site can be developed. This will more than likely require compromise from all parties involved in this matter - the developers, the planners and the Canberra community.

It is interesting, Mr Speaker, that the answers to this development problem in Civic are the need to allow some

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development and redevelopment. It is inappropriate, in fact, for this site to be allowed to vegetate and become decrepit, and I have no arguments with the reasons being advanced for the problems that this delay has caused. I have no doubt that Deputy Chief Minister Whalan is aware that he could solve the problem at the stroke of a pen. However, I have no doubt that he is also aware that, to do so, he would have to ignore the decision of Justice Kelly, and he is therefore seeking to place the odium somewhere else. There is no argument from the Rally that the current lease purpose for the site is outdated and needs to be changed.

It would seem, however, that Concrete Constructions, for some reason, decided to seek to have the matter resolved in the Supreme Court, after it had purchased the site. It could be suggested that the firm is now seeking to have the people of Canberra bail it out of a commercial decision that may not have been the best decision made by this company. Mr Speaker, I think it is appropriate to turn, at this stage, to what in fact could be done on that particular site. I return to the 1989 Civic centre policy plan, which identifies what can be put on that site.

**Mr Whalan:** Bernard is going to put a school there.

**MR JENSEN:** It would seem to me that our friends in the BWIU should not be concerned about what is built on the site, but that something is built. Mr Whalan is talking about the need for jobs. The Rally confirms the need for jobs, and it is appropriate, Mr Speaker, that something should be built. It does not necessarily have to be an office block. It can be other aspects. What I can tell you, Mr Speaker, is that it will provide for a large number of items that could be built.

In fact, Mr Whalan is quite correct. I quote from page 54 of the Civic centre Canberra policy plan, which says that offices and professional suites could go on that site. However, Mr Justice Kelly said that that is inappropriate for offices because of the 1984 metropolitan plan. Other items are retail, cafe, bar or restaurant, bank, cooperative society, personal services establishments, consulting rooms, clubs - and the list goes on - church use, place of assembly. It would even be possible, if we wished, to have the place of Assembly constructed on that site. There could be administrative uses, community protection facility, residential, hotel. It would be possible for serviced apartments to be constructed on that particular site if Concrete Constructions were prepared to do that. I am sure, Mr Speaker, that it would be quite capable of doing that in that particular way.

It would be possible for a passenger transport facility to be put on that site, or a car park. Mr Speaker, there are many other things that can be put on that particular site. However, for some reason, it seems that, after making what appears to be a commercial decision that was not one of its



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best, this firm is now seeking to get out of this particular issue when it has, as my colleague Mr Moore said, taken the issue to the umpire and the umpire has disagreed with it.

So let me put it to the owners of the lease that there are other options that they have. They may not be what the company would like but, as my colleague Mr Moore said, it is not the system of leasehold land that has caused this problem but the fact that some of those who seek to develop and redevelop our city do not seem to understand or want to understand our system.

The Rally has never said that development should not go ahead. In fact, many other developments and redevelopment projects have gone ahead prior to this decision. The statement that it has a dampening effect on the economy is noted, but it is not necessarily the fault of the community of Canberra, but of the people who sought to have the decision to build office blocks on that site, in complete contravention to the metropolitan plan and the proposals for Civic at the expense of other developing areas in Canberra.

It behoves those who wish to participate in this industry to do so within the current rules, provided that appeals from both sides of the argument are not processed through the Supreme Court. The Rally has never suggested, and never will suggest, that the Supreme Court is an appropriate place for these sorts of appeals to be processed. That was one of the reasons why I stood in this place to move a motion seeking that the Government get on with the job of providing the people of Canberra and the developers of Canberra with the necessary planning legislation to enable these sorts of decisions to be taken away from the Supreme Court and put into the place where they belong.

Mr Speaker, it is unfortunate, however, that this issue of one particular site is being used as a scapegoat to suggest that development in Civic cannot go ahead and to say that it is not appropriate for other development to occur in Civic. So, Mr Speaker, what I am suggesting to you is that it is time, once again, for the Government to have some more vision and take off the blinkers that they have put before us in relation to the single issue items for section 19, for example, and look to the longer term.

It is not jobs in the short term that the building industry wants, Mr Speaker. I would suggest it is jobs in the long term over a longer period of time. It must be accepted and understood that the finishing of the construction of Parliament House was going to have a major effect on the building industry in this town. That was an acknowledged fact, and that is why the Rally has always sought to have appropriate development of a long-term nature.

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My colleague Mr Moore has at times suggested that there should be some consideration for the area of Barton to be redeveloped. Where is the process, where are the ideas for that, Mr Speaker? We seem to be suggesting that there is only one other site - in fact, two, when you think of the section 19 site - that provides the necessary impetus for the economic development of this city. The Rally does not accept that they are the only issues. We are strongly supportive of the matter.

**MR HUMPHRIES** (5.33): How long do I have, Mr Speaker?

**MR SPEAKER:** About four minutes.

**Mr Whalan:** But you will be able to speak on the motion.

**MR HUMPHRIES:** I will. That is an extraordinary benefit I did not think I would have. I have the 60-second speech ready but I will give the four-minute speech now.

**MR SPEAKER:** A correction: Mr Humphries, you have two minutes.

**MR HUMPHRIES:** It is getting less all the time. This is the two-minute speech.

Mr Speaker, there seems to be the assumption in some quarters that a place the size of Canberra has its own momentum, that this number of people living in any one place must generate a certain number of jobs, that those people require services, that therefore other industries are developed and so on, and that somehow jobs automatically will be created for these people living on the Limestone Plains.

Anybody who has been involved with government and involved with economic planning knows that just does not happen. It is a brief of every government everywhere in the world to foster growth, to foster jobs, to create appropriate development, and it is one of the things that has to happen here in Canberra as much as anywhere else. To do that, the Government has to create the proper legal framework, the proper economic environment and the proper political climate. I submit to you, Mr Speaker, that the decision taken on the Canberra Times site, proper as it may be in the legal framework in which it was taken, is not conducive to creating that appropriate environment for development for the creation of jobs to go ahead.

People in the Rally, for example, criticised the idea that certain sorts of developments might not be appropriate for certain sites in Civic. I should point out that people who are prepared to risk millions of dollars by investing in this community might not be so capable of being told "You shall develop here; you shall develop this particular kind of development; you shall do it in such and such a way; you shall spend so much on it; you shall create so many jobs", et cetera.

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Those sorts of things are not possible. We have to set a framework in which we work and we have to then make sure we can attract people on those terms. Frankly, Mr Speaker, I do not believe it is possible to be too restrictive about that. We have here the possibility of a proper development. I believe it is important for us to free up the process and allow those jobs and that development to go ahead.

Discussion concluded.

**LAND PLANNING AND DEVELOPMENT -  
PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE  
Reference**

**MR KAINE** (Leader of the Opposition)(5.35): I seek leave to move the motion which I foreshadowed earlier and which I understand has been distributed to members.

Leave granted.

**MR KAINE:** I move:

That -

- (1) the Government, having regard for the present economic situation in the ACT and the necessity for ensuring a continuing program of work, takes immediate steps to resolve the impasse in connection with the redevelopment of the Canberra Times site;
- (2) the Assembly refer to the Standing Committee on Planning, Development and Infrastructure, for consideration and advice, the matter of other specific projects which are under threat as a consequence of the Canberra Times site decision, and how those projects might be expedited by the Government; and
- (3) the Government moves immediately to resolve the longer term problems of land planning, development and use in the ACT.

I will not spend too much time speaking to the motion. I spoke to most of this while I was making my speech on the MPI in the first place. Members will see that it is broken into three parts, and I think there are three parts of this problem. The first part of the motion has to do with the Government taking urgent and positive steps to resolve the impasse in connection with the Canberra Times site itself. That is the first problem, the first cab off the rank.

The second part of it has to do with this Assembly assisting the Government to determine a process by which other projects that are coming down the line in the immediate future behind the Canberra Times site can be

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expedited to the advantage of this community so that the impediments currently in the way are removed. The third part of the motion has to do with the longer-term problem of the Government getting in place proper and appropriate planning and land use legislation and processes.

I think they are each matters that need to be dealt with; they all need to be dealt with fairly quickly; they all need positive action either from the Government or from this Assembly; and I think the motion, other than that, speaks for itself.

**MR WHALAN** (Minister for Industry, Employment and Education)(5.36): Through you, Mr Speaker, I would like to remind Dr Kinloch of his speech this afternoon when he placed his hand on his heart and participated in a debate admonishing me for certain behaviour. I now seek from him an assurance, also with his hand on his heart, that he will support a motion admonishing his colleague Mr Moore for his unwarranted personal attack upon me and Ros Kelly during his speech here this afternoon.

He said, and I will quote exactly to Dr Kinloch what he said, "Paul Whalan and the member for Canberra, Ros Kelly, have been looking after their development mates". What is your answer, Dr Kinloch, hand on the heart? Will you support the motion? Will you support the admonishment of Mr Moore for this mendacious attack upon me?

**Mr Collaery:** Mr Speaker, the Deputy Chief Minister should address the Chair. I am sure Dr Kinloch will answer when he rises in the speaking order.

**MR WHALAN:** I said "through you".

**MR SPEAKER:** You did, thank you. The point is overruled. Please proceed.

**MR WHALAN:** I await with interest, Dr Kinloch, to see whether you are going to treat others as fairly as you treated me when you voted on that particular motion. Do you agree that that was an unwarranted personal attack on me and Ros Kelly for this man to say that we have been looking after our development mates? It is outrageous! Outrageous!

This Residents Rally party to which you belong - through you, Mr Speaker - is the sort of party that refers to the workers in the building industry as itinerant workers, and believes that they should accept their role as itinerant workers and that they should be happy to live in the Southside Caravan Park. These were the remarks made by your leader - your present leader - in this Assembly on a previous occasion.

We have seen your party gloating over the hardship caused by the decision of Justice Kelly, the hardship caused to the workers in this town - gloating over their hardship.

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The members of this party, this Residents Rally party, Mr Speaker, are anti-jobs, anti-workers, anti-economic development of this Territory, and we have seen today further evidence of their role in this, their lack of concern for workers and building workers, their lack of concern to see that jobs are created for the young people in this community.

The Government is concerned about the effects on the development industry in the ACT of the Supreme Court decision in relation to the application by Concrete Constructions to change the permitted uses of the former Canberra Times site in Braddon. I intend to explain the basis of that concern and indicate how the Government proposes to address problems that arise from that decision.

Land tenure in the ACT is governed by the leasehold system and in many respects that system has served the ACT well. It has, however, become overregulatory in some ways. That overregulation is not necessary for the leasehold system to work well and to continue to provide safeguards of the public interest.

The recent Canberra Times site case is illustrative of how the present leasehold system is overregulated. Under the City Area Leases Act, changes of lease purpose, other than minor variations, require that the matter should be decided in the Supreme Court of the ACT. Following legal interpretations and precedents, that court has given a wide array of persons the opportunity to oppose applications for lease purpose changes.

Further, the court receives very little guidance from the law as to what should be taken into account in deciding whether a variation is justified. The court has chosen to develop its own way of handling this which allows it to take a diverse range of matters into account and gives it full discretion as to the weight to be given to particular arguments and issues.

This process is cumbersome, complex, time-consuming and expensive. More importantly, from a land user's point of view, the outcome is uncertain. Those limitations are not necessary to protect the public interest. They can only serve to discourage legitimate land uses and stifle welcome and much needed economic development. They are also a great boon to the legal profession. Some have a vested interest in this.

Those limitations do adversely affect employment opportunities in the ACT, both in constructing facilities and also in attracting economic activity to the ACT. People who criticise the present understandable concern of trade unions representing workers in the construction industry often do so from a much more stable employment or income situation than those whose jobs are on the line.

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In criticising the Supreme Court process, I emphasise that the Government is not reflecting on members of the judiciary. We are, however, very concerned that the present system - I repeat "the system" - places responsibility for planning matters in the court. Planning matters should be the responsibility of the Government and the Assembly only. Compounding the problems of having an unnecessarily legalistic system for changing purpose clauses are the interim planning arrangements that apply until there is a national capital plan and a territory plan.

Under those interim arrangements, it would appear that the Government is bound by all NCDC planning policies gazetted by the Commonwealth before self-government. While in the main this creates no problems, in some instances such policies can be unduly restrictive. For example, in the Canberra Times case the court gave particular weight to the metropolitan policy plan of 1984, which in some respects sets limits to activity based on considerations some five years ago.

These former NCDC policies, I emphasise - and this is a very important point to be kept in mind, Mr Speaker and members of the Assembly - were not binding on the former NCDC itself. They were only used as guidelines against which individual proposals could be assessed. As I have already mentioned, the Supreme Court decision gave particular weight to the metropolitan policy plan of 1984. Taking that plan literally will mean that it is not only the Canberra Times development that is at stake. Effectively, if all the reasons of the court are binding, then a major part of the ACT development industry will be affected. For example, proposals for redeveloping a number of sites in Civic may not be able to proceed, including sites in Garema Place, Petrie Plaza and City Walk. Outside Civic as well, a wide range of redevelopments could be adversely affected, including those in Canberra Avenue, Northbourne Avenue, Dickson, Deakin, Lyneham and Fyshwick.

Paradoxically, the scope of the problem could even limit efforts by the Housing Trust to make better use of sites and provide inner city accommodation for disadvantaged persons. Equally paradoxically, the Canberra Times decision exhorts the Government to promote development outside Civic and yet restricts our ability to transfer employment to such centres as Dickson and Deakin. Dickson is another Residents Rally crusade.

In summary, the Canberra Times decision puts a severe check on all redevelopments, all office and commercial development of above 500 square metres that is outside Civic and the main town centres, and also limits the location of other activities to particular areas.

Not all construction activity in the ACT is restrained by the Canberra Times decision. Opportunities for activity will continue to be available, on a reduced scale, in

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Tuggeranong and Belconnen. The Government is concerned that the Canberra Times decision will disrupt the orderly progress of the many projects that I have mentioned, not only in Civic, but elsewhere.

The Government's concern is that the effect of the Canberra Times decision has been to send a very strong anti-development message to people and organisations who might otherwise have invested in the ACT economy. That will give comfort to some people, those who are anti-economic development, those who are anti-jobs, those who are anti-worker. Also, potential ACT industries with their accompanying employment diversification opportunities could well be lost.

Employment opportunities in the construction industry are undoubtedly contracting. While some contraction was expected after the completion of Parliament House, loss of other employment opportunities will exacerbate the problems of that industry. The Government sympathises with the union view that, rather than have further reductions in activity, there should be a genuine attempt to replace some of the jobs displaced with the Parliament's completion.

The problems that I have mentioned are hopefully of a short-term duration as the Government will shortly be bringing forward proposals for a new land and leasing Act and a new planning Act. In the interim, however, the Government is canvassing all options that will restore the balance between orderly development in the ACT and yet retain the integrity of our planning arrangements.

To that end, we are seeking legal advice as to the extent of the problems arising from the Canberra Times decision. Also, we are developing options that address the problems I have identified and that are legally available to us. I foreshadow that I shall be bringing those options before the Assembly shortly. I wish to stress that any action we may take will be fully open to public scrutiny and subject to appropriate legal process. I ask the Assembly to be supportive of the Government's efforts to promote the ACT economy. To that end the Government will see endorsement of its efforts to limit business regulation as far as is practicable.

In conclusion, I would like to ask the business community not to be discouraged by the problems that we are discussing today. I would say, with emphasis, that this Government is committed to the removal of obstacles to the development of an effective private sector economy in the ACT, and we are confident that we will have the support of part of the opposition - as demonstrated by the Leader of the Opposition's motion, which we support - in our endeavours to ensure a thriving and developing private sector in the Australian Capital Territory.

**DR KINLOCH (5.47):** I was not altogether sure how some of the comments from Minister Whalan fitted the motion, but,

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in coming to the first point, may I, with your indulgence Mr Speaker, commend my colleague Mr Moore who, when challenged, and recognising that he had been somewhat outspoken, immediately and properly, without any delay, withdrew his remarks. I think that is the way we should operate in this Assembly.

Would it be all right if I looked slightly like Napoleon now? Secondly, as a member of the Canberra Workers Club, as a long-time unionist, as son of a lifelong member of the Boilermakers Union, I am happy to acknowledge that I, like many members of this Assembly, came here as an itinerant worker and elected to stay here, and I rejoice that we live in a society in which such life changes are possible. I commend them, and I hope we may see much more of it.

Thirdly, I, like my colleagues, make no apology whatever for being unabashedly pro-development. That is the way the Residents Rally has been from the very beginning. We stress excellent and appropriate development in this city and we worry about inappropriate development. That has consistently been our stance, and I ask those who try to tell us that we are anti-development to rethink what they are saying, look again at our policies, and look at what we are supporting. I take pleasure in supporting Mr Kaine's motion.

**MR MOORE (5.49):** I rise to support Mr Kaine's motion, contrary to the sorts of statements that Mr Whalan has made that are misleading, because what I said, and I have stated it clearly and categorically at the beginning of my speech and many times after, was that we are talking about office blocks. The difference between construction jobs, whether you are building an office block, a hotel, a set of serviced apartments or something to that effect, is nil. The jobs are still there, and that is the critical factor. We are not anti-jobs. We are pro-jobs. We are pro-development. We want the development to stay within the plan. So this sort of misleading statement that is being made constantly by the Deputy Chief Minister, in the same way as he constantly makes misleading statements about Katharine West and the Residents Rally, is simply inappropriate.

But let me now draw your attention to some of the different costs that come into account when we have a construction of office blocks in Civic compared to office blocks in Tuggeranong. We will talk about costs in dollars to the community, because that is the most important thing. The reason why we refer to Tuggeranong again and again is that Tuggeranong is the area that has been left underdeveloped in terms of offices and work spaces. If our development of office blocks goes in Tuggeranong, according to a consultant's report to the NCDC - and the figures have been extrapolated from that by Mr Ian Morrison, who is here with us in the gallery today and who is a former transport planner from the NCDC, a professional - for every thousand extra workers that we put in Civic, it is going to cost the



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Canberra community \$3.5m per year to have them in Civic rather than to have them in Tuggeranong. That is the difference between having them in Civic and having them in Tuggeranong.

It is going to cost us \$3.5m per year. The figures are set out. The consultant has reported. They have been extrapolated from that. That is what it is going to cost us. In the examples that Mr Whalan gave us of further developments waiting in Garema Place, if they are not office blocks I will think, "Terrific; let them go, let us see what sorts of developments we can get".

**Mr Whalan:** We could have 10 international schools there.

**MR MOORE:** If they are office blocks then let us consider the ramifications of that. Let us say they are office blocks, and let us say they are the same size as the Canberra Times site, because we have not been able to see these things. In spite of this open government, access to some of these things is not always as easy as it should be. In fact, when we search, we often find that we are charged great sums of money for information that should be free.

So let us assume that it is equal in size to the Canberra Times site - 800 workers per site, let us say for ease of argument, or 3,000 extra office workers put in Civic instead of being put in Tuggeranong. Then we are talking about three times \$3.5m - over \$10m extra per year that the people of the ACT are going to be paying because the wrong thing is built there. It is not because there is no building, but because the wrong thing is built there. And that is exactly what this debate is about. It is not about whether a development should go on the Canberra Times site. Of course the Canberra Times site is getting derelict. Of course it should be developed. But it ought not be developed as an office block, and that is what the debate is about.

For Mr Whalan to continue to mislead and suggest we are anti-development because we wish to restrict a specific type of development and keep in line with the decentralised plan concept indicates that he is not prepared to argue and to debate in a normal and rational way the facts that can be available. Let him bring the facts up, let him debate this, and then let him take the appropriate action - as I say, I support the motion by Mr Kaine - to resolve this impasse as quickly as possible. That is quite an appropriate way.

But let that impasse not be resolved by undercutting the Supreme Court decision that protects the environment in which we live, because this is a question about environment and about costs in Canberra, not a question about constructions workers' jobs. They will be there just the same whether the development is development for a hotel or serviced apartments or one of the other possibilities that Mr Geoff Campbell, your own interim territory planner,

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recommended to Concrete Constructions when they originally started looking at this site, when they made the mistake of spending too much money on the particular site.

And when we look at saving them \$7m, if you go ahead and allow a office building there, just remember that in two years, in two short years, that \$7m loss will have been transferred in extra money to the ACT. So let us debate this rationally; let us resolve the impasse. I am saying to the Minister, "Yes, resolve the impasse, but understand the ramifications of what you are doing".

**MR COLLAERY (5.55):** Mr Speaker, I will be brief. I have had the benefit of listening to all the speeches first, for once, and I have also had the benefit of the Deputy Chief Minister's rhetoric and his speech, because his performances fall into two categories: the first part, the rhetoric, where he got at the Rally again, and of course at me personally; and the continuing interjections about the proposal that there be a school for the site, which relates to a proposal that Mr Jensen and I put to him by way of example that the site could be used by Concrete Constructions for multiple purposes. Of course, we all heard, some of us with deep shame, references to that at the master builders' dinner at Parliament House and comments also about Asian students, in a context which I was deeply saddened, as were many with me, to hear.

I will come back to the proposal for a school and I will help the Deputy Chief Minister, in my new style of being understanding and persuasive, to understand his own self so that, in approaching his task in the time that he has left with us, he will fully understand the role of the Rally. The Rally is a community based grouping. It arose out of planning issues. Planners have come to sit in this Assembly and hear the debate today.

Whatever you make of the arguments to and fro - and they have been put in very clear detail by my colleague Mr Moore - the fact is that an undeniably substantial proportion of the population have planning as one of their motivating influences in supporting the Rally. Many of those people are stalwart members of this community, and it may surprise the Deputy Chief Minister that support comes across the spectrum on those issues. The Deputy Chief Minister should realise that here was an opportunity again for us to try to develop a bipartisan approach to the excellent motion put forward by my colleague Mr Kaine. Instead, there has been an attempt to rattle the Rally, to get it going off course, and to get it to fall into the personality responses that the Deputy Chief Minister wanted me to. I will not - - -

**Mr Whalan** One point of order, Mr Speaker; the present speaker is misrepresenting the facts of the situation. The personal, libellous, mendacious attack was made by Mr Moore on me. If there was any response at all - is he so thin-skinned as to think that I have been attacking the

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Residents Rally; it has nothing whatsoever to do with a personal problem - it was in response to this man over here, making a lying attack on me and Ros Kelly.

**MR SPEAKER:** Order! The comment was withdrawn. I do not think it requires - - -

**Mr Whalan:** Mr Speaker, it does not matter if it was withdrawn; it was said. Once it is said, it leaves an indelible footprint, and that is how these people act. They do not care if they blacken people's characters. That is the deliberate way in which they operate. They just give a throwaway line like this and then say, "Oh, well, we'll withdraw that; it has never been said".

**MR SPEAKER:** Please proceed, Mr Collaery.

**MR COLLAERY:** My comments were not referring to the withdrawn comment, the properly withdrawn comment, by my colleague Mr Moore, but the more personal and acid comments that the Deputy Chief Minister made about the Rally in the Assembly here in the company, of course, of Rod Driver from the BWIU and others, with whom we did enjoy a reasonably good reputation until propositions were put about the manner in which we were really opposing their interests. It is sad to see that level of conflict arising. Let me assure you, Mr Speaker, that on this motion put by my colleague Mr Kaine the Rally stands foursquare and we are pleased to support that proportion of Mr Whalan's comments that were addressed to the motion and supported the motion.

The fact is, Mr Speaker, that one day perhaps Mr Kaine will be in government, and perhaps the Rally and others, and there will be access to the files. In a way, one hopes that Mr Whalan is still in the Assembly when the files of the years that he was adviser to successive Ministers are revealed, because we have already had an insight from my colleague Mr Moore from copies of some subpoenaed documents that reveal that Mr Whalan was the adviser when the Minister made a decision that really was to preclude, or the NCDC proposed to preclude, development on the Concrete Constructions site.

So there may be many inconsistencies. Perhaps we will let history judge those, but we note the fact that the Deputy Chief Minister has changed his view and is now in favour of development on the site, and we welcome that advent. We truly believe that this Deputy Chief Minister has taken the message from the calls by the BWIU and the others in this community for a planning appeals structure and for certainty in the system to be delivered. If ever a message was given on 4 March, it was that planning was high in the priorities of this Territory.

The Rally had support in some very interesting business circles in that desire to have a planning structure. We have now reached 100-odd days and the proposal has not come forward from the Labor minority Government. That is in the

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face of constant requests by the Rally to get government free of red tape and to get a planning appeals structure going to give certainty to the system.

Mr Speaker, it was suggested that I personally was opposed to jobs and that I thought all workers should be itinerant. Now, I am sure that Rod Driver of the BWIU and his other colleagues would not believe a shred of that story, because if they look at the Hansard they will find that I referred to a great tradition of itinerant labour in this country, a tradition more marked in northern climes, and I am sure the Speaker himself understands the concept of itinerant movements in Australia occasionally when many professionals and workers move around this country in changed lifestyles at different stages of their lives. My remarks were addressed to that.

I want to tell the Deputy Chief Minister that until I entered this Assembly I was in legal practice, private commercial practice, and all the records of my practice, which have been open for months since people started to delve, will reveal that more than \$1m a month went through my modest trust account. As anyone knows, the moneys that go through your trust account are only a small proportion of your business. That is a measure of my contact in the commercial area and the commercial world.

As Rod Driver and Charles McDonald know, 10 years ago a leading union official in this town, a marvellous character - I will not name him - was got off a charge in this town by me in my endeavours to ensure that that union official did not suffer the victimisation that he believed he had from those police officers. That is in the Canberra Times of 10 July 1979, from memory - the 10th or the 12th. I want any union people here to hear this. If anyone is suggesting I am personally against unionists, personally against labour, then I am certain that they will understand that the Rally, with me as its leader today - - -

**Mr Doby:** What about tomorrow?

**A member:** Where are Sue and Chris?

**MR COLLAERY:** They have given me a notice to tell me to finish the speech. Mr Speaker, the fact of the matter is that we have an excellent community based support group who can assist and bridge the inadequacies, the inconsistencies, the ambiguities of this minority Labor Government in its so far failed attempt to grapple with the planning needs of this Territory.

I am determined, Mr Speaker, to assure all the many commercial clients I used to have - all the builders, subbies and workers, and the many workers from the Southside Caravan Park who were clients of mine whom I dealt with and helped, particularly when they were on hard times - that I have a strong personal commitment in those areas.

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If this Labor minority Government does not take the chalice and run with it, the Rally will offer the lost components of the union movement a vibrant, realistic alternative to the factionalised, inadequate approach of this Government.

Question resolved in the affirmative.

## ADJOURNMENT

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

That the Assembly do now adjourn.

## Leadership of Residents Rally

**MR WHALAN** (Deputy Chief Minister)(6.06): During the debate earlier today I advised the Assembly about the challenge to the leadership of the Residents Rally and I mentioned that the secret meeting that I referred to was held on 19 July. I have now spoken to both Sue Douglas and Chris Donohue and they have confirmed that the meeting was held on 28 July. So I do apologise for mentioning the wrong date and I wish to have the record corrected.

## Poland

**MR STEFANIAK** (6.07): This has got nothing to do with the Residents Rally meeting. Mr Speaker, I rise just to bring members' attention to the fact that today is 23 August 1989 and it is the fiftieth anniversary of a most unfortunate historical event that really has affected us all in the world. There are two points I wish to raise in relation to that: Firstly that event was the signing in Moscow of the von Ribbentrop-Molotov pact which led to, initially, the dismemberment of Poland in September 1939 and of course the start of World War II, which saw so many people killed and so many people uplifted from their normal environments throughout the world.

As a result of that pact, many countries suffered, no more so than Poland. Certainly some of my father's relatives were killed during the Nazi occupation and he also lost, as a result of actions by the Soviet Union, a number of colleagues at Katyn Forest when Stalinists murdered 15,000 Polish army prisoners they had taken when they stabbed Poland in the back in September 1939. As a result of World War II, Eastern Europe fell under the reign of Stalinism and indeed a large number of people, including many citizens of the Soviet Union itself, were killed under that perfidious regime.

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Secondly, Mr Speaker, I would draw members' attention to some rather startling events that have occurred on the world scene, no more so perhaps initially than in the Soviet Union in the last few months. It seems that Mr Gorbachev indeed has raised a number of freedoms which had been extinguished in Eastern Europe since World War II, and indeed there are very promising signs behind the Iron Curtain, one of the most promising of which occurred on Monday this week when, for the first time since World War II, a democratically elected government was formed in Poland and a democratically elected Prime Minister, the first since World War II, was nominated.

Indeed, I think perhaps, Mr Speaker, it behoves this Assembly, a new democratic body itself, in existence for only some four months, to do something about that. I would suggest, and indeed move, that this Assembly send a congratulatory letter to Tadeusz Mazowiecki, the Prime Minister elect of Poland, upon his election to the first democratic Polish government since World War II.

### **Anniversary of Birth of Louis XVI**

**DR KINLOCH** (6.09): Mr Speaker, I am much moved by my colleague's remarks and I would like to endorse them most heartily. I notice also that today is the anniversary of the birth of Louis XVI and I wish to undertake, with my hand on my heart, Napoleon-style, never to allow the introduction of guillotines into this Territory.

### **Leadership of Residents Rally**

**MR COLLAERY** (6.10): I rise to support my colleague Mr Stefaniak in the sentiments he has expressed, and in particular, Mr Speaker, with respect to the great trials and tribulations of the Polish people in those years that he mentioned and indeed even earlier, during the Russification of that section of Europe.

Mr Speaker, I feel a great sense of satisfaction to hear Mr Stefaniak raise a matter relating to our foreign friends abroad and one hopes that that signals the opportunity in due course to debate issues and standards, ethical issues in a wider plane, that can help balance and bring back conscience to some of the issues in this Assembly.

Mr Speaker, there have been, over the last few years, members of the Solidarity movement cared for in our Canberra community. They have been housed; their cases have been argued with our immigration service; and the community, the Polish priests and others, have joined in assisting several families, some of whom still wait to have their permanent residence applications resolved.

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It is extremely good to hear a member of the Assembly rise in that manner to support the democratic aspirations of a nation which is coming out of years and years of suppression in all of its subtle, cruel and brutal forms. Of course I endorse, as no doubt Mr Stefaniak does, the real democratic concepts that apply to that move.

Mr Speaker, the other matter that I wanted to address in the adjournment debate was the fact that the Deputy Chief Minister is in a position, we understand, to provide absolute and definite proof of the alleged leadership putsch in the Rally. I am advised that the Deputy Chief Minister informed the press outside in the anteroom that that meeting at Dickson, on whatever date he has now got, was taped. Of course, Rod Driver has told me with great alarm that it was not taped.

So I leave the Deputy Chief Minister to his relations with the union movement, now that he has improved them unalterably today, and of course I challenge the Deputy Chief Minister to produce the tape of the leadership putsch, because it would be very interesting. I assure the Deputy Chief Minister that, when my time comes, it will not be from a briefcase under the desk or anything like that.

**Assembly adjourned at 6.13 pm**

## ANSWERS TO QUESTIONS

The following answers to questions were provided:

### Child-care Facilities

**Ms Follett:** On 22 August 1989, **Mr Kaine** asked me the following question:

I address a question to the Chief Minister in connection with two aspects of her portfolio - planning and the Treasury. It has to do with the provision of a child-care facility in the parliamentary zone at a cost of \$480,000, as shown in our budget. At the same time, there is provision in the Department of Industry, Technology and Commerce budget for \$300,000 for a child minding facility at Black Mountain. Are the arguments for the ACT to pay for the child minding centre in the parliamentary zone not the same as those that would apply to a child minding centre at Black Mountain presumably for the Commonwealth Scientific and Industrial Research Organisation? If that is true, are we now likely to find the \$300,000 for that facility transferred to the ACT budget as well?

I ask a supplementary question on the simple question of justification. The justification for our paying for this facility in the Parliamentary Triangle is that it will be used by ACT citizens and residents. Is it not a fact that such a facility at Black Mountain CSIRO would also be used by ACT citizens and residents? Would the Chief Minister agree, therefore, that the justification for our paying or not paying for the two facilities is the same?

The answer to Mr Kaine's question is as follows: In line with normal procedures, work based facilities are not eligible for capital funding from either the ACT or the Commonwealth children's services program. Work based child-care falls outside the guidelines for capital funding provided to community based child-care and is not part of the planning and decision making processes required for these programs.

The child-care facility proposed for CSIRO at Black Mountain will provide work based child-care for the exclusive use by staff of that organisation. The decision to establish work based child-care for CSIRO staff is an internal management decision and the funding is being allocated from CSIRO's budget. The facility at Black Mountain will therefore not be eligible for any Commonwealth Government subsidy or fee relief.



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In contrast, the child-care facility proposed for the Parliamentary Triangle will be community based and available to the general ACT community. It will be located in an area identified by the ACT Children's Services Planning Committee in 1987 as having the highest priority for a funded service. This service will receive operational funding from the Commonwealth children's services program and will offer priority of access and fee relief to low income families in the ACT.

### **Glebe Park**

**Mrs Grassby:** On 1 June 1989 in question time **Mr Moore** asked me a question without notice about lighting in Glebe Park.

A contract has been let for the installation of lighting and work should commence in July. The extent of the work includes pole top lighting at 15 metre intervals along all main pedestrian routes, definition and security lighting to the toilet block, bandstand, playground and barbecue areas and some special effects lighting such as up-lighting of trees.

The work in this project will provide security and safety lighting for the entire park and will satisfy accepted illumination levels for public parks. As the park landscape matures additional up-lighting of trees and installation of festoon lighting connection outlets is proposed.

### **Bus Service**

**Mrs Grassby:** On 1 June 1989, during question time, **Mr Collaery** asked me about the smoke being emitted from some of the older Leyland buses in the ACTION fleet. Whilst I did provide an interim answer, I am now able to provide him with a more detailed response.

The older Leyland and Volvo buses in the ACTION fleet often do emit black smoke when accelerating especially from a stationary position. This is a characteristic of diesel engines but these vehicles tend to emit more than other buses in the fleet.

Upgrading of some of these buses through a mid-life refurbishment program has helped to reduce the problem.

The Leyland and Volvo buses in question are now approaching the end of their operational life and all should be withdrawn from service by the end of 1990.

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## Herbicides

**Mrs Grassby:** On 1 June 1989 in question time **Ms Maher** asked me a question without notice regarding the spraying of herbicides. I undertook to supply answers to her concerns.

Weed control in the urban area of the ACT is carried out by the city parks section of the ACT Parks and Conservation Service. The major reasons for spraying weeds with herbicides are to:

- (a) prevent damage to kerbing and guttering;
- (b) prevent the possibility of weeds becoming traffic hazards; and
- (c) prevent the spread of noxious or harmful weeds.

The herbicide generally used is a mixture of Roundup (glyphosate), Gesatop (simazine) and red marking dye. The red dye is non-toxic and is used to identify treated areas. The intensity of the dye in no way reflects the strength of the herbicide and the colour fades away relatively quickly. The herbicide mixture is water soluble, does not give off vapour and, at the rate used, has a soil residual life of approximately three months.

The herbicide has been chosen because of its low toxicity to humans and the environment. It is commonly used by home gardeners, public agencies and rural enterprises to control weeds.

It is also important to note that extensive biological and environmental testing is carried out by Australian Government health authorities on all products prior to their being made available for sale and use. This is a legal requirement. Based on the results of both short and long term testing, it can be concluded that this herbicide poses no danger to human health when used according to label directions.

The herbicide ingredients adhere to the weeds and soil particles to which they are applied and do not normally become stream pollutants.

All the work done is part of a continuing program, carried out by small closely supervised teams. The city parks section adheres to very specific management procedures to protect operators, the public and the environment. These procedures include the compilation of safety procedures, the detailed training of operators and the careful selection of the herbicides used and the method of their application.

A technical group is part of the management team. This group constantly monitors and reviews herbicides and work practices.

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### **Driving Licences**

**Mrs Grassby:** During question time on 29 June **Mrs Nolan** asked me a question about the introduction of a graduated driver licensing scheme in the ACT. My answer to the member's question is as follows:

There is a national trend towards graduated driver licensing arrangements and it is a matter which the Government will follow in line with its road safety strategy.

Funds have been allocated in the 1989-90 budget to comprehensively enhance the Motor Vehicle Registry computer facility. This will enable a graduated driver licensing scheme to be introduced. Whilst it is expected that development work will commence shortly, implementation of the graduated licence system is not likely to occur before the 1990-91 financial year.

The scheme, which is endorsed by the Australian Transport Advisory Council, provides for an increased period of learning in a controlled environment for novice drivers and a decreasing level of restrictions as driving experience increases.

Elements of the scheme which are likely to be included in the ACT approach include: 12-month learners permit, introduction of two-year provisional licence, severe restrictions on blood alcohol content during learner and provisional licence periods and restrictions on towing of vehicles. The minimum age to obtain a full five-year licence will be 19 years.