



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

14 February 1990

Wednesday, 14 February 1990

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

SMALL MEETING ROOM

Statement by Speaker

MR SPEAKER: I wish to make a statement regarding the use of the lounge room adjacent to the opposition benches. On 27 June 1989, I made a statement regarding the use of that room by advisers to the opposition parties. Concern has been raised by the Leader of the Opposition regarding the use of the small meeting room adjacent to and behind the opposition benches.

A misunderstanding has occurred in that the Leader of the Opposition believed that this area was restricted solely to use by opposition members. This is not the case. The lounge area is available for use by all members, Government and opposition. However, it was allocated to opposition support staff during the passage of Bills through the chamber. An area adjacent to the chamber behind the Speaker's chair on the Government side has also been allocated for a similar purpose for ministerial advisers during the reading of a Bill.

In fairness to all members, I request that no one person take over the lounge area for periods of long duration such as the writing of speeches or making lengthy or confidential phone calls, as this tends to prohibit its use by all other members entitled to do so.

PUBLICATIONS CONTROL (AMENDMENT) BILL 1990

MR STEVENSON (10.32): I present the Publications Control (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

Canberra is tagged the porn capital of Australia. The Publications Control (Amendment) Bill 1990, which is tabled in my name will bring the ACT in line with the Australian states that have all banned the sale, hire and distribution of X-rated videos. It will remove the sole responsibility and shame that we bear in the ACT.

Because the Federal Labor Government has failed to act upon the call made in 1988 by all Attorneys-General to ban X-rated videos, tens of millions of dollars are made annually

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by the distribution and promotion of these pornographic videos throughout Australia. Indeed, illegal operators in other states use the ACT to circumvent their local laws. They do this by having PO boxes in Canberra where orders come in, and are then automatically redirected to other States. Such is the situation with "Show Time" distributors. Their PO box in Canberra automatically redirects to a PO box in Crows Nest in Sydney.

My motivations for introducing the Bill - apart from my personal concerns - lie with the electorate. We all know there have been thousands of letters arriving from the ACT and around Australia - - -

Mr Moore: Well, several from the ACT anyway.

MR STEVENSON: These letters call upon us to ban the X-rated videos. Indeed, yesterday there was a pornography protest outside the Assembly and if members that have been making comments about the numbers had taken the opportunity, at my invitation, to attend the demonstration, they would have found out the will of the people of Canberra is indeed to ban the videos. It is unfortunate they did not take the opportunity to present themselves to the people of Canberra.

Mr Moore: And everywhere else, the people of Australia.

MR STEVENSON: Indeed, perhaps the best evidence that people in Canberra and Australia do not want the videos is that the Roy Morgan Research Centre Pty Limited gallup poll commissioned by the traders in pornography in Canberra showed that 49 per cent of people want the mail order videos banned and 48 per cent would allow them.

Mr Moore: It was 62 per cent here.

MR STEVENSON: The question was asked also, should pornographic videos be allowed in Canberra? The result in Canberra, as Mr Moore mentions, was 62 per cent. Around Australia it was 53 per cent on average. This is actually proof that people in Australia want them banned because that poll was rigged to gain a result that the people paying for it wanted.

Mr Moore: What, Morgan gallup rigged the poll?

MR STEVENSON: The Roy Morgan Research Centre gallup poll was rigged. I have their confidential, strictly confidential, survey questions here. It started off by asking, "Could I speak to the youngest man at home aged 18 years or over?". I would suggest that the result would have been vastly different had they asked the question, "Could I speak to the oldest man at home?", or indeed the youngest woman at home, or certainly the eldest woman at home. The poll was biased. The poll was also educative. It educated people into a certain thinking before asking a question. This is a grave danger when polls are conducted.

It said that X-rated movies are films of an erotic nature. The word "erotic" was highlighted in capital letters, obviously for the interviewer to give it emphasis. The word "erotic" does not correctly apply to pornographic videos. The Oxford Dictionary's original meaning is that erotic concerns love and sexual passion. Pornography means prostitution which is the selling of people's bodies and the pleasure to be had from them. Pornography is any depiction of this with the same exploitive intent.

Mr Moore: According to Stevenson's definition.

MR STEVENSON: I suggest that, according to the Oxford Dictionary, if the word, "pornography", which better fits, was used, the numbers of people against pornographic videos would have been increased still further. Indeed, this Roy Morgan gallup poll contained a lie, also to educate people. It said:

The A.C.T. Government has recently introduced a special licensing fee and a tax on those who sell X-rated non-violent erotic movies and videos.

That, as we all know in this Assembly, is a lie. That did not happen. Then it went on to ask the question, having set up the person being interviewed:

Do you support that Government licensing fee and tax or not?

The poll was a farce.

People have spoken about censorship. There have been cries by an absolute minority that the Bill is censorship. Well, of course, it is censorship. When it is passed, it will indeed censor and ban X-rated videos from Canberra and from Australia. What the people that cry "censorship" do not say is that they agree with censorship. They absolutely agree with censorship. They agree that child pornography - the use of young children in pornographic videos - should be censored. They agree that murder on videos should be censored. They agree that bestiality should be censored. So we are not talking about whether or not we have censorship. We all agree, in Canberra and Australia, unless there are some depraved people that do not, that there should be censorship. What we are talking about in our society is what we censor.

I suggest that we have to look as to what type of society we want to live in, and indeed, the people of that society should have a valid input into making that determination. Our poll in the ACT showed that 50 per cent of people want the X-rated videos banned; 25 per cent would allow them; and 25 per cent were uncommitted. With that poll, we did not use any educative information beforehand, we just asked the simple question. It was of over 150 people. It was out at the Weston Creek Festival and I would allow perhaps

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a 10 per cent, even a 20 per cent swing either way, but the result is overwhelmingly against X-rated videos.

So, let us have a look at what the videos category under "X-rated" in Australia allows. These videos depict and portray things such as incest. This is something that not many people know. They think that all these things are automatically banned. If they contact the Film Censorship Board they will find that these things are not automatically banned. Bondage and discipline are not automatically banned. They are allowed as mild fetishes provided that there is supposedly no suggestion of coercion or pain on the person. In other words, it is perfectly okay to tie people up in a video. That is okayed by the Film Censorship Board, provided it does not look like it is against the person's will, et cetera.

The availability of pornography has greatly increased in Australia over the years. I think we all understand that with declining moral values in civilisations in the past, there has been a decline of those civilisations. But moral leadership is not dependent on religious convictions, it is simply a sense of what is right and what is definitely wrong. People in Australia say that these videos are definitely wrong.

We look at what effects these videos have on our society. Do they have an observable effect? Last week Barrie Watts was sentenced to life imprisonment. The reason for that was that on 27 November 1987 a 12-year-old girl, Sian Kingi, had been shopping with her mother. She decided to ride her pushbike home without her mother. On the way she was abducted by Barrie Watts and his wife, Valmae Beck. They took her into the woods. Barrie Watts forced her to commit indecent acts then raped and stabbed her. Barrie Watts and his wife, Valmae, had had many arguments about his addiction to pornographic videos, particularly ones that represented teenagers. Teenagers, we know, can appear in pornographic videos provided they are not under age. Barrie Watts and his wife have been sentenced to life imprisonment, but that will not bring back Sian.

Feminists are against pornographic videos. Indeed, Robyn Morgan coined the phrase "Theory and practice, pornography and rape". Pornography degrades both men and women. Men are shown as lustful and unable to control themselves. Women are depicted as playthings, as in the video *Girl Toys*, to be used anywhere and at any time. According to these pornographic X-rated videos, women are available at any time, to any man, and are eager to please in any way, often with multiple partners. This unrealistic portrayal of sexual behaviour can and does, the research shows, lead to unreasonable expectations and demands by men, who in turn place unreasonable pressure on women to act in ways that are distasteful to them.

It has been said that people with sexual hang-ups can benefit from X-rated videos. This is akin to showing

people with concern about death, movies depicting wanton killing. People with sexual hang-ups are surely the least able to control the fantasies depicted by pornographic videos.

It has also been suggested that a ban on the videos will drive them underground - indeed, six feet underground. The key here, and as a promoter I know, is that if you cannot advertise a product, the product does not sell. If the 20 pages of advertising of pornographic videos, all with ACT addresses, are not allowed in People magazine, no-one will be able to order one single video from there. If Truth newspaper alike is not allowed to do that, no-one will be able to order the pornographic videos.

Equally, no-one suggests that pornographic videos would be entirely done away with. There will always be people who break the law and trade in these mechanical demonstrations of sex. But the difference would be vast. There would be very little trade in the videos compared to the current trade - which is increasing, and which I believe is far higher than is claimed by the people who trade in the pornography.

They have suggested that if they are banned in the Australian Capital Territory they will move to the Northern Territory. Well, there are two problems with that. Firstly, the Northern Territory, apparently, is not a good spot for film and pornographic videos. But secondly, and more importantly, the Northern Territory Government has stated that if there was a Federal ban, if the Federal Government ceased to classify X-rated videos the Northern Territory Government would not seek to establish a central censorship board.

I suggest that if the ACT got in line with the rest of Australia the Northern Territory, by that statement, would not go it alone. The videos cannot go to Jervis Bay. Jervis Bay comes directly under ACT law.

Mrs Grassby: It does not.

MR STEVENSON: If you check on the details you will find that it does. The situation in the ACT
- - -

Mrs Grassby: It does not. More misrepresentation; it does not.

MR STEVENSON: Time will tell when you check your facts.

Mrs Grassby: We have checked them; we know them.

MR SPEAKER: Order!

MR STEVENSON: This People magazine of 12 December 1989 advertises the classic Deep Throat video with Linda Lovelace. Linda Lovelace sent you a message to be read here today. Linda Lovelace would, of course, be the best known porn

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star in the world. She wanted me to read this to you. It is an open letter to the people of Australia. It reads as follows:

First I want to say thank you for caring about humanity and being concerned about your families.

Thank you also for caring about my children and all the children who have been victims because of pornography.

I feel as I speak today that I speak for all the women and children who now look down upon us from above. All those who can no longer speak for themselves can now speak through me.

As I write down my thoughts, I wish I could say something so right and so intelligent that it would open everyones eyes to the destruction caused by pornography. Sadly, this will not be the case and some more children will have to suffer harm because of pornography.

Then I realized that all I can do is tell my story. I hope that through it you can see and feel what my eyes, my heart and my soul have personally experienced.

Linda Boreman was my name at birth, Linda Lovelace was my branded name and Linda Marciano is the name I chose.

Linda Boreman was the daughter of a policeman father and a PTA mother. Linda Lovelace was a fictitious character created for exploitation by Charles Traynor. Linda Lovelace did what she had to do to survive and be alive today.

Linda Marciano is a wife, a woman, and mother who for 10 years has attempted to let the world know the truth about the cold and callous world of pornography.

I experienced that world first-hand at the hands of Mr Traynor. He took me through physical abuse, mental abuse, sexual abuse. He threatened me daily with beatings, knives to my face, a 45 cal automatic and a machine gun. Constant threats were made upon my life and the lives of my loved ones. The world of the pornographers is not a kind one.

I had never seen a porno movie until I met Mr Traynor. In the next 3 weeks, which was my total involvement in pornography, my whole world was changed. Because of these threats and a strong desire to remain alive, I became involved in pornography. Since then, nothing has been the same and still the harassment continues.

People have called Linda Lovelace the "Queen of Porn" yet no one realized I was her greatest mourner. I did not choose to be involved: violence, threats and Mr Traynor chose for me.

(Extension of time granted)

I thank the Assembly. The letter continues:

The people in the pornography industry are not kind people. When I tried to say I was being forced, they were aroused, not compassionate or helpful.

The people in the pornography industry did not care about me, who I was or what I felt. They wanted to make a movie and to make money.

After the 1st day of shooting DEEP THROAT I suffered a brutal beating. The entire cast and crew were in the adjoining room having a party.

Mr Traynor started yelling at me, hitting me and bouncing me off of walls and furniture. I decided to scream for help knowing those in the next room would hear me.

The next room became very quiet but no one came to help. They were involved in the pornography industry.

The next day they were all very angry, not about my physical abuse but at the fact that I had bruises on my thighs.

They felt their "sweet, innocent, girl-next-door image" had been damaged.

No one ever asks how the bruises got there, they just always say I had "such a smile" on my face.

I was struck, probed, bruised, poked, beaten, threatened, degraded and used.

I was Linda Lovelace, the victim of DEEP THROAT, not the star. Psychiatrists say the only difference between my story and what is going on in society today is that I lived to tell about it.

How many stories will you never hear? How many times will women be molested and photographed for videos and sex magazines? How many times will we allow children to be influenced by pornography and photographed for sex magazines?

Do you think people got those ideas from watching GONE WITH THE WIND or Walt Disney's BAMBI? Or

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could they have been influenced by the pornography industry?

Please do not allow this cruel industry to influence your society any more than it already has. The X-Rated video industry is not good for any of the inhabitants of Australia and I implore you to do all you can to stop their trade.

Yours sincerely,

Linda Lovelace.

Mr Speaker, I present a copy of the explanatory memorandum to the Bill and commend the Bill to the members in this house.

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

TUGGERANONG SWIMMING COMPLEX

MR WHALAN (10.56): I move:

That this Assembly expresses its total support for -

- (1) the development, by the Government, of a swimming complex in Tuggeranong;
- (2) the location of the complex adjacent to the bus interchange in the town centre;
- (3) a full recreational and competition standard complex including an Olympic standard pool, a diving pool, spectator accommodation and recreational pools; and
- (4) the full enclosure of the pool to ensure full-time operation throughout the year.

Mr Speaker, this motion consists of four parts and it seeks the total support of all members of this Assembly for the development by the Government of a swimming complex in Tuggeranong. It seeks that the complex be located adjacent to the bus interchange within the town centre - and I will return to that particular point - that a full recreational and competition standard complex including an Olympic standard pool, diving pool and spectator accommodation and recreation pools be included in that development and that there be full enclosure of the pool to ensure usage throughout 12 months of the year in the ACT.

But before I go on to the substance of the motion, Mr Speaker, I would like to refer to an event which occurred in this chamber yesterday which augurs ill for the future of democracy in the ACT. I note, and I would like it recorded in Hansard, that Mrs Nolan is absent from the chamber while the question of a major facility in Tuggeranong is being debated. Mrs Nolan obviously has no concern for the citizens of Tuggeranong, as demonstrated by her refusal to be present in the chamber while this is being debated.

What I would like to draw attention to is that in response to a Dorothy Dix question from Mrs Nolan, Mr Collaery said these words, "Thanks to events in this chamber we have had access to Mr Whalan's documentation ...". That statement represents the most fundamental breach of convention as it relates to the change of government and access to previous Government documentation in those circumstances. Within minutes of that statement having been made by Mr Collaery, I wrote this letter to Mr Harris as the Head of Administration:

In response to a question from Mrs Nolan during question time today Mr Collaery used words to the following effect:

"As a result of events in this chamber, we now have access to Mr Whalan's documentation".

I then go on to state -

I am gravely concerned.

Please detail as Head of Administration the basis on which Mr Collaery has "access to Mr Whalan's documentation".

Your urgent response please.

The fact is that Mr Harris as the Head of Administration is charged with the responsibility, and he only is charged with the responsibility, of taking into his possession the documents that relate to the administration of the Follett Government; and that includes the documents that relate to my administration during that period of Government.

The particular convention is a convention that has been observed by Federal governments since the last war. Indeed, with most state documents they have followed a convention that the documents of former governments are confidential to the Government which created them. It is clear that the convention is based on the principle that to do otherwise would be unfair to public servants who would be open to criticism for decisions taken by former political masters on the basis of their advice. It would detract from the accountability by ministers for the decisions that they took; and, finally, it would be dangerous for the present Government, in particular, for they would face a witch hunt and public embarrassment when in turn their papers were rifled by the incoming Labor Government.

Mr Kaine: On a point of order, Mr Speaker; I thought the debate at the moment was on a motion of Mr Whalan's to talk about the Tuggeranong swimming pool. If he is going to turn this into a political tirade about the activities of the Government, then we will terminate the debate and we will discuss that, if that is what he chooses to do.

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MR SPEAKER: Please stick to the point, Mr Whalan.

MR WHALAN: A censure motion of the Government over this particular matter, Mr Speaker, is an option which is available to the Opposition. It is under active consideration at this time. It is of grave consequence. I would remind members of the comments of Ian Warden, and the description by Ian Warden of Mr Collaery as this "conspiracy-enriched person - - -"

MR SPEAKER: Order, Mr Whalan. Please do not talk over me. We will not go - - -

Mr Kaine: Sit down.

MR WHALAN: I will not sit down. You are not the Speaker in here.

Mr Kaine: Just sit down and give the Assembly some sense of courtesy and - - -

Mr Whalan: I know you manipulate the Speaker.

MR SPEAKER: Please withdraw that comment, Mr Whalan. Order! Please retain your seat, Mr Kaine. Mr Whalan, you will withdraw that remark impugning the actions of the Speaker.

Mr Kaine: He is being thoroughly objectionable.

MR WHALAN: I do not think he is strong enough to manipulate you, Mr Speaker, and I withdraw the remark.

Mr Kaine: And neither are you, so I suggest you stop trying.

MR SPEAKER: Please get to the point of the motion before the house.

MR WHALAN: Mr Speaker, I am talking about a question which was asked yesterday in question time which is relevant - - -

MR SPEAKER: But this is not the motion before the house.

MR WHALAN: It is relevant to this house; relevant to this chamber. It was designed to pre-empt. Have you seen the question? It was a dorothy dixer. He asked about the Tuggeranong pool.

MR SPEAKER: You have not announced what the question was. You did not answer the question.

MR WHALAN: It was about the Tuggeranong pool and it is relevant to this particular motion.

MR SPEAKER: Well, please make that obvious in your speech.

MR WHALAN: It is quite clear that right from the outset Mr Collaery was going to indulge in his "conspiracy-enriched life" and seek to dig out - - -

Mr Collaery: On a point of order, Mr Speaker; I take exception to that language. It imputes base motives to me that do not exist and I ask that the member withdraw it.

MR SPEAKER: Please withdraw the statement.

Mr Collaery: Unequivocally.

MR WHALAN: No, no, I am sorry, Mr Speaker, I will not withdraw it, because the evidence is contained in Mr Collaery's statement yesterday - - -

Mr Collaery: Withdraw it.

MR WHALAN: He has breached convention; he has breached Westminster convention.

Mr Jensen: You are a disgrace to this Assembly.

MR SPEAKER: Order!

MR WHALAN: And he has said that he has had access to documents to which he was not entitled under the Westminster convention.

MR SPEAKER: That is an issue for a substantive motion to be raised by you at a different time. The motion before the house is one on the Tuggeranong pool. Please proceed with that debate.

MR WHALAN: Thank you, Mr Speaker.

Mr Jensen: I rise on a point of order, Mr Speaker.

MR WHALAN: This motion, Mr Speaker, will flush out - - -

MR SPEAKER: Please do not speak over me, Mr Whalan. I cannot control the house if you continue to do so.

Mr Jensen: Thank you, Mr Whalan for resuming your seat. Mr Speaker, I do not believe I heard - - -

MR WHALAN: Point of order, Mr Speaker!

MR SPEAKER: One point of order at a time, please, Mr Whalan. Please make your point of order immediately, Mr Jensen.

Mr Jensen: I do not believe that Mr Whalan withdrew his imputation against Mr Collaery as was directed by yourself.

MR WHALAN: On a point of order; there was no direction, there was no imputation, it was a statement of fact. Mr

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Speaker, I thank you for the opportunity to resume in my time.

MR SPEAKER: Order, order!

Mr Collaery: On a point of order, Mr Speaker; this person opposite talked about my "conspiracy-enriched life". I asked him to withdraw it.

MR WHALAN: I quoted Ian Warden, the journalist, and there is nobody more authoritative than a journalist.

Mr Collaery: Mr Speaker, I asked that it be withdrawn and I clearly heard you ask the member to withdraw it. He has not yet withdrawn it.

MR WHALAN: That is a lie.

Mrs Grassby: It is not his statement.

MR SPEAKER: The point taken by Mr Whalan is that he was quoting from another source. I will take advice on this matter.

MR WHALAN: While you are taking your advice, I will have used my time, Mr Speaker.

MR SPEAKER: You will be given extra time, Mr Whalan.

MR WHALAN: Thank you.

MR SPEAKER: Resume your seat.

Mr Kaine: If he requests that he be given time by the Assembly, Mr Speaker, he may be.

MR WHALAN: No, the Speaker has already ruled; I will be given extra time.

Mr Collaery: You are bringing us into disrepute again. You are doing what we do not want - - -

MR WHALAN: Do not worry, Bernard; you are the one who breached the convention.

MR SPEAKER: Order.

MR WHALAN: I can just see you scrambling around with your little microscope.

MR SPEAKER: Order! I would again ask you to withdraw the comment impugning the actions of Mr Collaery.

MR WHALAN: Mr Speaker, in withdrawing the remark, I just draw attention to the fact that I was quoting Ian Warden who has - - -

MR SPEAKER: I recognise that, but - - -

Mr Kaine: On a point of order, Mr Speaker; he withdraws or he does not.

MR SPEAKER: Thank you, Mr Kaine. I appreciate your point, Mr Whalan. I have taken advice on the issue and you cannot use other people's speech in this house to impute the actions of a member.

MR WHALAN: Well, what I do have are three separate authorities for claims by Mr Collaery of his involvement with ASIS over the years, and I think that - - -

MR SPEAKER: Order! That is irrelevant. Please get to the point under discussion.

MR WHALAN: I think that demonstrates Mr Warden's point. What this will do is flush out - - -

Mr Kaine: On a point of order, Mr Speaker; Mr Whalan has asserted that he has the names of three people. I would request that he put the names on the table so that his assertions can be investigated by the privilege committee.

MR SPEAKER: I will take this matter up at a later stage. Please proceed, Mr Whalan.

MR WHALAN: This motion will flush out once and for all - - -

Mr Jensen: On a point of order, Mr Speaker; I am sorry, but Mr Whalan has still not withdrawn the imputations that he has made against my colleague Mr Collaery. I would ask that you direct that he withdraw unreservedly.

MR SPEAKER: I believe he has, Mr Jensen. Please proceed, Mr Whalan.

MR WHALAN: Thank you, Mr Speaker. This motion will flush out, once and for all, the role of the Government and its position in relation to the Tuggeranong swimming pool. Quite clearly, if you have a look at the answer to the question - the dorothy dix question yesterday - there is a very important aspect to that.

First of all, there is the final confirmation that, in order to delay committing itself to doing something in Tuggeranong and to delay indicating the truth of the matter - which is that the Government despises Tuggeranong and it despises the people of Tuggeranong and it treats the people of Tuggeranong with contempt - the Government has indicated its intention to engage a consultant. We know that this consultant is going to cost \$50,000 and that the consultant's role will be intended to tell us what we already know, which is that the people of Tuggeranong are entitled to a pool, they desperately need a pool and the population growth and the projected population growth in that area justifies the establishment of a pool there

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without delay. So what is the point of engaging an expensive consultant to tell you what is so obvious from the facts. The only justification for the consultant comes from the fact that this is a delaying tactic. There was a statement made by Mr Collaery about the finalisation of binding contractual arrangements having been inherited from the previous Government. In that context there was a reference there to a proposal by a firm called Decoin Pty Limited. Here is Decoin's proposal; it was published in the Tuggeranong Valley View. It is an artist's impression. If that is the basis of their proposal, if anybody here concerned with the planned development of the Tuggeranong town centre believes that this is the sort of abomination that we want placed in the Tuggeranong Valley, then they need their head read. This is a copy which is available for people to study. This has been around for quite some time. Decoin have continued to change their grounds in relation to this particular proposal. It is clear that they will not proceed. It will not proceed for reasons that are obvious, but the proposal is that - - -

Mr Jensen: Well, you ought to know. You gave them an extension.

MR WHALAN: Last year, in about August, we were approached as a Government for an extension. I very reluctantly granted them an extension but they were granted an extension on one condition only, which was that progress commenced on the establishment of plans for a Government-built swimming pool in Tuggeranong.

The time for the extension expired in December. The plans were proceeding for a capital works program. The revised capital works program which was in the process of being prepared on 5 December 1989 included for the Parks and Conservation Service item No. 1, the Tuggeranong Pool. There was a \$5.5m allocation for that particular fund. Item No. 2 was proposed provision for the covering of the Olympic Pool in Civic. And then the list went on. Now, the new list which was prepared by this Government and went to Cabinet two weeks ago has had those two items deleted from it.

Mr Kaine: On a point of order, Mr Speaker; I would like Mr Whalan to explain how he has access to information on a submission to this Cabinet. This information is subject to Cabinet confidentiality.

Mr Collaery: Why does he not table it if he has seen it? Table it, Mr Whalan.

MR SPEAKER: Order! That was not a point of order.

MR WHALAN: They are seeking to deny time for us to discuss this important issue, Mr Speaker. What is clearly demonstrated is that Mr Kaine does not deny that the Tuggeranong Pool was deleted from the list which had been prepared.

Mr Kaine: I want to see the information that you claim you have got.

MR WHALAN: He does not deny that it was deleted. Let him come out and deny that it was deleted from the list. Let him come out and tell us the truth.

Mr Kaine: I do not know what list you are talking about.

MR WHALAN: Let him tell us the truth about the removal of the Tuggeranong Pool from the public works program as it relates to the Parks and Conservation Service.

Mr Kaine: I would like to see your list. Table it.

MR SPEAKER: Order!

Mr Kaine: He cannot table it and he will not; he does not dare.

MR WHALAN: Mr Speaker, I would like it recorded in Hansard that Mrs Nolan has been shamed into attending the chamber in order to avoid the ignominy of being absent whilst something about Tuggeranong was being noticed.

Mr Kaine: You are cheap, Paul, you are cheap.

MR WHALAN: It is interesting to note that she has finally crept into the chamber hoping to be unnoticed.

Mrs Nolan: I have been here for 20 minutes.

MR WHALAN: The location of the complex must be adjacent to the bus interchange. This is absolutely fundamental to this proposal because the people who will most benefit from a facility of this sort are substantially school children - whether in school groups or outside school hours - so it must be located in a location very close to the bus interchange. I think we should have a commitment from the Assembly in relation to that. Of course, the discussions with all the elements, the groups, organisations, schools and clubs that will use these facilities for both recreation and competition have indicated a range of facilities which are required and are justified in a town centre in a valley the size of Tuggeranong. They are set out in paragraph (3).

Finally, Mr Speaker, it is quite clear that if we are going to make the best use of our facilities, such as swimming facilities, given the relatively short summer that we do have and given that the margins both in the spring and the autumn are particularly inclement, then they should be enclosed.

MR COLLAERY (Deputy Chief Minister) (11.13): Mr Speaker, I move:

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That all words after "That" be omitted and the following substituted "this Assembly expresses its total support for the development of a swimming complex in Tuggeranong".

Regrettably, Mr Whalan has seen fit to drag this Assembly down again and I am not going to respond in his style. Firstly, the Government, and in particular my colleague Mr Kaine, is on the record on several occasions as stating its commitments to the construction of a pool complex at Tuggeranong. Clearly the member has some fantasy in his mind that it has gone off our priorities. What more can we do than to state that we are committed to it publicly and to suffer the odium and the electoral backlash if we fell out of that commitment publicly.

Clearly we have made a commitment. Clearly for grandstanding reasons - perhaps the former Minister is sad that he has lost his suite in Tuggeranong, I cannot speculate on the reasons - he has seen fit to waste the time of this Assembly this morning by putting some fear into the minds of all those people who quite properly want a swimming pool - - -

Mr Jensen: There is an election on, I forgot about that. Ros Kelly is trying to get re-elected.

Mr Whalan: And so is Katharine West from the Residents Rally party.

MR SPEAKER: Order!

MR COLLAERY: This member has, week by week misled and used the type space in the Tuggeranong Valley View to claim that this Government has made a decision not to fund the pool. That is a total absurdity. The fact is that on 6 December 1989, the day after we took Government, my colleague Mr Stefaniak, on my instruction requested the departmental file for the Tuggeranong pool complex. At the time that file was secured by Mr Stefaniak in our very great interest to see this project proceed, we found it contained no documents that could resemble, on my instructions, anything that comes remotely within the Cabinet confidentiality rule.

To put one aspect to rest, I was saddened to hear this former member of Government impute to the Administration the suggestion that it would make Cabinet documents available to us. That was a disgraceful suggestion.

Mr Speaker, I seek leave to table the following paper:

Handling of Cabinet Papers - Copy of minute from Mr W.J. Harris, Secretary, Chief Minister's Department to Mr J.V. Townsend, Secretary, Office of Industry and Development, dated 5 December 1989.

It is an instruction given quite properly and very firmly on 5 December 1989 by Mr W.J. Harris, Secretary, Chief Minister's Department. In that instruction he said, among other things:

Any request from the new Government for a Cabinet document -

and this is a letter to all of his agency heads -

created by the former Government cannot be granted without the approval of the current leader of the appropriate political party. Any such request should be referred to me in writing.

I have inquired of my colleagues. None of us has made any such requests, and to my knowledge and certainly speaking for myself, I have never seen any Cabinet work belonging or pertaining to the former Labor Government. The suggestion that the public service would fall into league with us and assist us is a disgraceful misrepresentation.

Mr Whalan: Were you telling a lie in question time? Tell us about the lie in question time.

MR COLLAERY: Mr Speaker, my statement yesterday in question time was that "Thanks to the events in this Chamber we have had access to Mr Whalan's documentation". Certainly, the supply of the Tuggeranong pool office file to Mr Stefaniak on 6 December 1989 on my instruction is a quite proper act of Government. As the former Minister sitting opposite me may recall, we have seen him with Government files himself from time to time, both in this chamber and elsewhere. So there is no convention. I just put that furphy aside, Mr Speaker. I will not delay the time of the house. I doubt that anyone took it seriously anyway.

In the proper processes of budget considerations the Government has yet to formally consider its 1990-91 capital works program. There is a statement that a consultant is in the process of being engaged within the under \$50,000 rule. In other words, within the discretion of the agency head, to secure the brief that I mentioned in question time yesterday.

My understanding is that at the last meeting of the community committee, which Mr Whalan established to advise on a pool complex, it was agreed that the ACT public works would proceed with preliminary costing and pre-design work through engaging of a consultant. We have just heard the most extraordinary statement by Mr Whalan. He berated us for employing a consultant, yet the records of that community committee put together by Mr Whalan, and participated in by Mr Whalan, show that it was agreed at that meeting that the preliminary costing and pre-design work would proceed through the engagement of a consultant.

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I do not know what to say to this chamber and to the public of Canberra when we are put through this type of fictional process by Mr Whalan. Moreover, this Government is moving quickly to appoint a consultant to do this. The consultant will develop indicative costs of various options for the Government to consider in the 1990-91 capital works program. This is consistent with the earliest time frame that the previous Government would have been able to achieve and in that regard, Mr Speaker, may I quote from the Valley View, 29 November 1989, when the then Minister, Mr Paul Whalan, was quoted as saying in a press release that construction should begin no later than the middle of next year.

We hear and we see in today's Valley View, 14 February 1990, a most extraordinary statement attributed to Mr Whalan, and that is that the pool project was cut from the new Alliance Government's program last month. Clearly Mr Whalan is claiming to be privy to some Cabinet decision. If he is privy to that, then I am afraid he has been misled because the fact of the matter is that it was not cut from any proposal in Cabinet.

A member: It was not on there?

MR COLLAERY: It was not cut at all. I will observe the conventions. I am not going to discuss what the decisions were, but I have said to you that the Government is moving quickly to appoint a consultant to look into the matters affecting the pool. There is no stalling tactic going on and we should not be wasting the time of this Assembly with grandstanding tactics designed to bolster your failing vote in the Tuggeranong area, Mr Whalan.

Mr Jensen: Bill Mackey has got you running scared.

MR COLLAERY: Bill Mackey has you running and you are afraid, of course, that without the mechanism of government behind you you are going to slip into obscurity, and indeed you are.

Mr Whalan: I think this is quite interesting. This indicates the Liberal connection is really firming up.

Ms Follett: Is he your candidate, Bernard?

Mr Whalan: He is your candidate, Bernie - the Residents Rally candidate as well as the Liberal candidate.

MR SPEAKER: Order!

MR COLLAERY: Mr Speaker, our Government has given a clear commitment that the pool will be provided. It has a very sensible process in motion to ensure that the facility will be provided as soon as practicable. As a responsible Government the modalities of putting that pool into Tuggeranong must be left for full and proper fiscal considerations and full and proper consideration of the

consultant's report. There is a commitment to see a swimming complex in Tuggeranong.

Mrs Grassby: In the year 2000?

MR COLLAERY: I have said that five times and the people opposite me wish to continue with their delusion. I also indicate to the house a press release of the Chief Minister, Mr Trevor Kaine, on 19 January 1990, where he rejected claims by Mr Whalan a of similar note that he is making today. It stated that the Alliance Government fully supported proposals for the construction of a swimming facility at Tuggeranong and that it would be built as soon as possible. Further, my colleague Mr Kaine said:

In the meantime I refuse to delude the electorate with ill-founded promises and blatant pork-barrelling exercises like those engaged in by Mr Whalan and others over such an important community facility.

Mr Speaker, clearly this Government is committed to that facility. Clearly this Government should be moving ahead with the other pressing concerns in this community and not having its time delayed for grandstanding for other political exercises on other political stages in this sitting.

Further to that, the Government is committing itself to a consultative process. It is quite clear that when we have that consultant's report there will be further consultation with all affected and interested groups and parties. That might also include the Opposition if they are serious about having a pool in Tuggeranong - if they are serious, because they are the ones who are talking the project down at the moment. This Opposition clearly would like us to decide not to build the pool, and you know why, Mr Speaker - because that will pump a little Federal vote out in Tuggeranong. Well, we are not conscious of that sort of pork-barrelling epic that you want to go into. We are not going to engage in that.

No commitment was made by this Government. You had the chance in your budget and you did not put it there. What we need to do is to implore this group opposite - well, at least some of them - to see that responsible government has to come at some stage in this Territory. I think it is time that Mr Whalan participated in Government and did not run a private exercise out in Tuggeranong for reasons unknown to most of us.

MR SPEAKER: I call Mr Wood. I am sorry, Mr Berry was on his feet first.

Mr Kaine: Make up your mind. You are like a pair of yo-yos.

Mrs Grassby: Are you speaking to the Speaker?

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Mr Kaine: They are like a pair of yo-yos.

MR SPEAKER: Order! Please proceed, Mr Berry.

MR BERRY (11.25): I think the most important issue that has arisen out of this debate so far is the refusal of the Chief Minister to deny that this important facility for the people of Tuggeranong has been taken off the list. Nothing that Mr Collaery has said, along with his fantasies, would convince the people of Tuggeranong that the Government is committed, as is suggested in the amendment which Mr Collaery has put forward for consideration in this place. Indeed, what the amendment seeks to do is to ensure that the commitment to the provision of a pool in the Tuggeranong Valley is watered down as far as is possible. I think the amendment was put forward only so that Mr Collaery could rise to defend his misleading words in this house yesterday when he made it clear, as far as I was concerned anyway, that he had got hold of some documents that the Government would not otherwise have had access to if the conventions were observed.

It is just another one of Mr Collaery's throwaway lines. We have had a tirade in response to his amendment to allow him to speak on this issue and to water down the Government's commitment to a pool in the Tuggeranong area. But the most important issue is the refusal of the Chief Minister to deny that this important facility for the people of Tuggeranong has been taken off the list, or put down the list at least.

One other particularly important issue is that of health in the ACT and how such a facility might assist in a major way to cut health costs in the ACT and to improve the health of its citizens. I am sorry that Mr Humphries is not here to listen to this part of the debate and Dr Kinloch is not here either.

Mr Whalan: Well, there are the educational aspects.

MR BERRY: Something will be said later on about the educational aspects of a swimming pool for the people of Canberra. Improved health should be the goal of any government with concerns for the people of Canberra as its prime focus. Mr Humphries' recent management of the hospital dispute clearly pointed out that the prime focus was not for the people of Canberra and the sick people in our hospitals; it was about grandstanding on an issue of industrial relations. I must say that the goal seemed rather hazy throughout the entire dispute, except that from day one all that was apparent was Mr Humphries backing away from goals which could not be achieved in the industrial circumstances. In fact, the whole industrial dispute was chaotic and the only people who suffered in the whole exercise were the people who might be trying to use our health facilities.

What this Government should be about in its consideration of an important sports and recreation facility for the people of Canberra is the development of a healthy Canberra and the safeguard against the sorts of diseases which can be prevented by exercise and proper recreation facilities being provided for the people of Tuggeranong. The people opposite in Government have given no commitment as to when that might occur.

Mr Collaery, through his crystal ball, some time in the future imagines that there might be a swimming pool in Tuggeranong. But that is about the most we can get out of the Government at this stage, not one thing more. I must say that what Mr Collaery said flies in the face of what the MLA for Tuggeranong, Mrs Robyn Nolan, said in the Valley View on February 7. This would be a bit of a worry for Mr Jensen too, because he apparently does not have any representation out in the Tuggeranong Valley. Mrs Nolan has quite expertly snatched the ground from under his feet.

Mrs Nolan: Read this week's issue.

MR BERRY: Have you given it to him this week? Anyway, the pool is allegedly high on the Government's agenda, but Mr Kaine will make no admissions in relation to where it sits on the Government's agenda. Mr Collaery has endorsed the fact that the development of a pool in Tuggeranong is a long way down the track. But the good thing about it is that the Labor Opposition has flushed them out as it has done on a number of other issues. They need to be flushed out in the open on most issues, and, of course, you would be getting a bit edgy, Norm.

Mr Jensen: I am not getting edgy; do not worry.

MR BERRY: Your commitment to the people of the Tuggeranong Valley is being viewed as waning in the light of the lack of a commitment to put this important facility in place. It is the kids of the community who get the greatest benefit from community facilities such as swimming pools. Well, the kids that might get the benefit will be well into their adulthood before this Government puts a pool in Tuggeranong. One of the advantages that the people of Tuggeranong have now seen slip away from them was a facility that their children could use to develop sporting prowess, which might one day have led them to a position where they could participate along with our great athletes who were in New Zealand just recently. The swimmers did exceptionally well there.

Any potential amongst the children of Tuggeranong to be developed towards elite athlete stage will be lost because of the refusal of this Government to give the people of Tuggeranong a date. Of course, members of the Government will be embarrassed because they have been flushed out in the open on the issue and they are not in a position to give a commitment on a date or a future for the people of Tuggeranong for this sort of facility.

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On the health issue, it is a form of insurance for the future, but this Government does not seem to be interested in insuring against ill health in the future for the people of Tuggeranong. It has prevented those people from developing a healthier lifestyle for the future and that impacts on the rest of Canberra because of the need to develop health facilities. This is a very costly budget item that we need to ensure is provided to our people.

That the people of Tuggeranong are denied this basic community facility is a disaster, not only for the Government as a whole - particularly for Mrs Nolan, but also for the Minister for Health. Whilst the Minister for Health talks about creating a healthier environment for the people of Canberra and promoting better health, this Government has done nothing to provide those high cost facilities which will be needed in the Tuggeranong Valley. This pool is a very important focus for that community in terms of health promotion.

Mr Speaker, I think this Government stands properly criticised for its inaction on this issue and its failure to deliver a date and any promise of an important recreation facility for the people of Tuggeranong.

MR WHALAN (11.34): I would like to address my remarks to the amendment and I would like to compare the amendment with the original motion. Under the standing orders I will confine my remarks specifically to that.

In the amendment there is a dramatic departure from the original motion which reveals, for the benefit of the community of the ACT, the hidden agenda of the Kaine Liberal coalition Government. The first casualty in the amendment is the words "by the Government". This is a very significant issue for all of those people in the community who have an interest in water sports, swimming as a recreational and school-related activity. This issue is fundamental. What has happened - regrettable as it has been - is that the privatisation of swimming pools in the ACT has been to the detriment of the community. Repeatedly we receive criticisms from the community that admission prices have escalated to the point where they are an intolerable burden and are denying access to these swimming facilities not only by clubs but also by schools. Because of the privatisation, clubs in certain swimming pools have moved their operations in totality.

If you had been involved in any of the consultation with the swimming community in relation to pools you would have realised that one of the things uppermost in their minds was that any future facilities should be built by the Government. They have got to be built by the Government. So what we clearly see here is that the melding, welding and blending of the coalition's policies between the Liberal Party and the Residents Rally party have emerged with a program of privatisation - a commitment to

privatisation. Clearly, Mr Speaker, the hidden agenda on privatisation is now revealed in all its stark, sombre glory.

The second casualty in this amendment is that the Government seeks to remove a commitment to a location firstly in the town centre and, secondly, near the Tuggeranong bus interchange. So in this amendment the casualty would be the removal of a commitment in relation to the location - in the town centre and at the bus interchange. Again, if the Government had sought to consult with the swimming communities and the general communities in Tuggeranong, it would realise how fundamental this point is, because it has been urged upon various groups that the location for any additional facility in Tuggeranong should be by an extension or an expansion of the facility at the Erindale Centre.

Mr Speaker and members of the Assembly, the fact of the matter is that the Erindale Centre is completely off-centre. It might be central to Wanniasa and Gowrie and Monash, but it is off-centre to the rest of Tuggeranong. It is off-centre to Kambah.

Mr Jensen: So is the town centre. It is not in the centre.

MR WHALAN: Well, hang on Norman. If you knew anything at all about Tuggeranong you would know that all the transport linkages focus on the Tuggeranong town centre.

Mr Jensen: That is better.

MR WHALAN: Norman Jensen was supporting the Erindale Centre location in his interjection, and I think that that is rather unfortunate on behalf of someone who purports to have an interest in the people of Tuggeranong. The town centre location is fundamental because it is the transport focus of the Tuggeranong Valley and increasingly the newer suburbs do not relate to Erindale, but to the town centre. All the bus linkages go through the town centre and that concentration in the town centre will increase as this the Liberal coalition Government slashes bus services, as is almost certain. We understand that slashing bus services is on the agenda. As they are slashed, they will be concentrated on the town centre so as to get the maximum movement into the town centre and that funnelling effect. The town centre location is important principally for the children. To deny the town centre you are denying the rights of children.

That comes as no surprise to those of us on this side of the chamber. This is precisely what we would expect from you and it is consistent with everything that you represent. Deny the children because the - - -

Mr Kaine: You are unbelievable, Paul, literally unbelievable.

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MR SPEAKER: Order!

Mrs Grassby: We think so too, that is why we have got him. He is wonderful.

Mr Kaine: I said, "Literally."

MR SPEAKER: Order!

MR WHALAN: The next casualty as the result of this amendment, Mr Speaker, is the wishes of the swimming community and the general community. They are the people whose views were sought before the wording of this particular motion was finalised. What we do know is that in order to have a decent competition facility which at the same time serves the recreational community and those concerned about health and the use of swimming pools for health, there needs to be a comprehensive range of different water facilities in the complex.

Paragraph (3) of my motion says that there should be "an Olympic standard pool, a diving pool, spectator accommodation and recreational pools". One can only wonder at the motives of the Government in seeking to remove that commitment. Maybe they hope to establish in Tuggeranong something like the swimming pool at Braidwood. That would be satisfactory, but we know their attitude towards Tuggeranong. Braidwood is a lovely town and I have used those toilet facilities there in the park next to the swimming pool quite frequently so I have had plenty of opportunities to observe the swimming pool. The swimming pool is a little pool as befits the size of the town. It is not an Olympic pool, but in the minds of this Government it might be good enough for Tuggeranong. That is its attitude towards Tuggeranong - to remove commitment. This motion seeks a commitment to facilities of a standard appropriate to a community the size of Tuggeranong, a community which contains such a proportion of young people as is in Tuggeranong. The community has been denied facilities for so long it is about time that it received those facilities.

The final casualty is the enclosure. One of the consequences of privatisation has been that it has been recognised that enclosure seems to be an essential element of swimming pools in the ACT. It is clear that, in order to have proper year round facilities available to the swimming clubs and to the schools and as recreational facilities, the pool must be enclosed so that it can be used 12 months of the year. There are very important community elements in relation to that because it does provide young people with a venue, somewhere to go to fill in their time. So from a community point of view of the facility it is important.

MR DUBY (Minister for Finance and Urban Services) (11.44): Mr Speaker, we have seen a remarkable performance today

from the members of the other side of the house. It is becoming fairly clear that Mr Whalan in particular must rue the day he thought of putting this motion on the notice paper. It has become apparent from the facts that we have demonstrated on our side that in many of his statements Mr Whalan is speaking with forked tongue, if I can put it that way.

Mrs Grassby: Be careful, Mr Duby, a closed mouth gathers no feet.

MR DUBY: How appropriate, Mrs Grassby, that that pearl of wisdom should come from your mouth.

Mr Kaine: An empty vessel makes the loudest noise.

MR SPEAKER: Order!

Mrs Grassby: You should know, Mr Chief Minister.

Mr Kaine: I have been listening to you for a long time.

MR DUBY: We have heard many claims from Mr Whalan regarding the Tuggeranong Pool, but the most important thing is the implication coming from his statements that the previous Government, the Follett Government, was going to build a pool at Tuggeranong. Mr Speaker, where in the capital works program can Mr Whalan identify any funding whatsoever for a pool at Tuggeranong. The simple answer is nowhere.

Mr Berry: Well, is it high on your priority?

MR DUBY: It certainly is, as a matter of fact.

Mr Berry: Where, where is it though? Tell us?

Mr Whalan: It is certainly not in the Cabinet documents. Why was it deleted? Why was it deleted from your capital works program?

MR SPEAKER: Order!

Mr Whalan: Craig, why was it deleted from your capital works program? Tell us why it was deleted. It was in the list in November. What happened between November and January?

MR SPEAKER: Order! Mr Whalan, please desist.

Mr Collaery: Mr Speaker, my colleague is unable to address the house while the member opposite continues his unstoppable tirade.

MR SPEAKER: Thank you, Mr Collaery. That is a point of order. Please proceed, Mr Duby.

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Mrs Grassby: That is not a point of order. The Speaker can control the house. He is very capable of doing that.

Mr Whalan: On a point of order, Mr Speaker; can I assume from that ruling on that particular point of order that you will protect me in future from the vultures on that side when I am speaking?

MR SPEAKER: From the members opposite, certainly, Mr Whalan. Please proceed, Mr Duby.

Mr Kaine: You are dead meat, Paul.

MR DUBY: Mr Speaker, the fact of the matter is that the pool was never on the Labor list for capital works and never on the forward design program. There has been no money allocated. It is simply not here.

Mr Berry: But you said it was here. You said it. Mrs Nolan said it was on yours - a prime priority.

MR DUBY: There it is - find it. It is not in your forward design program in any area.

Mr Whalan: Acknowledge the Chair when you cross the floor.

MR DUBY: Mr Speaker, the fact of the matter is that the need for additional swimming pool facilities in Tuggeranong has been recognised for quite some time by all members of this Assembly. No-one is disputing that. In order to provide these facilities at minimum cost to the Government, Mr Whalan provided an option for the lease of a site of land in the town centre to a private development, with the requirement that a 50-metre pool plus other aquatic leisure facilities be constructed. Mr Whalan was the person who gave the option to a private company.

Mr Whalan: That is not right. That is false.

MR DUBY: Mr Whalan is the one who asked for - - -

Mr Whalan: That is mendacious.

MR DUBY: I am not so sure.

Mr Whalan: I am sure, and that is mendacious.

MR DUBY: The developer that Mr Whalan gave an option to has not been able to satisfy the requirements of that option and it lapses at the end of this month. It is my understanding that a further option will not be granted. Mr Whalan appointed a group of four community advisers. They represented the Capital Territory amateur swimming association, the ACT Department of Education, the Royal Lifesaving Society and the Tuggeranong Valley Rugby Union and Amateur Sports Club. The group was to develop recommendations with respect to the location, the scope and managerial arrangements for a proposed Tuggeranong Olympic

pool. The group, chaired by Mr Peter Muir, President of the Tuggeranong Valley Rugby Union and Amateur Sports Club, provided its recommendations at the end of last year. The recommendations were for a 10-metre wading pool, a 20-metre learn-to-swim pool, an 8-lane 50-metre main pool, a roof to cover all the pools - removable in summer - infrastructure, change rooms, kiosk, office - various other things like that - and space for entrepreneurial activities.

Mr Speaker, it should be noted that those recommendations, which came from the very committee which Mr Whalan appointed, did not include a diving pool as now proposed by Mr Whalan. The committee specifically considered, but rejected, a diving pool as it regarded that feature as being too expensive and not justified and totally irresponsible. Ye Mr Whalan is now calling for this particular feature. The committee's preferred option was that a site in the town centre with Government ownership be provided to maintain low entry fees.

There has been recent criticism in the local Tuggeranong Valley press concerning this Government's policy with respect to meeting the needs identified for swimming facilities in the Tuggeranong Valley area and I wonder where those outlandish statements come from. We know where they come from. In particular, a statement by Mr Whalan to the effect that the proposal has been dropped from the construction program for next year is simply incorrect. I think Mr Kaine addressed this matter very succinctly on 19 January when he put out a press release. For the sake of the record, I am going to read this press release. Remember it is dated 19 January. Mr Kaine said:

On 29 November 1989 Mr Whalan was reported to have said "construction should begin no later than next year" but at no stage did he ever publicly commit himself to a commencement date for the Tuggeranong pool.

Never ever -

Nor did he make any financial provision for such a project in Labor's 1989-90 Budget.

And we have proved that by showing you the figures.

Mr Whalan also claims the Alliance Government is delaying a decision on a Tuggeranong swimming complex. This has to be a joke -

Which it is, I am sure -

considering that we have been in government for only six weeks while negotiations already have been going on for three years - under Labor Governments!

Both Federal and local.

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The reality is that unlike Mr Whalan the Alliance Government fully supports proposals for the construction of a swimming facility in Tuggeranong. It will be built as soon as possible.

You cannot get anything clearer than that. Mr Kaine went on to say:

In the meantime, I refuse to delude the electorate with ill-founded promises and blatant pork-barrelling exercises like those engaged in by Mr Whalan and Mrs Kelly over such an important community facility.

I think that hits the nail right on the head. We have demonstrated our commitment to the pool. It is quite clear anyway that the previous Government did not approve the construction of a pool at Tuggeranong for inclusion in this year's capital works program. Why not? I understand that a commitment had been given by the previous Government that it would be given priority in the 1990-91 program, but all they ever gave was a commitment; there was never anything concrete, no black and white, nothing.

I believe the Alliance Government is taking a sensible approach on the whole matter and I believe that the amendment, as moved by Mr Collaery, which says that this Assembly expresses its total support for the development of a swimming complex in Tuggeranong, is a very sensible amendment. I look forward to the vote on this amendment to see if the people on the other side of the house are prepared to vote that this Assembly expresses its total support for the development of a swimming complex in Tuggeranong because I have grave doubts that they will support such a motion. Mr Speaker, I commend the amendment to the house.

MR WOOD (11.53): Mr Speaker, members may realise that at the recent Commonwealth Games swimmers from Queensland dominated. It is not just Australian swimming they dominate, but the games swimming. That is not accidental. Many schools in Queensland and certainly almost all of the very large schools have swimming pools attached to them. That goes back now at least 20 years, so over that period of time it is no wonder that Queensland children have come to dominate Australian swimming. I would not suggest that schools in Canberra need their own swimming pools; we certainly do not have that type of climate. They can have them in Queensland where you can swim all the year round.

Nevertheless, people in Canberra give a high priority to children being taught the simple skills of swimming, and indeed for some children the not so simple skills of swimming. The pools are used predominantly by the young, not just for recreational purposes but also for purposes of learning to swim. Consequently, it is sensible that

schools and parents give a high priority to that life saving skill of knowing how to swim. The Labor Government gave it that same high priority. It came to office when there had been vague proposals, and Mr Whalan lifted them out and was proceeding rapidly to see that a pool was to be located in Tuggeranong. What the Labor Party would ask is that the Government give the swimming pool in Tuggeranong the same priority that we gave to it.

Mr Collaery: We are following your timetable.

MR WOOD: No. You have taken steps backwards since you came in.

Mr Kaine: Not so.

MR WOOD: Let me stress the importance of a swimming pool. It may seem strange to some that this Assembly spends so much time, and there is so much publicity out there, about a swimming pool. There is so much media comment in the Tuggeranong area.

Mr Kaine: Stirred up by Mr Whalan.

MR WOOD: But it is important. Canberra has a remarkably large number of swimming places around the city. In the Cotter, the Molonglo, the Murrumbidgee there are a great number of swimming spots. There are numbers of drownings. Not only that, but in many instances there are a large number of pools still not adequately fenced. So there is the opportunity for young people to swim, if they can, and with that there is the opportunity for young people to drown. Therefore, it is important that strategically scattered across Canberra there are swimming pools to which young people have ready access for their learn to swim campaigns.

Let me quote you the figures which will tell us how important it is for Tuggeranong rapidly to get a swimming pool. At the July census of schools last year there were 5,772 primary school children in Tuggeranong and 4,273 in Woden and Weston Creek, with 2,339 at Tuggeranong high schools and 2,112 at Woden and Weston high schools. Just by comparing those two areas you will see the greater number of children in Tuggeranong and yet there are two swimming pools, I think, available to people in the Woden and Weston Creek area. So those children are denied that facility. The Erindale pool, at one end of Tuggeranong, is well patronised. In fact, it is over-patronised at critical times for students. There may be times at weekends - I do not know, I do not frequent that pool - and other times where it is not so well patronised, but at the times when students need it they cannot get into it as readily as they would like.

Kambah High School, for example, would like to run annual classes for their years 7 and 8 children in order to teach them basic water safety, but they cannot even run an

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assessment program because of the difficulties of booking the Erindale pool. It is so well patronised by primary school children and other groups that it is impossible for Kambah High to be allocated regular time slots. Arrangements would have to be made on an ad hoc basis which, of course, cannot be programmed into the school curriculum.

There is also, of course, a problem with buses because schools using buses have fairly restricted times - quite understandably - for their use. That is just one example of the need for another facility down there. As a former teacher, let me tell you how difficult it can be if you have got to travel for miles to take your kids to swimming classes. Every year the school system provides learn to swim classes for students, and that is the primary way by which children in this town learn to swim. As a teacher I have travelled with children. I know how annoying it is when you have to spend a great amount of time travelling; when you have not got the facility to hop on the bus and within 10 minutes be at the pool. If you have got to spend 20 or 30 minutes to get to your pool - and that happens on so many occasions - and then you double that for the return trip, it is a great deal of time out of the demands of a classroom. So the priority is clearly needed.

What is required now is that the Government accept the responsibility that it seems now to be bypassing. So I say to those people over there who claim to have an interest in this: accept for the proposed Tuggeranong pool the same measure of priority that the community and the Labor Party have given to it.

MR JENSEN (12.00): Mr Speaker, I rise to indicate quite frankly that it is disgraceful that this chamber this morning has been used for such a blatant attempt at political pork-barrelling, particularly in the run-up to a Federal election. It is now clear why Mr Whalan has brought on this debate today. I have here a letter from Mrs Kelly, the Member for Canberra - - -

Mr Kaine: For the time being.

MR JENSEN: My colleague Mr Kaine says "for the time being". I suggest that that might be the case when Mr Hawke finally gets around to announcing an election. However, let me proceed. Clearly Mrs Kelly and her advisers believe that they have to beat up and attempt to make political capital out of the issue of a pool for the people of Tuggeranong. I myself have indicated publicly on a number of occasions that it is time to take the politics out of this very important issue and get on with providing a facility that the people of Tuggeranong have required and needed for some considerable time. I will come to who is responsible for that later on during my brief remarks. However, let me read into the record this letter from Mrs Kelly. The letter is addressed, "Dear Tuggeranong Resident" and reads:

I have long been a supporter of an additional public swimming pool facility for the people of the Tuggeranong Valley -

Ms Follett: Public.

MR JENSEN: Public swimming pool. I will come to that, Ms Follett, in a minute:

Unfortunately my efforts to get a swimming pool built in Tuggeranong have been held up following the change of Government in the ACT last December.

This means that we need a strong show of public support to demonstrate to the new ACT Government the urgent need for a swimming pool in Tuggeranong.

That is why I have organised a public meeting in the theatre of the Tuggeranong College, Cowlshaw Street, on Monday, February 19 at 7.30 pm.

Ms Follett: When was that?

Mr Kaine: He does not need to repeat it; it is in the record.

MR JENSEN: I will continue:

We hope that you and your family will be able to come along to the meeting to support us in our efforts to get a swimming pool back on the Government's priority list.

However, if you are unable to attend, I would appreciate it if you would complete the form below and return it to my office ...

And the address follows:

Warm regards

Ros Kelly

Member for Canberra.

Mr Speaker, I seek leave to table the following paper:

Swimming pool for Tuggeranong - Copy of letter from Mrs R. Kelly, Member for Canberra to Tuggeranong resident, dated 13 February 1990.

Leave granted.

MR JENSEN: Now, Mr Speaker, I would suggest that what I am about to say might show up the sheer hypocrisy of that letter from Mrs Kelly. Mr Berry, for example, refers to the provision of a pool in the Tuggeranong Valley,

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particularly for health and the children of the Valley. I am glad Mr Wood picked up that point because I will come to that in a minute. Let us look at who has really been responsible for this delay, Mr Speaker. It is not ACT Alliance Government.

Since 1983, and probably before, the community has been requesting a pool for the Valley, particularly one that meets the needs of the school children of the Valley. Mr Whalan and Mr Berry know full well that when school children use the pool for carnivals and learn to swim campaigns, a perfectly adequate bus system provides access to that pool during those periods. Buses are provided for schools to take their children to the pool to conduct carnivals. In the Tuggeranong Valley we have not had a 50-metre swimming pool, a pool required for the sorts of carnivals and training that Mr Wood is talking about, and also the learn to swim system as well.

For years the regional school board of the Tuggeranong area has been calling for this facility to be provided, but where was the Member for Canberra, Mrs Kelly, during her period in the Labor Government? I might add, Mr Speaker, that during this period the Deputy Leader of the Opposition here was adviser to the various number of ministers - I think it was five, was it not, Mr Whalan? Over this period you advised them on issues related to the community of Canberra.

Where was Mr Whalan during this period? Was he providing swimming facilities that the people of Tuggeranong clearly require and clearly have a responsibility for as we see the population of the community of Tuggeranong expanding? It was known full well that the population of Tuggeranong would require a pool very shortly. But where was Mr Whalan? Where was Mrs Kelly? It was too difficult. Where was it on the budget? It was not done. Mrs Kelly was too busy opening things and then finding that they fell in a heap because she did not get her sums right. But that is a story for another time. What sheer hypocrisy, Mr Speaker.

Let us turn to another issue that was raised by Mr Whalan. In fact, it is a very important point that was also raised by Mrs Kelly in her letter. Over the years public pools have been allowed to move to private enterprise. But who was responsible for that move? Not the Alliance Government but the Federal Labor Government advised by the member opposite, Mr Whalan, and also Mrs Kelly, as a member of that Federal Labor Government. Goodness me, Mr Speaker, what sheer and utter hypocrisy.

I was pleased that Mr Wood in his speech acknowledged the long-term need for this pool. He put forward reasoned, cogent arguments this morning and this afternoon to this chamber. It is unfortunate that his reasoned arguments were not present to advise the previous Labor Government and Mr Whalan on the needs and the requirements for such a facility for the people of Tuggeranong. This facility, I would suggest, is long overdue.

The Government has continually expressed its support for the provision of a pool in the Tuggeranong Valley, and I think it is sheer hypocrisy, blatant pork-barrelling and political opportunism for Mr Whalan to raise this issue on the floor of the house this morning. Why could there not have been a rational bipartisan approach to the problem? No, Mr Speaker, we have got a Federal election on so that is the way it has got to be. It is unfortunate, but I would suggest that the people of Tuggeranong will very quickly see through the sheer blatant hypocrisy of the group across from us and give them what they deserve, not only in the Federal election but in the next ACT Assembly election when the time comes around.

MRS GRASSBY (12.07): Mr Speaker, I rise to support Mr Whalan's motion. As a Minister, I was responsible for sporting facilities in the Labor Government.

MR SPEAKER: Order, Mrs Grassby. You are talking to the amendment at the moment, not Mr Whalan's motion.

MRS GRASSBY: Yes, I am.

Mr Kaine: So you support the amendment too, no doubt?

MRS GRASSBY: No, I do not support the amendment. What I want to get from you is what priority the pool has? We can see the light at the end of tunnel for the Government. The light has gone out - there is none. We have flushed you out.

Mr Whalan: On a point of order, Mr Speaker; my understanding of the standing orders is that Mrs Grassby can speak both to the amendment and the motion.

Mr Collaery: Yes, she can.

Mr Kaine: Yes, if she wants; we will let her anyway. We like to hear what she has to say.

MRS GRASSBY: I do not think you are going to have much say in it though, Mr Kaine. We do have a Speaker who will decide. I think he is running the house very well, so I will let him decide what I have the right to do and what not to do. I will not let you decide, Mr Kaine. After all, we supported him as Speaker and I am quite happy for him to make the decisions about how this house should be run, not you. It is no use Mr Collaery claiming that the former Government made no commitment to the swimming pool, because we did make a commitment. It is quite clear from the papers that Mr Whalan has that the swimming pool would have been included in the capital works program if the Labor Government had had the chance to do it.

Mr Kaine: When - next year or the year after?

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MRS GRASSBY: No, we would have done it next year. Do not worry, it would have been done. It would have been started this year. It is important that the complex be provided for the people of Tuggeranong because 80,000 people live out in Tuggeranong now and they have this right. For people who do not have cars, it is important that it be close to the bus interchange. It is also important because it keeps people off the road and gives much use to our buses. It is important that the complex be up to Olympic standards with a diving pool, spectators' accommodation and recreational pools, and it is important that it be a public pool, not in the hands of private enterprise. Most importantly, the pool should be fully enclosed to ensure full-time operation throughout the year.

Mr Kaine: Tell Mr Decoin that.

MRS GRASSBY: Mr Kaine, you had the chance to glimpse into heaven, but you still want to keep making mudpies in hell, do you not?

Mr Kaine: No, not at all.

MRS GRASSBY: As the members of the Assembly would be aware, the Civic pool is not covered, therefore it is not used enough all through the year. It was also in the Labor Party's policy to do something about the Civic pool and to make it usable all year round. It is unreasonable for the Government to continue to wait until a magical developer comes riding in to its rescue. The Government has to stop playing fairy tales and put Tuggeranong swimming pool complex back on to the capital works program for the 1990-91 budget where it was before it was taken off.

Mr Collaery: She does not listen. It was never on it.

MRS GRASSBY: It was on the capital works program.

Mr Collaery: Show us where it is.

Mr Kaine: You are a slow learner, Ellnor.

MR SPEAKER: Order!

Mr Kaine: Show us where it is. There is your works program: point it out.

MRS GRASSBY: You took it off. We want to know why you took it off the program; why is it not on the program? You keep telling us that it is so. When are you going to give us a commitment that it is going to be built? That is what we are asking.

Mr Kaine: We will give you the same commitment that you gave us. How about that? Is that a deal?

MRS GRASSBY: No, that is what we are asking you. You have taken it off the program.

Mr Kaine: You said it was high on your priorities.

MRS GRASSBY: You said it was high on your priorities. Where is it? Is it one, two, three, four, five, or is it 10 or 20 or 100? That is what we want to know. Give us your priorities. Tell us when it is going to be built and how important you think it is. We think it is very important because we think the people in Tuggeranong are extremely important people. And let me tell Mr Jensen, we will be back here in 1992, do not worry, maybe even before, but I am not sure that Mr Jensen will be here because, for all his talk about looking after people in Tuggeranong, he cannot even tell them what your Government's priorities are concerning when this pool will be built.

MR STEFANIAK (12.12): Mr Speaker, it is interesting to note the comments of the various speakers here and to see a consistent thread coming through. The ACT Labor Party has taken only a very recent interest in the question of a Tuggeranong pool.

Mr Whalan: You do not even know where Tuggeranong is, Bill.

MR STEFANIAK: I know where Tuggeranong is very well.

Mr Whalan: At least you can pronounce it better than your mate Jensen.

MR SPEAKER: Order!

MR STEFANIAK: For three years the Federal Labor Government has had a chance to do something out in the Tuggeranong Valley and it has not done so. I think Mr Jensen has ably demonstrated the remissness of that Government, and the opportunity the Deputy Leader of the Opposition had in his capacity on the staff of five relevant ministers to influence that. Indeed, Mrs Kelly has taken an even later interest than the Deputy Leader of the Opposition in the issue of a swimming pool. How convenient that we have a Federal election coming up which must be held before May 12.

It is interesting to note, too, as I think my colleague Mr Duby said, that there is nothing in that document he has handed to Mr Whalan - the previous Government's budget allocations - to indicate anything in relation to money being allocated for the pool. We have had talk today of that money being allocated maybe in 1990-91 had the last Government remained. And you have also heard, Mr Speaker, from this Government that funding for the project has been included as a high priority in the major new works proposal to be considered in the context of the next budget.

So I think it is quite wrong for the Opposition to say that we are any tardier than they are. The motion, as put by Mr Whalan, is a blatant attempt at pork-barrelling, nothing

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more than that. The motion, as put by my colleague the Deputy Chief Minister, Mr Collaery, is a far more appropriate motion. It indicates that this Assembly expresses its total support for the development of a swimming complex in Tuggeranong. This Government is committed to that. A study is being done to recommend the most cost-effective way to meet the recreational and competition swimming needs of the Tuggeranong residents identified by the group doing the study. That is most appropriate. There are a number of options that are being looked at. Mr Whalan, of course, is only putting one of those options in his motion.

This Government, as the Chief Minister so ably said in his press release of 19 January 1990, refuses to delude the electorate - unlike the Opposition - with ill-founded promises and blatant pork-barrelling exercises such as they have been engaging in in the Valley View and other media outlets over the last few months.

MRS NOLAN (12.15): I will be brief as I think most of the subject has been well canvassed today. One of my major concerns is for those Valley residents. We hear from the Labor Party on the other side of this chamber, and we saw in the Valley View, 29 November:

"Construction should begin no later than the middle of next year", Mr Whalan said.

Mr Whalan has obviously said that it was going to be constructed by the middle of next year. With what - green stamps? I am not quite sure where the money was going to come from. Mrs Grassby has now said it was going to be the following year.

The situation is that this Government is currently evaluating options and certainly will not be making promises that it cannot keep. There are several options available to it. The Government will go down the path of looking at those. We are well aware of the learn to swim situation in Tuggeranong and also the lack of recreational facilities. It is unfortunate that there are schools which are now having to go to the pool as early as 7.00 am in order to have any access to swimming facilities. We are making sure that we know that all these things are happening and that we evaluate all the proposals that can be put before us.

I also understand that there is a contract with a private developer that has not as yet run out. He was given an extension of time to 28 February. I am not quite sure how this Government could be making a decision based on the fact that an extension of time has been given to a private developer. That contract was obviously let several years ago under the previous Federal Labor Government. Mrs Kelly would obviously have had an input in those days. She was not terribly much concerned about it until just recently, when an election was on the horizon. Mr Whalan did not

even utter a word about it until there was a chance of a change of government within the ACT. Then suddenly he came out and made all the promises under the sun to Tuggeranong Valley residents. Believe you me, Mr Whalan, those Tuggeranong Valley residents do see through those promises.

I think it is most important that we seriously look at this in the light that it should be looked at. The whole Assembly should give it the support that it needs and we should assess the best way of putting forward a proposal to make sure that those residents in Tuggeranong do have the swimming facilities that are very much needed.

Opposition members have spent an hour and a quarter in this chamber really just going from one side to the other saying things that obviously are not correct. To say that construction was going to be started by the middle of the year is totally untrue. Those residents thought when that announcement was made that by June this year they were going to have a pool. Obviously that was not the case. Mrs Grassby now says they had planned to make it next year. Maybe somebody else could tell me just exactly when their plans were?

Mrs Grassby: It was for 1991.

Mr Kaine: Or the year after.

MRS NOLAN: Or the year after. One thing that has been demonstrated today and has been demonstrated by the amount of media airing that Mr Whalan has given to this particular topic in the Valley View, is that most of the statements made do contain lots of inaccuracies. I think that is very unfair to the Valley residents.

MR KAINE (Chief Minister) (12.18): If Mr Whalan is going to close the debate, there are a couple of things I would like to say before he does so. I think that the debate this morning has been notable for two things and they both relate to the performance on the other side of the house. The beneficial notable thing was the excellent contribution to debate made by Mr Wood. His was the only constructive input to the debate from the Opposition. His was the only contribution that addressed methodically, systematically and purposefully the need and the priority for this facility. The rest of the Opposition's contribution was sheer words. The other thing for which the debate has been notable is the deliberate distortion of fact presented by members of the Opposition, other than Mr Wood. They have somehow set themselves up as champions of the swimming pool in Tuggeranong when, in fact, they have made no commitment to it whatsoever.

Mr Berry: What is yours?

MR KAINE: Not this year, not next year, not any year, and that, Mr Berry, is the fact. The Opposition has challenged us, "Where do you, the Government, now stand on this

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issue?" I have no hesitation whatsoever in stating the position of the Government. The decisions in connection with the swimming pool at Tuggeranong, like the decisions in connection with the redevelopment of the Canberra Hospital system that Mr Berry could not face up to and failed miserably, like the decisions that have anything to do with spending significant amounts of money, have got to be made in a measured way in the context of the development of a budget strategy - not for this year, not for next year but for a longer period of time. I have been saying that publicly for a long time, but you on that side of the house do not understand that, you do not understand fiscal responsibility, you do not even understand the basics of budgeting. So you do not want to hear it. But the people out there want to hear it because they know that there is a price to these things that they are going to have to pay. Your Labor Government at the Federal level even pulled the rug out from under your Government when it came to financial support. It will continue to do so under this one.

We have got to face up to a financial situation where there is the worst possible scenario for us. That is what we have got to base our decisions on. We will do so, but to say that in February we should be telling you specifically what is going to be in our budget for 1990-91, which will not even be brought down for six months yet, you know to be an absurdity. You could not even get it in this year's budget. You could not even get it in your forward working program. You could not even identify the money in the forward design list vote, so do not talk to us about making provision. You people showed no sense of financial responsibility whatsoever. This Government is showing it and it will do so.

We will make the decision about the Tuggeranong swimming pool in the context of a total works program for the next several years. We will do it in the context of the budgetary situation for the next several years and the interests of the people of Tuggeranong will be taken into account, which is something that you lot failed miserably to do. So do not give us your hypocrisy.

MR WHALAN (12.22): This has been an excellent discussion. I do not share the pessimism of the people opposite. I do not share the view of Mr Collaery and I wish to place this on record. I do not wish to share the view that discussing a swimming pool in Tuggeranong is a waste of the time of this chamber. He stated that during his speech, Mr Speaker. And there was one other speaker who said that it was a waste of time to debate the Tuggeranong swimming pool, and that was Mr Jensen. Both said it was a waste of time.

But there is a more sinister implication in Mr Collaery's remarks because what he was suggesting when he said that it was a waste of time was that we should be getting on to matters of Government business. Does this mean that as

part of the hidden agenda they are going to abolish private members' business? Private members' business is sacred and it should be the responsibility of private members to raise whatever issues they consider important to the citizens of Canberra. Personally, I know the issue of the Tuggeranong pool is uppermost in the minds of very large sections of the community of Tuggeranong - the correct pronunciation, Norman. I am just trying to give Norman some elocution lessons.

The important thing, however, is that I wish to make an appeal to Robyn Nolan and Norman Jensen on behalf of the citizens of Tuggeranong to abandon on this one occasion, just once, the shackles of iron discipline of the party room and act once - - -

Mr Kaine: Are you going to do that on your side? We will make a deal with you.

Mr Jensen: How are you going to vote on the X-rated Bill?

MR WHALAN: I ask them to act once in the interests of the citizens of Tuggeranong. Let Norman and Robyn show their true commitment to the people of Tuggeranong by breaking away from the strict party discipline and voting for the people of Tuggeranong by supporting this motion on notice before the Assembly today, rather than voting for the motion of Mr Collaery.

Mr Collaery's motion says that the Assembly expresses total support. This is no commitment. He says it is a commitment and various people have said there is a commitment. All on the other side they say that this demonstrates a commitment, but there is no commitment whatsoever. You will be pleasantly surprised to learn that I am not going to repeat the arguments that I presented when I spoke in response to the amendment.

I have already indicated the ways in which the amendment and the consequences of the amendment are so inadequate. But there were other points raised by Mr Collaery which related to the motion and the question generally which have to be addressed. I have to explain for the benefit of the gallery and the avid readers of Hansard the difference between types of consultants.

It is true that we had used consultants and it is true that I had discussed the preparation of some design elements using consultants. That is work in progress. That is the difference between that and engaging a consultant, who is going to go out and sort of check up the statistics on the population, drive around and discover a pool at Erindale and then drive around the rest of Tuggeranong and discover none at all - maybe find the Murrumbidgee. Then he will write a report which will say, yes, there will be a report in December of 1990 or 1991. Then finally the Government will act upon it. There is a fundamental difference between the consultant which is proposed by this Government

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and the consultant in relation to the design work which was in progress prior to the change of Government last year. We have to explain that difference. It is clear that most intelligent people in the community understand, but the Government here does not understand that difference.

What are the other points which will become the quotable quotes in the Tuggeranong Valley View from Mr Collaery's speech? I think the quotable quote which will be most reassuring to the citizens of Tuggeranong is Mr Collaery's statement "as soon as possible". We all know what "as soon as possible" means when someone like Mr Collaery says it. Well, maybe sometime next year, maybe sometime in the future, but it will be certainly after there has been full and proper fiscal consideration. So we do understand the phrase "as soon as possible".

There is nothing firm in what they have said over there, but I can tell you something firm, members of this Assembly and the community who are going to read the Hansard. I can tell you a couple of facts which relate to a point raised by Chief Minister Trevor Kaine in his loud speech as the last speaker when he spoke about the budget process. What you must understand is that the budget process does not all of a sudden commence on 1 July. Did you realise that, members of the gallery? In fact, next year's budget is already under examination when the previous year's budget is being handed down. The process commences 12 months in advance of when the budget is to be brought down. Mr Kaine does not understand that, but I am sure that, as Treasurer he will learn. I would be happy to give him a few lessons in those areas if he would like.

Let me just tell you that at the time the Government was changed, the preparation of bids for the capital works program for 1990 was in progress. On that capital works program as it related to Parks and Conservation, item No. 1 was \$5.5m for the Tuggeranong pool; item No. 2 was the covering of the Olympic pool in Civic; and the list went on. These were then removed at the direction of the Government and they were specifically amended in the bid which went to the Cabinet for the capital works program. Two facts: they were on the list; then they were taken off. What does it add up to? This Government does not care about Tuggeranong.

Mr Kaine: Put your facts on the table and give us the name of your source.

MR WHALAN: Now let us get it quite clear about Norman Jensen's remarks. (Extension of time granted) Norman Jensen said that this was about the politicisation of the Tuggeranong pool. Heaven's above, just because his candidate, the Residents Rally candidate, Katharine West, in the forthcoming elections for the seat of Canberra has not sort of run on this particular issue yet, then that means that for anybody else to mention it is politicising the issue. Norman said - and I must get this on the

record - that my interest in this matter has been raised today only because there is an election pending.

Mr Jensen: I never said that.

MR WHALAN: Look Norm, have a look.

MR SPEAKER: Order. Order. Mr Whalan, at a previous - - -

MR WHALAN: Oh, sorry. Mr Jensen. I understand; I know what you are going to say.

MR SPEAKER: At a previous time we made an order not to refer to members by Christian names.

MR WHALAN: What about nicknames?

MR SPEAKER: Would you please abide by that ruling.

MR WHALAN: Can we call them by nicknames?

MR SPEAKER: No, you know the ruling. Please proceed.

MR WHALAN: The notice was given on 5 December, two and a half months ago, and for you to make this crass allegation that it has been raised today because there is some Federal election in the wind is absolute nonsense. For you to make such a callous, heartless attack on Ros Kelly who has done so much for Tuggeranong is absolutely disgraceful, and it demonstrates your chauvinist approach to politics.

Finally, Norman Jensen said in support of the Erindale location for any facilities in Tuggeranong that school buses go to Erindale. That shows how blinkered and narrow is his outlook because there are children who go to pools at weekends and after school hours. You might be interested to know that, Mr Speaker. Also, there are training sessions, competition and recreational use of the pool outside school hours and there are no buses that go directly from Isabella Plains to Erindale in that situation.

Mr Duby: They do not go to the town centre either.

Mrs Nolan: They do not go to the town centre either, Paul; in fact, there is nowhere to have it in Tuggeranong.

MR WHALAN: Mr Duby has promised me he is going to do something about that.

Question put:

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

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The Assembly voted -

AYES, 11

Mr Collaery
Mr Duby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak

NOES, 5

Mr Berry
Ms Follett
Mrs Grassby
Mr Whalan
Mr Wood

Question so resolved in the affirmative.

Amendment agreed to.

Motion, as amended, agreed to.

Sitting suspended from 12.39 to 2.30 pm

QUESTION TIME

Executive Deputies

MR SPEAKER: I wish to make a brief statement. Yesterday during questions without notice Mr Whalan raised a point of order concerning Mrs Nolan's right, as an Executive Deputy, to ask a question. Mr Whalan asked me to rule that she and the other Executive Deputies be disbarred from questioning the Government at question time as they are de facto members of the Executive. Standing orders of the Assembly do not make any specific provision as to who may or may not ask questions. Standing order 275 provides that:

Any question relating to procedure ... of the Assembly not provided for in these standing orders or practices of the Assembly, shall be decided according to the practice ... prevailing in the House of Representatives ...

The second edition of the House of Representatives Practice, at page 513, states:

The practice has been that Members holding such positions as Assistant Minister, Parliamentary Secretary or Under-Secretary have been permitted to ask questions, subject to any restrictions imposed by the Government appointing them.

Ministers are not permitted to ask questions.

I also offered to seek legal opinion on this matter. However, I believe the issue is straightforward and therefore do not intend to follow this course of action unless pressed to do so. I therefore propose, subject to any direction of the Assembly, to permit Executive Deputies to ask questions without notice or to place questions on the notice paper subject to the standing orders of the Assembly.

QUESTIONS WITHOUT NOTICE

Residential Development

MS FOLLETT: My question is addressed to the Chief Minister in his capacity as Minister for planning. The report of the Interim Territory Planning Authority, which was tabled in this Assembly yesterday, in discussing future residential development states that Jerrabomberra offers opportunities for development. In what way is this residential development potential affected by the interests of the National Capital Planning Authority in this area?

MR KAINE: The interests of the National Capital Planning Authority in Jerrabomberra are no different from those in relation to anywhere else in Canberra. Before self-government the Commonwealth designated areas of national land which are not available for development by the Territory unless we negotiate with the Commonwealth in connection with that.

The National Capital Planning Authority has now proposed that certain land be designated for planning purposes. That would give it the planning control over that land, and that is a matter of ongoing debate. The land at Jerrabomberra is in no way different from any other land in the ACT in that connection. If it has been designated as national land, then we could develop it only after discussion and agreement with the Commonwealth, and then only within the context of any planning control over that same land by the National Capital Planning Authority if it becomes designated land.

MS FOLLETT: I have a supplementary question, Mr Speaker. I ask Mr Kaine again: is the National Capital Planning Authority, through its various planning classifications and controls, affecting the potential for residential development in other parts of Canberra as well?

MR KAINE: Because of the presently pervasive powers and in accordance with the current interpretation of those powers by the National Capital Planning Authority under its enabling Act, it is true to say that any land in Canberra could be affected by the National Capital Planning Authority if it chooses to exercise the jurisdiction that it implies for itself by its interpretation of the National Capital Plan. It would apply equally anywhere else in

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Canberra if the land has been designated as national land or if it in future is designated for planning purposes by the NCPA. The answer to the question is yes - that is, if we agree with its interpretations, or if we do not agree we can negotiate with the National Capital Planning Authority on where its interests lie and how far we agree that it can go.

Skills Testing

MR MOORE: My question is directed to the Minister for Health, Education and the Arts. Considering several announcements that he has made favouring a system-wide skills testing, will he tell this Assembly the projected costs of such a move and which part of his education department will be reduced to provide that funding?

MR HUMPHRIES: I thank the member for his question. The simple answer is no, I cannot provide information of that kind because it is not yet available. It is not available at this time because the Government, as he has no doubt heard, is in the process of developing a green paper on literacy and numeracy issues in the ACT education system. If I were to rise in this place and announce that the Government was going to do certain things and that those things were going to cost a certain amount of money, it would rather pre-empt the basis on which we have proceeded so far - that is, a green paper to be issued for public discussion and comment, canvassing a number of options, not just one preferred government option, as the basis for the Government moving later, if that is the result of that process, to implement some form of literacy or numeracy or both types of testing in the ACT. I cannot, therefore, indicate to him what the cost would be. It would be a question of the community of the ACT commenting on what particular options are available and indicating which costs it is prepared to pay as a community for those sorts of things.

MR MOORE: I wish to ask a supplementary question, Mr Speaker. Would the Minister like to comment then on the current skills testing method in the ACT and why the Alliance Government would consider it unsatisfactory so that it would have to put out a green paper on it.

MR HUMPHRIES: The simple answer to that is that if we treat any part of our education system as a sacred cow and assume that it cannot be improved upon, we make a very grave and erroneous assumption about the future development of our system.

Mr Moore: Do you know what the current system is?

MR HUMPHRIES: There is concern in certain quarters of our community about the level of literacy and numeracy - - -

Mr Berry: Which quarters?

MR HUMPHRIES: Maybe Mr Berry would like to listen. There is concern about the level of literacy and numeracy of graduates from ACT schools. One area of concern, for example, has been from the Confederation of ACT Industry, which has said clearly that members of its organisation have expressed grave concern about the level of literacy of graduates from schools in general and to some extent from the ACT education system in particular. That means that we have to address the problems that those people raise by assessing whether or not we are taking the appropriate directions in the area of literacy and numeracy. It is entirely appropriate in those circumstances to make these kinds of inquiries. I am not going to pre-empt what the result of that process might be by saying that the Government will do X or that the Government will do Y, but I believe it is appropriate for us to be exploring these options now.

Land Use

MR WHALAN: I ask a question of the Chief Minister as the Minister for planning. Do you or your Government endorse, or indeed have you authorised, the proposals put to the National Capital Planning Authority by Mr Campbell of the Interim Territory Planning Authority concerning the identification of Parkes Way as the base of the Parliamentary Triangle for purposes of limiting designated land; also, the proposal that the Territory Planning Authority be solely responsible for planning matters relating to all leased land; and, finally, that the NCPA role in relation to the major avenues be limited to special requirements rather than designation?

MR KAINE: Those are three quite different matters, of course. The first one has to do with determining the boundaries of the Parliamentary Triangle. I believe that the proposal that Parkes Way rather than Constitution Avenue be the northern boundary is a better solution than that currently proposed in relation to land declared as national land because it removes the difficulty of this Assembly and this Territory being involved in the use of land along Constitution Avenue. Of course that intrudes into Civic, the heart of the local community centre of Canberra, which has nothing to do with the national interest at all. As a counterproposal to that of the Commonwealth, that Constitution Avenue ought to be the northern boundary, I think that to designate Parkes Way as the northern boundary is a better solution for us, and of course ultimately hopefully the designation of national land will be discussed on a government to government basis anyway.

The second aspect of the question had to do with control over leased land. I think that gets into the question of

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the jurisdiction of the National Capital Planning Authority on the one hand and this Legislative Assembly on the other, as to whether or not the National Capital Planning Authority ought to intrude into those things that could be regarded as local matters of interest and of concern, and the definition of where the national interest begins and ends. Again, the Interim Territory Planning Authority has been in discussion with the National Capital Planning Authority on these matters, among others. It put a point of view. There is a debate going on, and out of that will emerge points of difference which will then float to the political level, and they will be discussed by the Minister for Territories and by me, as Chief Minister and as the Minister responsible for planning. If you like, we are in a negotiating position we are in a state of dialogue, and that will continue, as far as I am concerned, until the interests of the Territory are properly represented in the outcome.

Mr Whalan: Sorry, but there was a third part of the question.

MR SPEAKER: Do you wish to ask a supplementary question?

Mr Whalan: No, this is not supplementary; this is the original question relating to avenues.

MR KAINE: Yes, I am sorry, Mr Speaker; I did overlook the last part of the question. It has to do with whether land needs to be identified as national land or whether it needs to be designated by the NCPA for planning purposes in order for the National Capital Planning Authority to exercise control. Under the legislation there is a provision for a special Commonwealth interest, whether it has been designated for planning purposes or whether it has been identified as national land. Our negotiating position is that we do not need all of those provisions. We do not need to designate land for planning control by the National Capital Planning Authority if at any time under the legislation it can declare that it has a special interest in a particular piece of land and therefore should impose planning control over it. There seems to be a duplication of means there, by which the National Capital Planning Authority controls what happens in this Territory. We believe that duplication provision is unnecessary.

MR WHALAN: I have a supplementary question, Mr Speaker. I assume that Mr Kaine, having answered the question in the way he did, endorses the approach taken by Mr Campbell in relation to these matters. In view of the fact that each of those matters departs dramatically from the policy of the Residents Rally party, as expressed in its submission and in its public statements, is the Chief Minister confident that he has the wholehearted support of Residents Rally backbencher Mr Jensen?

MR KAINE: Mr Speaker, Mr Whalan is being very clever and very cute, but there happens to be an Alliance policy which

has been agreed by all of the members of the Government. It is within the context and the terms of that policy that we will negotiate with the Commonwealth. We will negotiate with the Commonwealth on the basis of the Alliance policy on this matter, and I repeat - - -

Mr Whalan: They must have two policies.

MR KAINE: Would you like me to answer your question or would you like to continue a dialogue?

Mr Whalan: But you are wrong because it is not in your policy.

MR SPEAKER: Order! Please proceed, Chief Minister.

MR KAINE: Our policy, Mr Whalan, expresses the common view. It is no good throwing up to me either the Liberal Party policy or the Alliance policy on this or any other issue because we do not have a Liberal government nor do we have a Residents Rally government; we have an Alliance government.

Mr Whalan: I think you slipped. You meant to say "Rally", but you said "Alliance".

MR KAINE: You can interpret. The point is that we have an Alliance policy in terms of the actions of the Government. As I said, you are being cute and smart. If you think that you are going to drive a wedge between the members of this Government, you are quite wrong. There is a policy, and that policy will be implemented. Our policy is in the interest of this community and not that of the Commonwealth in the final analysis. We believe that this community has a primary interest in the ACT, that our interests should be properly and fairly represented and that there should be equity in relation to the interests of the Commonwealth and the local population. We will make sure that there is equity, despite the activity of the Opposition.

AIDS-Related Legislation

DR KINLOCH: My question is directed to the Minister for Health, Education and the Arts. Naturally we are all concerned about the danger of AIDS, the HIV, and it is good to know that a select committee will be considering that matter, among others, in the future. Meanwhile, what is the current position regarding legislation to restrict the spread of the HIV in the ACT?

MR HUMPHRIES: I thank the member for his question. On 24 January this year I announced that the Government will be initiating a comprehensive review of AIDS-related legislation in the Territory. This review will address, among other things, issues such as discrimination, occupational health and safety, workers compensation, HIV

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testing, notification of infections and, in particular, confidentiality.

This is an area of extreme sensitivity. It involves a balance between the individual's rights and the rights of the community to be protected against the spread of the disease. One issue which presents this balance starkly is the question of restraining HIV-infected people who knowingly run the risk of infecting other people. Unfortunately, four days after I announced this review the Opposition's spokesman on health, Mr Berry, bought into this issue with a very insensitive tirade. In particular, his press release following my comments made the inflammatory suggestion that the Alliance Government would follow the lead of the Greiner Government and lock up victims.

Mr Berry: Well, it has done it on other areas.

MR HUMPHRIES: Not the Alliance Government, Mr Speaker. It certainly has not. It is an exaggeration to say "victims", in any case, in respect of the Greiner Government since only one person has been restrained in that State. The point I make about that, Mr Speaker, is that Mr Berry's comments were an attempt to sensationalise a very sensitive and delicate area in relation to which government policy needs to be based on what is right and what is a sensitive response to the issues, not what makes the biggest headlines or looks the most sensational in a question at question time. I think Mr Berry's approach should have been quite different, given his experience in government. I have to say that I think that it was very unfortunate.

We will be taking a very responsible approach in this area. If we have to explore ways of restraining people from making deliberate attempts to infect other people, that would be a responsible health decision based on the criteria, which we, as any responsible government, would have to face. I indicate at this stage that we will be facing up to those issues in that way.

Executive Deputies

MR BERRY: My question is directed to the Chief Minister. In the light of his response to my question yesterday on Executive Deputies, would he explain the following: at the Australia Day sports carnival, at which Mr Stefaniak made a speech, he was asked how he should be introduced. Mr Stefaniak said "as Minister for sport", and he was so introduced. At the Prime Minister's cricket match he was widely introduced and acknowledged as the ACT Minister for sport. More recently, at the Chief Minister's cricket match, in your presence, Chief Minister, he was introduced as the Minister for sport by the cricket association. Will you acknowledge that this is evidence of not only the confusion in the community but also specific and improper usurping of the designation of "Minister" by Mr Stefaniak.

MR KAINE: I think I have made my position quite clear that there are only four Ministers; there is no question about that whatsoever. I was present at the Chief Minister's XI when Mr Stefaniak was inadvertently referred to as the Minister for sport, and I brought it to the attention of that particular organisation that he was not. I have attempted on several occasions, when he has been referred to in that manner, to bring to the attention of the people that he is not a Minister. A myth seems to be being perpetuated out there. It is probably being perpetuated by members of the Opposition so that they can come in here and ask stupid questions and embarrass me. But it does not embarrass me in the slightest.

MR BERRY: I ask a supplementary question, Mr Speaker. Has the Chief Minister approved Mr Stefaniak's use of the title Parliamentary Secretary for Sport, Recreation and Racing?

MR KAINE: No.

Mr Berry: Mr Speaker, I seek leave to table a document, a facsimile cover sheet, which mentions the name of Bill Stefaniak MLA as the Parliamentary Secretary for Sport, Recreation and Racing. It is:

Commonwealth Games athletes - Copy of facsimile invitation from Mr T. Morris, ACT Office of Sport, Recreation and Racing to Mr W. Berry, MLA, dated 12 February 1990.

Leave granted.

Mr Whalan: I move that it be incorporated in Hansard.

Leave granted.

Document incorporated at appendix 5

National Capital Plan

MR WOOD: I direct to the Chief Minister a question concerning planning. I am interested in pursuing the Alliance policy on planning, but I refer also to a document by Mr Chris Donohue, which states that the Rally supports the broad thrust of the National Capital Plan. Chief Minister, today you have repeated the Liberal Party view which is in contrast with your statement in response to the first question today that the plan is pervasive. How and when will these conflicting statements be resolved? How is the Government going to present a united view to the NCPA? In terms of your document here on planning, how will you negotiate without resolving the differences that you have, because it is not expressed in this document?

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MR KAINE: I repeat, Mr Speaker, that I am not responsible for the Residents Rally, nor for the Residents Rally policy, nor for the officers of the Residents Rally who make public statements on any issue whatsoever; they are free to say and do what they like. This Government will operate, as I said before, under the agreed Alliance policy. That is the policy that we are pursuing; that is the policy under which current discussions between the ITPA and the National Capital Planning Authority are taking place; that is the policy under which this Government will ultimately enter into negotiations with the Federal Minister when the time comes.

MR WOOD: That is fine. I wish to ask a supplementary question, Mr Speaker. Will you indicate to the house then, Mr Kaine, whether the Government's policy will support the broad thrust of the National Capital Plan or whether it will defend the rights of the self-governing ACT?

MR KAINE: I believe I have already answered that question quite fully, in response to Mr Berry's question, Mr Speaker.

Community Use of Schools

MR JENSEN: My question is directed to the Minister for Health, Education and the Arts. Has he heard comments by Mr Wood, the ALP spokesman on education, on the Government's decision to increase charges for community use of schools? How likely is it that community groups will be closed down, as claimed by Mr Wood?

MR HUMPHRIES: I thank the member for his question. As Education Minister it is my responsibility to ensure that the Government delivers the best value for every education dollar. While the Government is keen to make schools available for community use, it cannot allow such use to take resources away from education.

Under arrangements that operated under the previous Labor Government, the ACT schools system was subsidising public hiring of schools, sometimes by non-education organisations, at the rate of about \$470,000 a year. That is almost half a million dollars of education funding which makes little contribution, or, in some cases, no contribution to the education service.

This Government developed the nominated school concept, which I believe will facilitate community use in a way that is consistent with cost recovery. Hiring will be concentrated on nominated schools covering the various regions of Canberra. By means of this cost sharing arrangement, increases in hiring charges will be kept to the level of increases in the consumer price index. To further alleviate the effect of the changes on Sunday users, increases for Sunday use of schools will be phased

in over two years. Mr Wood recently said that these would cause certain community groups to fold. I want to refer to some of the increases.

Mr Moore: I rise on a point of order, Mr Speaker. On many occasions we heard the current Chief Minister, as Leader of the Opposition, complain about the previous Government using this as a time for making statements, as opposed to a time for answering questions. What we hear is a government statement, not answering a question.

MR SPEAKER: Thank you, Mr Moore. It appears - - -

MR HUMPHRIES: Mr Speaker, it is clearly an answer to a question asked by a member about Mr Woods' comments on school community hiring charges, and I propose to answer that question.

MR SPEAKER: Please proceed.

Mr Moore: Mr Speaker, your ruling on the point of order?

MR SPEAKER: Thank you, Mr Moore. Please proceed, Mr Humphries.

MR HUMPHRIES: Mr Speaker, the increases to which Mr Jensen has referred are very small: for example, individual school rooms in category B increasing from \$10 to \$11; in category C, from \$10 to \$11; community use of category D school rooms, \$6 to \$7; secondary school theatres, with sound projection or lighting, from \$71 to \$76; without that sound projection or lighting, it is \$43 to \$46. For the most part, the increases are not great at nominated schools, as they are in line with the CPI. I believe it would be inappropriate for anyone to criticise governments for making increases of that order to effect a better use of school resources for educational purposes.

National Capital Plan

MRS GRASSBY: I would like to ask the Chief Minister a question. On 21 December, in a letter to the National Capital Planning Authority, the Residents Rally party stated - and I quote from it - that it supported the intrusion into local affairs by the NCPA. Does your Government agree with this position?

MR KAINE: Mr Speaker, I would even suggest that the question is improper in that I am not the Minister for the Residents Rally and I do not believe that I should answer in terms of what the Residents Rally says or does.

MRS GRASSBY: I ask a supplementary question of Mr Kaine. What should be the relative roles of the NCPA and the Interim Territory Planning Authority in relation to local affairs?

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MR KAINE: It is an entirely different question, Mr Speaker. But I think I have made quite clear that there has to be an equity of interest in planning in the ACT, with the interests of the Commonwealth in mind, because it is the national capital and the seat of government after all. But now nearly 300,000 people live in this city, and their interests as a community have to be represented. There has to be a balance between those two things. As long as the National Capital Plan and the territorial plan when they are finally produced - and that is not very far away - reflect the balance of those interests, this Government will be satisfied. But to the extent that there is an inequity and currently a strong perception that the National Capital Planning Authority is interpreting its legislation very much in its own favour and imposing undue constraint on what is being done within the ACT, whether through the ITPA or in any other way, then we will take exception to it, and we will negotiate until that particular oppressiveness is removed.

Waste Disposal

MRS NOLAN: My question is directed to the Minister for Finance and Urban Services, and it is in relation to urban services. There has been an amount of community concern in relation to tip charges. Does the Alliance Government intend to introduce charges at ACT tips?

MR DUBY: I thank Mrs Nolan for the question. There has been recent speculation in the media and various reports that this Government will privatise landfill or tip sites in the ACT or, alternatively, charge fees for the use of these tips. I am glad that the question has been asked, because there has been an amount of community concern about this matter. As you are aware, Mr Speaker, the Assembly's Standing Committee on Conservation, Heritage and Environment is currently conducting an inquiry into all aspects of waste management, including efficient waste disposal options. Until its recommendations come down, this Government is holding its options open in regard to a number of issues relating to the tip. We have made no decisions on the introduction of tip charges. However, I can categorically state to the Assembly today that it is not in this Government's agenda to privatise rubbish tips in the ACT. When those recommendations of the Standing Committee come down they will be considered and the opinions of relevant unions and other interested groups will be sought before any decisions are made by this Government.

Ms Follett: What about the tip charges?

MR DUBY: I think I have just answered that.

Planning Procedure

MR MOORE: My question is directed to the Chief Minister. I refer to an article in this morning's paper, "Planners question Alliance policies". Could he explain how the Alliance Government will restore and then maintain the balanced distribution of development within Canberra, with particular reference to allowing the exchange of existing leases for those that will facilitate ad hoc redevelopment?

MR KAINE: The draft legislation that will determine the way in which planning is conducted under the Territory Planning Authority when it becomes a permanent authority, which will be soon, and the processes that will be open to people in the community to appeal against what is done - that whole range of qualifications and regulations about how planning will proceed - will be placed on the table in the Assembly, as this Government undertook to do, within the next week. That will then be open for at least a month of public discussion and public consultation to ensure that the interests of the public are reflected. It will be open for debate in this house so that members who have a particular point of view can express it. Out of that process will come legislation that will be decided by the community in this Assembly as to how the objectives that Mr Moore has set out will be achieved.

Recycled Oil

MR STEFANIAK: My question is addressed to the Minister for Finance and Urban Services. What is the Government's attitude to the recent commencement of sales of recycled oil in the ACT by the Pearson Oil Company?

MR DUBY: I thank Mr Stefaniak for the question. This Government has a firm commitment to recycling, and the Government is aware of this development in the ACT of the Pearson Oil Company which is selling recycled oil. We strongly support recycling and are pleased to see the first evidence of the commercial viability of oil recycling in the ACT.

The ACT Administration currently has a contract with Independent Oil Refineries, a division of Trifolium Limited, under which that company pays for the rights to recycle waste oil collected in the ACT as part of our campaign of recycling.

Trifolium is about to test the market with the release of a four-litre container of recycled oil, and now Pearsons, a local company supplied by Trifolium and managed by a local gentleman by the name of Tim Pearson whom I had the pleasure to meet last weekend at Wheels Rally 90, has entered the market with a range of recycled oil products. The Government applauds this development and wishes the company well.

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Whilst the Government is committed to existing contracts for its supply of oil, the Administration is interested in looking at the product, and we will be looking closely at the products to be marketed. Technically there appears to be no problems with using recycled oil. While we are discussing the matter of recycling, Mr Speaker, the department of urban services will have a recycling display and promotion at the Royal Canberra Show, with oil recycling being a major feature. This will provide an opportunity to gauge public interest in the matter.

National Capital Plan

MS FOLLETT: My question again is directed to the Chief Minister in his capacity as Minister for planning, and I would like a specific answer, Mr Kaine. Is it the Government's view that the extent of the National Capital Planning Authority's claims for designated land and the imposition of special requirements, as proposed in the draft National Capital Plan - so I would refer you specifically to that document - represent an intrusion into the sovereignty of the territorial government?

MR KAINE: We are concerned about planning today, are we not, Mr Speaker? I think I have answered this question several times already.

Ms Follett: I don't think you have answered it yet; you have not even tried.

MR KAINE: I have said that there is a common belief that the extent of planning control and land management control currently being exercised by the National Capital Planning Authority, under its national land and designated land concepts, intrudes unreasonably into the rights and responsibilities of this Legislative Assembly. I believe that is a soundly based belief.

Planning Of Open Space

MR WHALAN: Mr Speaker, I would like to ask a question of the Chief Minister as the Minister for planning.

Mr Kaine: I am surprised!

MR WHALAN: You scoff at this. It is as though planning is not important, as though it does not matter. We had not heard a statement from this Government on planning. We had not heard one statement - until today. When you were questioned today was the first time we have heard a statement from this Government.

The introductory attachment to the first volume of the draft National Capital Plan contains a proposal that the total open space setting should be designated land. Does your Government agree with this proposal?

MR KAINE: The answer is no.

Mr Whalan: Supplementary?

Mr Kaine: Mr Speaker, may I request that any further questions be placed on notice. It is now well after the prescribed time for question time. They have had a fair go.

Mr Moore: It is not a finished answer. There is a supplementary question.

Mr Kaine: He can place it on notice; there is no problem.

MR WHALAN: Mr Speaker, I seek leave to move a motion that, in view of the absence of government business on the business paper, the period of question time be extended by 30 minutes.

Leave not granted.

Suspension of Standing and Temporary Orders

MR WHALAN (3.08): Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Whalan from moving that, in view of the absence of Government business on the business paper, the period for question time be extended by 30 minutes.

Mr Speaker, these people on the other side are terrified. There is a word for it. They are scared, but I will not say the other word. They are scared out of their wits; I will say it nicely. They are terrified. They are not game to be subjected to question time. They are a mob of gutless wonders. They will not subject themselves to question time. They are running scared.

This motion to extend question time would not normally be moved, but they are now the Government. I appeal to the people in the gallery to look at the notice paper, the daily program for this Assembly. When we were in government it was chock-a-block full of government business.

On this occasion this Government, which has been in office now for two and a half months, has not done sufficient work to bring business into this chamber. It is a lazy government. This sitting of the Assembly is going to fold because this Government, Trevor Kaine's Liberal coalition Government, cannot produce business for us to conduct.

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In the light of those circumstances, if it were not for the debate that was raised in the private members' business this morning by Mr Stevenson's Bill and the motion that was moved by the Labor Party, if it were not for the MPI which we will be raising later this afternoon, if it were not for question time when we put pressure on the Government in relation to its performance, there would be nothing to do because this lazy, indolent Government is not working. When you talk to the public servants - unfortunately you cannot avoid bumping into them in the street, because they have nothing to do in their offices - they complain - - -

Ms Follett: They can't find their offices. They've been thrown out.

MR WHALAN: The ones who have not been kicked out of their offices to make way for the mutants have nothing to do in their offices because no work is being generated by this Government. You read, for example, the policies. Trevor Kaine said that there was a policy on planning. I challenge you to find in this Alliance policy document any of the things which were said by Trevor Kaine today during question time. It is nothing; it is an empty document. It contains nothing - meaningless words.

Mr Kaine: Where's yours? Let's see yours. You were there for seven months. Where is yours?

MR WHALAN: Meaningless words. Mr Kaine has raised the question of our position in relation to planning. After question time has been extended by 30 minutes, as I am quite sure it will be - they are not yellow; they are not gutless - they will agree to further question time. They will agree to further exposing themselves; they are game - - -

Mr Duby: No, no.

MR WHALAN: You are not afraid, are you, Craig?

Mr Duby: I would not dream of exposing myself, Mr Whalan.

MR WHALAN: A dingo? You are not a dingo, are you?

MR SPEAKER: Order!

MR WHALAN: Dingo Duby. He does not want to answer the questions.

Mr Jensen: On a point of order, Mr Speaker - - -

MR SPEAKER: Please resume your seat, Mr Whalan.

Mr Jensen: Mr Speaker, I think the sort of language that is currently being used by Mr Whalan is totally and utterly unparliamentary. I request that you seek that he withdraw the slurs on the people across the - - -

Ms Follett: Which ones in particular?

Mr Jensen: The one in relation to Mr Duby in particular.

Mrs Grassby: It was an insult to dingoes, all right.

Ms Follett: It was a slur on the dingoes as well.

MR WHALAN: I withdraw the insult to the dingo.

MR SPEAKER: Order! Mr Whalan, please use parliamentary language and withdraw the remark you made re Mr Duby.

MR WHALAN: Right. Sorry about that, Mr Duby. I withdraw it, dog day Duby.

MR BERRY (3.13): It is quite clear, Mr Speaker, from the business paper which has been circulated that this Government, as has been appropriately put by Mr Whalan, is running scared and does not want itself placed under the microscope. You can roll your eyes, Mr Collaery, but the fact of the matter is all you have is - - -

Mr Collaery: I am embarrassed. I am embarrassed for you and the people of the ACT.

MR BERRY: You ought to be. This is private members' business, scrutiny of the Government, and it is something that you cannot cop.

Mrs Grassby: Because you've got no business.

MR BERRY: Because you have no business, with all the window-dressing in the place and 111 pieces of legislation in the program. Where are they all? There are 111 pieces of legislation in the legislative program and nothing on the business paper.

Mr Humphries: You stole some of it.

MR BERRY: You pinched most of it.

Mr Collaery: On a point of order, Mr Speaker; I do not think Mr Berry is addressing the motion which is that question time be extended for 30 minutes. He needs to address that motion.

Mr Whalan: On a point of order; Mr Collaery does not know what he is talking about. That is not the motion.

Mr Collaery: Well, what is it?

Mr Kaine: That is the motion that has been circulated.

MR SPEAKER: The motion is requesting an extension of 30 minutes.

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Mr Jensen: It is not even signed.

MR SPEAKER: Order! Please address the motion.

Mr Whalan: On a point of order; in the absence of government business on the business paper - - -

MR SPEAKER: Please proceed, Mr Berry. Speak to the motion before the house.

MR BERRY: Thank you, Mr Speaker. Yes, indeed I will, Mr Speaker, because it is important that we focus on the real - - -

Mrs Grassby: It might be best to do it for me because I wouldn't do it very well under the Greiner Government. It would be terrible under the Greiner Government.

MR SPEAKER: Order, order! Mrs Grassby, he does not speak loudly. I cannot hear Mr Berry.

MR BERRY: It is important that we focus on the reason that we can use the extra question time, and of course that is that there is no government business, despite the fact that the Government has done a bit of window-dressing with its 111 pieces of proposed legislation. I suspect that it has grabbed about every piece of legislation because it can now manipulate access to the drafting counsel so that nobody else can get private members' business up. That is what this is all about. Let us not kid ourselves.

I think it is most important, Mr Speaker, that the people of Canberra understand what this Government is about. It is about closed government. It is about going into the bunkers and making sure that people cannot see that it is not producing what it was elected to do. Mr Speaker, when you have a look around at these people opposite, it is the case that not one of them is performing under the policies for which they were elected. All of them have been compromising one way or another. I add to that the laziness of the Government in not being able to put up Government business and deal with it in a way that it is supposed to be dealt with, as flagged by its 111 pieces of legislation. It is an absolute disgrace and something that the people of Canberra will not forget quickly.

MR SPEAKER: Mr Moore?

Mr Moore: In the interests of an alternative vote, I am quite happy to defer to Mr Humphries first, Mr Speaker.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.17): I find the statements made by members opposite rather hard to swallow. If they had always been in opposition in this chamber and they were setting certain standards, which the rest of us were going to have to follow, I would feel a little more humbled perhaps by the words that have been spoken by Mr Whalan and Mr Berry. But

the fact is, Mr Speaker, that they have not been. They have sat on this side of the chamber as government and they set certain standards there, which they now seem to believe should not be applied to us in government. The fact is, Mr Speaker, that when those members opposite formed the minority five-member Government for seven months last year they were in precisely the same position and found themselves having to fill in time on all sorts of occasions in order to cover up the fact that they had no government business to bring forward.

I can remember the occasion, Mr Speaker, when members opposite proposed a matter of public importance.

Mrs Grassby: Once, to fill in because - - -

MR HUMPHRIES: Once - we have an admission - once we did not have enough government business. Mr Speaker, on that occasion the members opposite did not have enough business to go on with and had to bend parliamentary rules to be able to fill up time. On other occasions question time was allowed to run over, again because there was not the business on the government's agenda to fill up the rest of the day. That has happened as well. I find these claims very hard to swallow. Legislation came through in dribs and drabs. You find yourselves now setting standards which you did not set when you were in government. That is the height of hypocrisy. You ought to realise that, go back into your shells, and let us get on with the proper business of this Assembly, giving the reputation of this Assembly higher esteem in the eyes of the people of this community.

MR MOORE (3.19): Mr Speaker, on many occasions, particularly in question time, I heard Mr Kaine as Leader of the Opposition state that the former Government was avoiding questions. I often heard him say that it was using it as an opportunity to make statements and that therefore question time was reduced. What we have seen today is that very thing. It would not be very difficult, because it happened so often, to get the Hansard and quote Mr Kaine on that very thing.

Because the Government now has 10 people in it, it can take up a much greater amount of its time making ministerial-style statements when the opportunity for asking questions is now reduced to the Opposition and the crossbenchers. Since it is just new in government and there is no business on the paper, this would be an excellent opportunity for the Government to provide an extra 30 minutes of question time. Indeed, Mr Kaine has already in effect provided an extra 10 minutes yesterday and an extra 10 minutes today.

Mr Kaine: Which I thought was very reasonable.

MR MOORE: Very reasonable. But, considering that there is no government business on the notice paper, to give the opportunity for another 30 minutes of questions would be

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wonderful. I have a number of questions that I would really dearly quite like to ask - very much so.

Mr Whalan: Really and truly.

MR MOORE: Truly and dearly. To have that opportunity would be excellent. I simply cannot see any reason why that should not be the case.

MR KAINÉ (Chief Minister) (3.20): Mr Speaker, I did not intend to honour this rather strange attack on the Government with a response, but I will because I think one or two things need to be said to place it in some sort of context. Mr Moore rightly pointed out that both yesterday and today I did agree to extend question time. The standing orders say that it will be 30 minutes a day, and I have extended it two days in a row. I think that is fair enough. But I find the comments from Mr Whalan to be quite extraordinary because it is on record in the Hansard that Mr Whalan has complained bitterly that we have not provided the Opposition with enough time for private members' business. It is in the Hansard. I do not have to prove that. It is there; it is on the record. In recognition of Mr Whalan's argument that there was a lot of private members' business and only two hours a week essentially to discuss it, the Government was prepared to extend that time this afternoon and allow you to bring up your private members' business.

Mr Berry: You are playing games, Trevor. Stop trying to kid people.

Mr Collaery: You knew about it before lunch, Wayne.

Ms Follett: You told no-one. Who did you tell?

Mr Whalan: You're a liar, Bernard. You're a liar, Bernard Collaery.

Mr Duby: On a point of order, Mr Speaker; that is clearly unparliamentary language from the deputy Leader of the Opposition.

Ms Follett: It is also true.

Mrs Grassby: Can't he get up and defend himself? Does he have to tell you to do it every time?

Mr Duby: On a point of order; he does not tell me what to do at all. I would ask that the accusation be withdrawn.

MR SPEAKER: Crosstalk across the chamber was not heard by me. Please proceed, Mr Kaine.

MR KAINÉ: Thank you, Mr Speaker. I simply say to the people opposite that you cannot have your cake and eat it. You either want more time for your private members' business, which we were to grant you this afternoon - - -

Mrs Grassby: We want question time. You should have told us that you weren't going to have any business. If you had told us, we would have put more on.

MR KAINE: I do not have to tell you whether we are going to give you extended time or not. I am telling you that the motion is already written and was to be presented - - -

Mr Whalan: That's a nonsense. You're squirming. The worm is squirming.

MR KAINE: You cannot have it both ways.

Mr Whalan: The worm is squirming, not prepared to face question time.

MR KAINE: I am quite prepared, if it is your wish, Mr Whalan, when the MPI is over - and you are not going to get your extension to question time, let us be quite clear about it - - -

Mr Whalan: Why not? Why won't we?

MR SPEAKER: Order, Mr Kaine! Time for this debate has expired. The question is that the motion to suspend standing orders be agreed to.

Mr Whalan: Do I get a right of reply, Mr Speaker?

MR SPEAKER: The time has expired, Mr Whalan.

Question put.

The Assembly voted -

AYES, 6

Mr Berry
Ms Follett
Mrs Grassby
Mr Moore
Mr Whalan
Mr Wood

NOES, 10

Mr Collaery
Mr Duby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mrs Nolan
Mr Prowse
Mr Stefaniak

Question so resolved in the negative.

BUSINESS OF THE ASSEMBLY - MANAGEMENT

MS FOLLETT (Leader of the Opposition) (3.30), by leave: Mr Speaker, I do not want to take up the time of the house unduly on this matter of who did what and to whom, but I

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would like to say, speaking on behalf of this side of the house, that we would very much welcome the opportunity to continue with private members' business. Let there be no mistake about that. We would be delighted to do so at any time, but I want to make a few points about that.

First of all, Mr Speaker, last night there was a meeting of the Standing Committee on Administration and Procedures, at which our representative, Mr Wood, was present. None of this was mooted at that meeting. I think that kind of action does call into question the operation of that Administration and Procedures Committee, the value of our member wasting his time attending it when there is clearly some secret agenda and, as I said yesterday, the attempt by the Government members to subvert the committee system.

The second point that I make is that there has been no consultation whatsoever on whatever cute proposition the Government is planning to put up. Mr Collaery has said that we were informed of it. We were not. I state that categorically - we were not.

Mr Collaery: You were told in debate.

MS FOLLETT: We were not.

Mr Collaery: The Hansard will show it.

MS FOLLETT: Mr Speaker, I repeat: there has been no consultation.

Mr Collaery: I didn't say "consultation". I said we offered it to you.

MS FOLLETT: I wish to place on the record that there has been no consultation. Furthermore, Mr Speaker, any consultation that might have taken place seems to have passed by the Government's Whip as well. Mrs Nolan appears to be totally unaware of what the plan is for this afternoon, as of course is our manager of government business, Mr Whalan. This is an extraordinary way to conduct business.

I would like to make a further point, Mr Speaker. It is something that I take fairly seriously, and that is that the daily program for today has been printed this morning in direct contravention of the standing orders. You will see that private members' business is listed on that paper in contravention of standing order No. 74 which lists the order of business. We have private members' business appearing there. Upon inquiring what had happened Mr Wood was told that Mrs Nolan's and Mr Jensen's business comprised the private members' business.

Mr Wood: I was told that would come.

MS FOLLETT: That is so. So we have been misled. I put it to you again that we welcome any opportunity to debate

private members' business. We would be delighted to do so this afternoon. We would be delighted to do so in the full knowledge that there is no government business whatsoever on the paper today. We would be delighted because we have business to proceed with - unlike our 9 to 5 Government which, in two and a half months, cannot come up with a single item of business. I find that astonishing.

My point basically is that this Government of these 10 people opposite seeks to control absolutely the business of this Assembly, to make decisions behind closed doors, to misrepresent the degree of consultation that it believes took place, and I put it to you that is a total figment of its imagination. I ask it to bear in mind an epithet for which, among others, Oscar Wilde is famous. I believe he was speaking of a coalition or something similar at the time. He said, "Quantity is not style". I would ask you to bear that in mind. Your bullying numbers game is impressing nobody. If you wish to consult us on the order of business, if you wish to offer us any further opportunities for private members' business, I would be delighted to hear from you. I look forward to it. But I am still waiting.

MR SPEAKER: I would like to follow up on your statement, Ms Follett. With respect to private members' business being listed on the notice paper, the Government obviously would need to seek leave of the Assembly to carry that through.

Ms Follett: But it's on there.

MR SPEAKER: It would still require leave of the Assembly. The Standing Committee on Administration and Procedures does not place before itself for deliberation such matters as those about which you were talking. We were looking at allocation of other business before the house. This matter was not discussed. It is rightfully the position of the Whips from the different parties to come to an agreed program.

Mr Whalan: On a point of order, Mr Speaker; at no stage was our party consulted - and I asked Mr Moore, and he was not consulted either about this daily program.

MR SPEAKER: Order! Mr Whalan, do you seek leave to make a statement?

MR WHALAN (3.35): I seek leave to make a statement, Mr Speaker, in relation to the business program.

Leave granted.

MR WHALAN: Mr Speaker, I am making a statement as a result of the comments that you have made. Apropos of that, I would like to say that we still would be very anxious to know how this paper was drawn up in a manner contrary to the standing orders. Did the Government Whip, for example,

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direct the Clerk or the Assembly staff to produce a business paper in this particular way? How was this initiative taken? Quite clearly, it would have been known last night that this was the intention, and if that was the desired intention then we would have expected it to be raised at the meeting at which our representative was present. Instead of that, we have had this peculiar structure of the daily program thrust upon us today, without consultation. I submit to you that it is the responsibility of that committee, pursuant to the standing order 16A in relation to the business paper. It is quite important, Mr Speaker, and I suggest that we never allow this debacle caused by the inadequacies of the Government to occur in the future.

Mr Humphries: On a point of order, Mr Speaker; several times today, and most recently in the course of the debate this afternoon, members opposite have used the terms "liar" or "lie" or "lying" in respect of members on this side of the chamber. On none of those occasions have you made a ruling - - -

Mr Whalan: Excuse me, but is this a point of order or a statement?

Mr Humphries: It is a point of order, yes, Mr Speaker.

Mr Whalan: Do we know to which standing order he is referring, Mr Speaker?

MR SPEAKER: Yes, we do. It is to do with behaviour not befitting the parliamentary standards.

Mr Humphries: It is quite obvious what I am referring to, Mr Speaker. That language is unparliamentary. It has been used repeatedly in this chamber this afternoon and, although attention has not been drawn to it before, I think it is about time that it was made very clear to members opposite in particular, who are fond of using it, that it is not acceptable parliamentary language.

Mr Whalan: On a point of order; I would like to take up the point that Mr what's-his-name - - -

Mr Humphries: Humphries.

Mr Whalan: Humphries has made.

Ms Follett: The Minister for cabbages, swedes and duchesse potatoes.

Mr Whalan: Duchesse potatoes - Mr potatoes. The fact is that when people tell lies it provokes their being branded as such, Mr Speaker.

MR SPEAKER: Mr Whalan, please withdraw that. You are pushing us to the limit. I ask you to withdraw that last statement because you are impugning the members of the Assembly. Please withdraw the statement about lying.

Mr Whalan: I do not know how you deal with untruths being thrust across the chamber. But I will withdraw anything that is in the Hansard.

MR SPEAKER: I will make this point, seeing you have raised it. Crosstalk across the chamber is not recorded in Hansard. I warn all members that if members of the press are present and they report on words they hear flying across the chamber, it could create quite a problem for this chamber. So please use parliamentary language at all times, particularly in crosstalk.

For discharge of orders of the day I call Mrs Nolan.

Mr Whalan: On a point of order, Mr Speaker; can I suggest that we revert to the proper routine of business, as set out in standing order 74 which provides that after question time, unless there are papers to be presented or ministerial statements to be made, we proceed to a matter of public importance which is an item of business being raised by the Opposition.

Mr Kaine: Mr Speaker, I accede to Mr Whalan's request. There appears to be an error in listing this as private members' business at this time. Perhaps we can proceed to the matter of public importance and take this matter up after that business has been finished.

NATIONAL CAPITAL PLAN Discussion of Matter of Public Importance

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

The need for the ACT Legislative Assembly to respond to the draft National Capital Plan in a manner which properly recognises the role of the Territory Planning Authority and asserts the integrity of self-government by the citizens of the ACT as was intended under the Australian Capital Territory (Self-Government) Act 1988.

MR WHALAN (3.41): Mr Speaker, this is a very important issue. I am very gratified to hear some statements from the Government today because they are the first statements on planning issues to be made by the Minister responsible for planning. I would say that Trevor has had a busy lunchtime being briefed on planning matters so that he would be in a position to respond to the matter of public importance which has been raised here today.

The record of this Government in relation to planning matters is absolutely abominable. I would like to commence my remarks by reporting to the Assembly that we attempted

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to achieve a bipartisan approach with the Government in relation to this and related matters. I would like to quote, Mr Speaker, from yesterday's Hansard. Trevor Kaine said:

At least under this Government -

This is when he was justifying the constitutional mutants.

... people can talk to somebody. One of the constant complaints that I had until 5 December was, "We cannot get to talk to anybody. We always end up talking not even to the monkey but to the monkey's assistant, or we can't even get access to the fifth floor to talk to anybody". At least now people do have somebody to whom they can talk; we are responding to the needs of the public ...

Rosemary Follett wrote a letter to Trevor Kaine seeking his cooperation to arrive at a bipartisan approach on planning matters. We believed most sincerely that the interests of the people of the ACT would be served best by a joint party approach in relation to this matter.

To this day Trevor Kaine has not even acknowledged that letter from Rosemary Follett; to this day he has not bothered to reply to that letter from Rosemary Follett. To this day only one thing has been done in response to a letter from the Leader of the Opposition to the Chief Minister of this Territory in relation to one of the most fundamental issues of this, and that is that the Chief Minister sent a staff member of a backbencher to inquire, "What's all this about?" That is the disgrace of this situation. So it is left to us to present our position as the basis for discussion. We hope that the Government will find some common ground with the position that we take on this matter.

We recognise that the Government has been there for only two and a half months, that it has focused its attention on planning matters only since lunchtime today and that it may be some time before it arrives at some response in relation to the National Capital Planning Authority's draft plan for the ACT. This draft National Capital Plan is of considerable importance as it relates to the future of the citizens of the ACT, as it relates to the future government of this Territory and as it relates to the whole question of the sovereignty of government in the ACT.

The origins of the issue and of this particular dilemma relate back to the parcel of legislation which was passed through the Federal Parliament in relation to self-government. There was a package of four Bills, one of which related to self-government powers, one in relation to electoral matters, one in relation to consequential provisions that flowed from the whole process of self-government and, finally, one in relation to planning and land management. It is in that last piece of legislation that

we find the origins of the difficulty that we face today arising from the two volumes of the draft plan of the National Capital Planning Authority. This document, quite rightly, does not seek to be precisely definitive as to how the demarcation of responsibility between the Territory and the Commonwealth should be arrived at.

The Commonwealth Government and the Territory Government are each charged with certain responsibilities as they relate to planning matters, but no clear demarcation is provided there. In the draft plan of the National Capital Planning Authority it has attempted to make a demarcation. In quantity terms, if you wanted to exaggerate just a little - not that I am given to exaggeration - it would not be unreasonable to say that of the total planning responsibilities for the ACT, be they national or territorial, the National Planning Authority has claimed 95 per cent and has left 5 per cent for the Territory Planning Authority and the Territory Government. I believe that is not a bad sort of presentation of its division of powers.

We submit that it has grossly exceeded the intentions of the Commonwealth Parliament. I think that in the reviews which will take place until the final plan of the National Capital Planning Authority is decided there will be some examination of what was the intent of the Parliament and of the Government at that time because that will be important.

I believe that if the plans, as put forward by the NCPA, are implemented in their existing form we will see a burgeoning bureaucracy within the National Capital Planning Authority, which will have dimensions greater than that of the NCDC at its largest. That is something which must be resisted because if we have an exceptionally large National Capital Planning Authority we would find it in constant competition with the Territory Planning Authority in seeking to assert responsibility. So we have only one opportunity, and it is the one which is before us now. I believe that if the boundaries are not drawn in the context of the current debate the door will be closed upon us and the opportunity will be denied. We will never recover the ground. If we are to have an impact it has to be made now.

The Labor Party has arrived at a position which is somewhat different from the proposition put forward within the draft plan, and of course it is dramatically different from the grovelling submission of the Residents Rally party to the National Capital Plan as proposed. Our plan has a number of features in which we seek to - - -

Mr Moore: Look after the developers.

MR WHALAN: I have just had an interjection from Michael Moore about looking after developers. It is typical of some of these inner suburban yuppies like Mr Moore and Mr Donohue to brand anybody who criticises the draft plan of the National Capital Planning Authority as some sort of lackeys of the developers. I refer you to the Residents

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Rally party press release in which it states that certain vested property interests seek to destroy the concept of the plan in order to have a freer hand with development applications. That is not our motivation at all. Our response seeks to clarify the demarcation between the National Capital Planning Authority and the TPA. We believe that there is no need for competition and rivalry between the two authorities, but it is certainly in the best interests of both national and local concerns that the respective roles be clear from the outset.

We would be seeking to intrude into the reconsideration of the National Capital Plan a role for the territorial government. If you look at some of the statements which have been made - in fact if you look at this document - there is virtually no reference to the Territory Planning Authority or to territorial government. It has been omitted altogether. If you look at some of the articles that have been contributed by some of the supporters of the National Capital Planning Authority in the newspaper, you will find that similar pattern - a total ignoring of the role of the Territory Planning Authority and the ACT Government.

We believe that the NCPA should have the total planning responsibility - and that is the level of planning responsibility that it would have in relation to designated land - for only a small area, and that would be the area of the Parliamentary Triangle, as defined by Parkes Way on the western boundary, and a very small number of designated areas beyond that. Those designated areas would include, for example, Anzac Parade and the Australian War Memorial.

In all other parts of the ACT planning would be the responsibility of the Territory Planning Authority, subject to special requirements agreed to between the two agencies. This is an important aspect of our position. If you look at section 10 of the Act, which provides for the various classifications of influence, we do not believe that special requirements should be merely imposed by the Commonwealth or the National Capital Planning Authority. We believe that any special requirements should be the subject of negotiation, discussion and consultation. Only then should they be imposed, and on an agreed basis. They should be the subject of negotiation. In particular, we believe that the TPA should have the prime responsibility for planning decisions in relation to all leasehold land in the ACT, so that all leasehold land of any nature will be the planning responsibility of the Territory Planning Authority.

The implications of some of our positions, particularly the implication of our position in relation to the Parkes Way proposal, change the relationship with Civic and the imposition of the National Capital Planning Authority on Civic. Under the NCPA proposal there would be two effects on Civic. A substantial part - an important part - of Civic would be designated land. That falls into two

categories. That is the land designated because of the definition of the Parliamentary Triangle which runs from Parkes Way to the flagpole on City Hill and which encloses a slice of land between Constitution Avenue and Commonwealth Avenue. That slice of land would fall in as designated land. But it also seeks as designated land all of the land inside London Circuit. In addition to that, it seeks significant influence over the planning constraints in other parts of Civic.

I believe that the NCPA should keep its nose right out of Civic. I believe, and our party believes, that the NCPA's responsibility should be limited to probably one thing only, and that is the building height limit within Civic; it should have no role whatsoever in relation to London Circuit or the areas abutting Constitution Avenue which are not national land.

Mr Jensen: What about City Hill, Paul?

MR WHALAN: In relation to City Hill we would be prepared to concede the area inside Vernon Circle as designated land, and that only. That is the limit of what we would concede as designed land within the Civic area. The extent of NCPA influence should be limited to special requirements in relation to building heights.

In the very limited time left, Mr Speaker - I have not gone into the detail of our position - I want to say that all of our commitment to this particular proposal is predicated on another aspect, and that is that we have in place strong Territory planning legislation. We await with interest the Government's legislation that will be introduced next week. We will examine that closely, and we hope that we can reach agreement with the Government in relation to it. It is absolutely fundamental to our position.

If the Territory legislation is inadequate in fundamental areas so that the protections are not built into that legislation, we might have to reconsider our position in relation to the NCPA. But in general terms we would see there being established in the ACT a Territory planning authority which has the calibre of personnel and the commitment to upholding the principles of the national capital and planned environment which we have had to date into the future for the enjoyment and benefit of future generations. That is absolutely fundamental to our position. In that context we see those two planning authorities working in partnership.

MR KAINE (Chief Minister) (3.56): I must say how pleasant it is to find rationality returning to debate in the Assembly. In the last few minutes it has been quite a pleasure to hear Mr Whalan outline the Labor Opposition's approach to the planning function, and it was in marked contrast to the hysterics that we experienced earlier in the day.

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Mr Speaker, the matter of public importance that Mr Whalan has raised is one of the prime issues facing the ACT Government at this time. It goes to the heart of the real role of the Territory government and its relationship with the Federal government. It has serious implications for finance and other issues and is a subject that, despite Mr Whalan's throwaway denigrating comments, has been given a great deal of my attention since I assumed office two months ago.

For these reasons, I am pleased that Mr Whalan has brought the matter up. I look forward to his support and that of the other members of his party in bringing the issues to the immediate attention of the Federal Government and having them resolved in a way which is equitable and which lives up to the objectives that were espoused in the period leading up to the establishment of self-government in the ACT.

This one issue could well set the tone for the long-term relationships between this Government and the Federal Government. We must demand that we be treated as the sovereign entity that we now are, so that the objectives of self-government for the ACT can be fully realised and the respective governments acknowledge the powers that have been set down.

When the legislation to give the ACT self-government was being debated in the Parliament, the view of the Commonwealth Government was that it was time for the people of the ACT to look after their own affairs, with the Commonwealth reserving to itself only those powers which were necessary for the protection of the national interest.

Mr Holding, in his second reading speech on the Australian Capital Territory (Planning and Land Management) Bill, said:

The ACT will be responsible for the normal range of State-type planning and development matters. A territorial planning authority will be set up. It will be responsible for developing and managing a Territory plan not inconsistent with the National Capital Plan. It will also be able to set out the detailed planning, design and development conditions for all land in the Territory except designated national capital areas.

When the Bill was debated in the Parliament, as part of the package of self-government legislation, there was agreement from both sides that local planning was to be the prerogative of the ACT Legislative Assembly. Mr Holding's second reading speech also said:

Under new financial arrangements that are already in place, ACT citizens will pay for territorial planning and development activities like the rest of us. Fairness and equity requires that there

now be an accompanying and unambiguous division between national and local responsibilities. This Bill achieves this.

From that, the residents of the Territory were entitled to expect that there would be developed by the National Capital Planning Authority on behalf of the Commonwealth Government a draft National Capital Plan which was limited to the areas in which the Commonwealth had a basic and ongoing interest and whose policies were restricted to those necessary to protect the particular national character of Canberra.

Instead, we have a draft National Capital Plan which is in effect a State plan for the ACT and whose impact goes well beyond the issues and areas that could reasonably be termed national. The resulting level of public debate and the fact that the subject of the National Capital Plan has been raised as a matter of public importance in the Assembly indicate that the unambiguous division between national and local responsibilities described by Minister Holding has not been achieved. This was obvious, I suggest, as soon as the draft plan was issued. It was criticised by many local groups. The former Chief Minister, Ms Follett, reported that she had taken up with the appropriate Commonwealth Minister her Government's concerns that the National Capital Plan had exceeded its objectives.

I am confident that with goodwill on both sides many of the difficulties which have arisen can be resolved and a clear division of responsibility can be established. I believe that most of the issues can be resolved at officer level if the objectives of the legislation are paramount in their considerations.

Mr Speaker, I intend to maintain a close scrutiny of those negotiations, to see that both plans to be prepared to cover the ACT - the National Capital Plan, and the Territory plan to be prepared by the Interim Territory Planning Authority - respond to the spirit of the legislation that provides for their preparation. If officer level discussions are not fruitful, I will be making full use of the provisions in the legislation which require the Federal Minister to consult with the ACT Government before the Commonwealth Government approves its plan.

It is appropriate, I think, to review just what the purposes of the plan are. The legislation sets out the objective of the National Capital Plan as being to ensure that Canberra and the Territory are planned in accordance with their national significance. The objective of the Territory plan is set out as "to ensure, in a manner not inconsistent with the National Capital Plan, the planning and development of the Territory to provide the people of the Territory with an attractive, safe and efficient environment in which to live and work and have their recreation".

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There is a very clear distinction between these objectives. However, this distinction seems to have not been very well understood. The fundamental test of the appropriateness of the proposed provisions of the draft National Capital Plan should therefore be measured against these objectives to determine whether or not they are more appropriately contained in the National Capital Plan or the Territory plan.

As I have indicated previously, the particular element of concern with the plan is that it goes well beyond the objectives of the National Capital Plan as set down in the ACT (Planning and Land Management) Act 1988. It bases much of its case on the Griffin principles for Canberra, as if Griffin's plan extended over the whole metropolitan area. This is extended, for example, to include quite detailed requirements for the planning of the town centres which are a concept of the 1960s and not at all related to the Griffin plan which covered only the central parts of the city.

The plan also espouses an array of principles whose relationship to the national interest are pretty thin. The boundaries of the designated areas are a particular problem. These have been drawn up in a way that could impose severe constraints on the ability of the ACT planners and the ACT Government to make the optimum decisions on behalf of the local citizens.

In the Government's view, designation should occur only where particular criteria are met. These criteria would include national land of national significance, such as the parliamentary zone, and national land sites which are large, permanent and require their own estate planning, such as the Australian Defence Force Academy.

The Territory Government would rightly not have the prime planning responsibilities in these areas. But other areas do not need to be designated. In the areas where there is interest by both governments, the establishment of special requirements formulated by the NCPA after discussion and implemented by the Territory Planning Authority would provide an appropriate means of ensuring balanced planning control. This would apply, for example, in the major avenues.

To complement these special requirements there should be other requirements to cover the situation in which the Commonwealth has an interest in leased Territory land. Most importantly, special conditions should apply to all national land that is not designated, with the requirement that this land be subject to the Territory plan.

The extent of designated land is not the only problem with the draft plan. Another is that it fails to recognise economic realities. The overall impression of the National Capital Plan is of a detailed restatement of National

Capital Development Commission policies without consideration of the changed nature of the administration and development of Canberra and the impact of these policies on the future of Canberra's economic development. It is essential that both the National Capital Plan and the Territory plan are realistic in the likely implementation of the proposals outlined.

To get planning ideas translated into development on the ground depends on investment by the private sector and the public sector in the provision of services and in the construction of buildings. There is no guarantee that sufficient funds will be forthcoming. The National Capital Plan does not address this possibility, and the plan may not be capable of implementation.

Members may not be aware that there are also major concerns with the lack of appeal provisions with respect to the National Capital Planning Authority and the difficulty of making changes once the plan has been adopted by the Commonwealth Government. In fact, there is no provision for appeals against a decision by the NCPA. When the plan is approved it is set in concrete, at least until the Commonwealth Government changes the plan, and this may be years away. This makes it imperative that we get the plan right, from the beginning.

Although Mr Whalan claims that I have not made any statements about planning, I have on a number of occasions referred to this lack of appeals procedure in the National Capital Plan and the problems that that will give us in the future.

Mr Whalan's matter of public importance properly recognises the role of the Territory Planning Authority as an equal partner, not a junior player, in the ACT planning process. The legislation sets it up as the responsible authority for planning of the Territory in those areas that are not designated as a national responsibility. It is my Government's intention to ensure that it is able to carry out its responsibilities in a way that is not constrained by hangovers of Commonwealth power. I will be keeping a very close eye on progress in this matter.

As previously indicated, the legislation provides for consultation with the ACT Government by the Commonwealth, and I will be taking full advantage of these opportunities. Indeed, I have already indicated my concerns in general terms to the Minister for the Arts and Territories. Mr Speaker, I am pleased that there is unanimity in this Assembly on this major issue. I will keep the ACT Legislative Assembly and the people of Canberra informed of all developments.

MR MOORE (4.06): Mr Speaker, one of the things that has been focused on today is the dual role of Canberra as both the national capital and the home of the ACT people. That dual role is what provides this problem. For some to

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suggest that one role is lesser than the other is nonsense. What we should be seeing - and perhaps in some ways I agree with the Chief Minister here - is a situation in which the planning authorities that affect the daily lives of people work in a way that will give us the best plan. In that way we should have them working together. It was Geoff Campbell of the Interim Territory Planning Authority who suggested that we could manage with one authority. Whilst I think that in some ways that may have been a solution to the problem, it would be difficult to see how that could work, with the one authority answering to two parliaments.

Therefore, what we need is a situation in which both the National Capital Planning Authority and the Territory Planning Authority, when it loses the "interim" part of its title, can work together, as the Chief Minister suggested, and resolve most of their problems without the sorts of conflicts that we have seen after the advent of the draft National Capital Plan.

Why have so many members of the community been disappointed with the draft National Capital Plan? Why have so many other members of the community been prepared to stand up and say, "This appears to be a good plan"? The reasons go to the very crux of the matter of planning in the ACT and the fact that the planning of the ACT has got out of balance in the last few years. Many members of the community wanted it to continue to be out of balance because they can make more money out of a planning system that is out of balance. They can make more money out of a situation which provides for the overdevelopment of Civic and the underdevelopment of an area like Tuggeranong which Mr Whalan purports to represent, but he is not prepared to ensure that the office development that belongs there goes there.

We have had the advantage of a most interesting report by consultants to the National Capital Development Commission before it was disbanded. The report was never publicly released; it was in draft form. It suggests that for every 1,000 office workers in Civic it would cost \$3m less per year to put them in Tuggeranong, but that for those same 1,000 workers the once-off profit to the developer is an extra \$2.5m. So there is an interest for developers to ensure that those people are placed in Civic. There is an interest for the people of Canberra at large, for the ratepayers, to ensure that they are not asked to pay an extra \$3m a year for those 1,000 people.

That is the sort of figure that the Chief Minister must take into account when he is being rightfully lobbied by members of the development area. Considering his comments in relation to the \$100m budget cuts that we will have to make, he should keep in mind the importance of that factor - what it will cost us to continue the development of Civic when those office workers belong in the town centres, such as Tuggeranong and, later, Gungahlin.

That brings me back to the draft National Capital Plan. It provided a sense of security for people who read it and who saw that it wanted to keep that in balance, that it wanted to save us. At this stage, we have not had an Interim Territory Planning Authority plan, and that is probably the major problem. People are not prepared to trust what they do not know, and they have indications that they ought not be prepared to trust it. Those indications have come from the Labor Party and Liberal Party, and that is what the problem is. I believe that, given the complete control of all the leasehold, as Mr Whalan has suggested, the Liberal Party will change it to a freehold system. It will sell off our land, the land of the people of Canberra.

Mr Kaine: It's never been in our policy. Where do you get that from? It has never been in our policy, Michael. You're quite wrong.

MR MOORE: Mr Kaine interjects and says it has never been in their policy. I am sure I have read it, but hearing that is just such wonderful news to me. I am delighted.

Mr Kaine: It has often been misrepresented by the Labor Party, but it has never been in our policy, I assure you.

MR MOORE: I cannot express my delight to hear such a thing. Therefore, allow me to withdraw any implications that that would be the case. It is a great fear that the best land system in Australia could be ruined by any government. In this area, I am very strongly in agreement with the Residents Rally. Earlier in the day Mrs Grassby referred to a paper from the Rally, from Mr Donohue, in which he supported the main thrust of the National Capital Planning Authority. There are some areas in which that plan has weaknesses. There are some major areas of weakness.

Mr Berry: Does Bernard agree to that?

MR MOORE: This is from Chris Donohue. I do not know what Bernard thinks, though. One of the major weaknesses, for example, is the attitude to green spaces. I think some other areas need to be looked at, and that is part of the consultation process that needs to be completed in relation to that plan. I quote from a document to Mr Neilson, the Chief Executive of the National Capital Planning Authority, from Mr Donohue, President of the Residents Rally:

The Rally strongly supports the broad thrust of the National Capital Plan and in particular supports the extent of the designated areas.

I think it is very important that we recognise that we cannot divide Canberra into what is of national capital interest and what is of local interest. The concept that the National Capital Planning Authority should be responsible for only the Parliamentary Triangle is incredibly naive, and I consider that the Labor Party

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policy, as far as this goes, is incredibly naive. In fact, the National Capital Planning Authority's interest and the national capital interest is in the nature of the whole city.

The greatest weakness of the Labor Party policy is the cost. If we limit the NCPA's interest and the designated area interest to the very small area that its members are talking about, it will be only a short time before the national Government decides that it will not pay for areas in which it does not have interest and that we will be paying to maintain the features that make the whole of Canberra, with its characteristics, the national capital. That is something that we do not want to do. We certainly want to have an equal say. Hence, we should have a body equal to the National Capital Planning Authority and the Interim Territory Planning Authority, or the Territory Planning Authority as it will become.

The most important thing that we have to keep in mind is that people are frightened that the Territory Planning Authority will not protect that interest and will hand things over to the land speculators who wish to build because they can make a lot more money on it - good for them, if that is what they want.

The National Capital Planning Authority's draft protects that, and the Territory Planning Authority's plan must also ensure that development in Canberra gets back in balance. When it does so, it is time to start developing Civic.

MR JENSEN (4.16): Mr Speaker, before I commence, I wish to comment on a statement made by Mr Whalan in his opening remarks about failure to consult. Last week I spoke to Mr Whalan about his planning proposal, which was subsequently printed in the Canberra Times of 9 February 1990. During that discussion, in the presence of one of his staff members, Mr Whalan indicated that he was going to provide me with a copy of the document on which that article was based. I am still waiting for it, and I would be quite happy for Mr Whalan to have it delivered or I will have someone collect it from him.

Mr Whalan: It had been released publicly before that.

MR JENSEN: As I said, I have yet to receive that document, and I would be happy to receive it at any time. Let me now turn to previous comments by Mr Whalan about the apparent lack of any comment in the Alliance Government's policy about the National Capital Plan or the National Capital Planning Authority. I know Mr Whalan has received a copy of this, because it was passed to him. It is the land planning and development and leasehold management policy of the Alliance Government. I refer him to the section headed "The National Capital Plan", paragraph 4. I would like to read it into the record for the benefit of those present.

It says:

The Alliance Government will:

ensure that a close working relationship is developed between the NCPA and the TPA;
open negotiations with the Federal Government on its decision to identify National Land, and establish whether lands so identified fall within the definition of Section 27(2) of the Planning and Land Management Act;
negotiate with the Federal Government concerning areas to be designated land in the National Capital Plan;
clarify and seek to reduce the degree of control over land as was identified by the NCPA as additional designated land;
press the NCPA to allow full ACT based input into the national planning process, and seek contributions from the Federal government wherever and whenever the National Capital Plan imposes additional costs on the ACT by its aesthetic principles and general policies, and limits the use of land in the ACT resulting in a reduction of potential revenue to the ACT.

So much, Mr Speaker, for the lack of anything in the Alliance policies about this issue! I do not think I need to say any more on that.

I appreciate the comment made by Mr Whalan about the need for strong planning legislation. On behalf of the Residents Rally, last year I moved to have the previous Government place on the table planning legislation, and it promised in this house at the time that it would be put on the table by October. We did not get legislation; we got drafting instructions, and we got a white paper. Therefore, it is just incredible that the Opposition should be complaining about the lack of strong planning legislation. I suggest it is not the fault of the Alliance Government that there is no planning legislation; it is the fault of the group opposite which once sat on these benches.

I would now like to refer to our comment in the policy, to which I have already referred, about our commitment to the production of planning legislation. Paragraph 3 states:

A majority Alliance government will continue the current public consultation process giving it a high priority, and will table comprehensive legislation before the end of February 1990. This legislation will lie on the table for a period of at least 28 days to allow for public comment and recommendation. The passage of this legislation will be a matter of priority for the responsible minister.

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I am happy to table it if you like.

Ms Follett: On a point of order, Mr Speaker; I do not like to labour the point, but the topic of the matter of public importance is the need of the Assembly to respond to the draft National Capital Plan, not the subject of proposed ACT legislation.

MR SPEAKER: Thank you, Ms Follett. Please stick close to the point, Mr Jensen.

MR JENSEN: What I was really doing, I suggest, Mr Speaker, as I understand is normal in debates, is to offer, if you like, comments on the statements made by the other party. But before I go on, I want to make just one other comment with regard to Mr Moore's statements about his concern for the green space within the ACT. I refer him - I know he also has a copy of it - to our policy on urban planning and development in the environment policy. It is part 5 and it is quite clearly stated there, firstly, that the leasehold system will be retained in accordance with Alliance Government planning policy. There we go once again. It states that implementing our urban consolidation policy development and redevelopment will not encroach upon green belts or urban parklands, and heritage values of the built environment will be protected. It is quite clear, so I do not think Mr Moore has to worry too much about that.

This matter of public importance follows the publication by the National Capital Planning Authority of the draft version of volumes 1 and 2 of the National Capital Plan. The National Capital Planning Authority is required under the Australian Capital Territory (Planning and Land Management) Act of 1988 to publish these drafts for public comment. This is what it has done.

Canberra is one of the best planned cities in the world. It provides the people of Australia with a striking and efficient national capital and local residents with a most pleasant residential and working environment. We look forward to working with the Federal Government and the National Capital Planning Authority to ensure that the outstanding characteristics of our unique city are preserved and enhanced. I have already stated that; it is in our policy. We accept the need for planning controls which contribute to the continued development of Canberra as an attractive and viable national capital and recognise the vital part that the National Capital Plan plays in this.

However, at this point let me comment, Mr Speaker, on concerns that I expressed some two or three years ago to a previous Labor Minister, who at the time was advised by Mr Whalan, about the proposal for a two-planning authority system in the ACT. Mr Moore, I am sure, will recall those discussions because he was involved in those seminars. Mr Langmore, the member for Fraser, presented to the Prime

Minister a petition with some 5,000 signatures seeking that this proposal be reviewed. This debate could be seen as a direct result of that decision which was taken by a Federal Labor government to which Mr Whalan was a paid adviser. I am sure he had some influence in that matter. However, I digress.

There are concerns with the plan, particularly in relation to the extent of detail, the extent of land designated as national capital land and the apparent conflict of interest between the national and Territory planning authorities. The draft plan goes well beyond the objective of the National Capital Plan as set down in the legislation, as my colleague the Chief Minister has already said, which defines the role of the plan as to "ensure that Canberra and the Territory are planned and developed in accordance with their national significance".

Planning at this level of detail and in areas remote from the Parliamentary Triangle is properly the right of the Territory Planning Authority and the Territory Government. We will be putting the case forcefully to the Federal Government that the draft National Capital Plan does not properly recognise the role of the Territory Planning Authority and is not compatible with the concept of self-government for the ACT as set out in the Commonwealth Government's documents and speeches in 1988 during the run-up to self-government, as my colleague the Chief Minister has already outlined. The treatment of Civic is a good example. It is not necessary in the National Capital Plan to identify the activities that should take place in specific precincts or buildings. Rather, the plan should set general aesthetic and functional standards and allow the Territory plan to determine the means of giving effect to such standards.

A major issue is the extent of the designated areas. Mr Speaker, areas where designation can be supported would be - for example, Lake Burley Griffin, the parliamentary zone, the area between the lake and Parkes Way, the land accommodating the Prime Minister's Lodge, new or old, the Barton Offices area and the Russell Offices, Government House, the sites for the National Museum of Australia and the future Prime Minister's Lodge, the Australian War Memorial and the National Botanic Gardens. In all of these areas the land is of obvious national capital significance. It is permanent in its use and requires special site planning. The other draft designated areas in the National Capital Planning Authority document are areas in which the Territory Planning Authority and the Territory Government have a significant interest. It is therefore essential that the planning instrument used permits each planning authority to express its requirements.

The most suitable instrument that the Act allows is that of special requirements, and we will be recommending that the National Capital Planning Authority manifest its national capital interest in determining detailed special

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requirements for these areas. The ITPA and, later, the ACT Planning Authority could then have a duty to observe the requirements outlined, remembering, Mr Speaker, that the Territory plan must not be inconsistent with the National Capital Plan. (Extension of time granted) Special requirements, rather than designation, should occur when the Commonwealth has an interest in leased land while a special requirement would be for national land that is not designated to be subject to the Territory plan.

The future of planning in the ACT will be best served if the two planning authorities, now that we have them, both national and Territory, see their role as one of partnership and not a situation where one sets out to act as a significant constraint on the powers of the other. My discussions, Mr Speaker, with both current planners in that area suggest that there is quite a considerable degree of consultation between the two groups. We are keen to ensure that the close working relationship between these two authorities is maintained. I am optimistic that with goodwill on both sides there is scope for making improvements to the document and of influencing the Commonwealth Government's attitude in this matter.

I am pleased to note the comments made on both sides of the Legislative Assembly, as they demonstrate a concern across the political spectrum and show that on this issue there is certainly some coming together of ideas. Mr Whalan's matter of public importance is indeed important. I hope that there will be extensive negotiations on the issue and that changes will be made to the draft. It is certainly the Government's intention to follow this matter through to the highest political levels, as my colleague the Chief Minister has already indicated.

MR BERRY (4.27): The Assembly's response to the draft National Capital Plan is very important. Since the National Capital Plan will affect all citizens of the ACT every day of their lives, they expect their local representatives to have an input into the plan. The citizens of the ACT, who are concerned about planning, would be anxious, to say the least, about what the future holds for them. I say that, Mr Speaker, because of issues which have become evident today and which exist on the government benches. The Residents Rally party, in its submission to the National Capital Planning Authority, strongly supports the broad thrust of the National Capital Plan and it goes on to say:

... and in particular supports the extent of the designated areas.

I know that Mr Collaery, in responding to that statement publicly, suggested that the President of the party was reacting with some zeal. It interests me that now, since Mr Collaery is thrown in with the Alliance, his former travellers are zealots. It is suggested that there is a significant watering down of the Residents Rally policy to accommodate the Alliance.

The citizens of Canberra elected these people on the other side to perform in accordance with their policies, and we all know what their policies were. The Liberals had to change their views to accommodate some of the Rally policies, but the Liberals have never pretended that they take much notice of their rank and file anyway. The Residents Rally has suggested on many occasions that it takes notice of its rank and file, but it has cut the umbilical cord.

Discussion interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question put.

The Assembly voted -

AYES, 0

NOES, 16

Mr Berry
Mr Collaery
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Whalan
Mr Wood

Question so resolved in the negative.

MR SPEAKER: Members who originally called "Aye" should have declared themselves as ayes for this vote.

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NATIONAL CAPITAL PLAN
Discussion of Matter of Public Importance

Discussion resumed.

Suspension of Standing and Temporary Orders

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

That so much of the standing and temporary orders be suspended as would prevent Mr Berry speaking until 4.50 pm.

MR BERRY (4.39): I think in the normal course of events there would have been time for another member to speak for a few minutes after me. I was at the stage, Mr Speaker, at which I was trying to demonstrate the difference between some of the Residents Rally party members of the coalition and the Chief Minister. I had pointed out that the President of the Residents Rally party particularly supports the extent of the designated areas in the National Capital Plan. When Mr Moore was speaking about that issue there were loud rah-rahs and supportive noises from Bernard Collaery, but just a little while later Mr Norman Jensen leapt to his feet and in his speech indicated his support for the Alliance policy which seeks to clarify and reduce the degree of control over land that was identified by the NCPA as additional designated land. So there is a very distinct difference there. Even though Mr Collaery has abandoned his roots, he has not forgotten them. But it is quite clear that Mr Jensen has not only abandoned them but also forgotten them.

The focus of the plan is on the national significance of Canberra, but we need to ensure that Canberra as a local community - it is where we live - has a say in the planning of its city. It is in the interests of our constituents that a case is put to ensure that the role of the National Capital Planning Authority is limited to specific national zones, particularly a parliamentary precinct based on the Parliamentary Triangle with limited designated areas and some special requirements in other areas. Mr Speaker, what was the time to which I was limited?

MR SPEAKER: You were given until 4.50.

MR BERRY: The planners will ensure the national character of the plan, but it is up to us to guard the rights of the people who live here, and it is up to us to ensure that it retains its character and remains a city of which we are all proud. The National Capital Planning Authority has failed to understand that it is not the NCDC; it does not seem to have yet come to that conclusion.

The National Capital Development Commission was never responsible to the people of Canberra, nor is the NCPA. It

is most important that that position is remedied, but it is a matter of fact that the control over those authorities has been and is exercised by the Federal Government. Total control of all land and its development may have been all right to get the national capital moving in the 1950s, but it is totally inappropriate now that the ACT has grown. It has a life of its own, and the right to make decisions which affect that life rests with the people of Canberra.

Restrictive policies will cost money. I will give a couple of examples. Wide roads cost more to build and maintain. That is not to say that there is anything wrong with wide roads, but the people who decide whether there ought to be wide roads and whether they should maintain them for the future are the ones who pay for them, and that is us and the rest of the people of Canberra. I think it is most appropriate that we have a say in those planning decisions. Such decisions rightly belong to the people of the ACT.

The draft National Capital Plan seeks too much power for the National Capital Planning Authority; the Territory Planning Authority is left to look after neighbourhoods only. Under the plan the Territory Government, this Government - I will come back to what might be something that should be considered in the context of this Government - and the people of Canberra will be frozen out. The unfortunate cavalier attitude of "It's all leasehold, so we'll do what we want" still predominates. It claims that all town centres and all of Civic are places which have no bearing on the National Capital Plan but affect everyone in the community. Decisions on planning in these areas are properly the responsibility of the people of the Australian Capital Territory.

I do not think too many people in the Territory would argue against that, except those who argue for green spaces and who are of the view that this Assembly may not protect the planning in the ACT in the way that it ought to. It nevertheless is appropriate that the exercise of protection is something that ought to be carried out by this Assembly. All of these places are where we live and work and where many of us bring up our families who will live and work here and who will have to pay for it as well.

It raises the question of the Government's views on planning and the draft National Capital Plan. We have seen a few versions. There does not seem to be that much consistency amongst the people opposite. There is a bit of confusion in the community, I suggest, similar to that which exists in relation to the confusing arrangements for the Executive Deputies, which have been discussed at other times in this place.

I suppose that brings us to the issue of whether the Commonwealth would willingly relinquish its hold over those areas of the Territory which ought one day to be the responsibility of this Assembly. I hope that the Government and this Assembly will be able to demonstrate

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the sort of stability which would gather the confidence of the Federal Government so that it would feel quite relaxed about handing over control in that respect.

I think events since the formation of this Assembly would make any responsible Federal government nervous. I think there needs to be a concerted effort to ensure that the Federal government, which after all is the protector of this place in the interests of the parliamentary centre of Australia, is confident that the national capital will be managed properly. Mr Speaker, I think that will be very difficult while the Government opposite exists, and I think it would probably be bordering on the impossible.

MR SPEAKER: The time for the discussion of this matter has now expired.

ADJOURNMENT

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

That the Assembly do now adjourn.

MR COLLAERY (Attorney-General): Mr Speaker, I have five minutes of remarks to make on an aspect of the topic on which debate preceded the adjournment. It is not directly - - -

MR SPEAKER: Order! Mr Collaery, you will close the debate on the adjournment if you speak first. Would you defer to another speaker.

MR COLLAERY: I will defer to another speaker if there are other speakers.

Belconnen

MR BERRY (4.48): It is a very important time in history in South Africa, and it was most disappointing that all of the Assembly members were not able to be outside the gates of the South African Embassy today promoting vigilance in pursuit of freedom in South Africa. But that is not why I got to my feet. I got to my feet to participate in the adjournment debate. I want to talk about Belconnen and the fact that Belconnen is not well represented in this place; it has received little attention in debates in this place. I think that members present can rest assured that the Labor team will certainly be bringing Belconnen into focus in the remaining period of office of this Government.

Mr Humphries: Have you discussed this with Mr Whalan?

Mr Whalan: We work as a team, not like you mob.

MR BERRY: I think the team issue is most important. We work as a team when we work in relation to Tuggeranong as well. We have to ensure that all of our constituents are properly represented, not only on planning issues but also on industrial issues and all of the constituent issues which will be brought to us to deal with in this place. But the people of Belconnen, the number of whom, incidentally, exceeds the population of Tuggeranong by about 20,000 people, require and deserve some attention from this place in relation to the future of Belconnen well into the next century. Areas of education will be impacted by the decisions of the government benches opposite; areas of health will be impacted by the decisions of the government benches opposite; and it will be up to the members of this Government, specifically those members - - -

Mr Humphries: If we expand Calvary they will be helped at Belconnen.

MR BERRY: You might think about taking it over, Mr Humphries - try that one. The joint expertise of the Opposition members will be focused on those very important areas which are accommodated within the social justice thrust of this Labor team.

I heard Mr Kaine talk about social equity. There are yet to be any real signs of what it means for the people of Canberra, except for such things as the loss of 3,000 public service jobs and no confident move to replace those jobs in any other sector in the ACT. It is just another "blame it on the public servants" argument. Lots of public servants work in Belconnen, and they need to be defended. I think you can play that to the tune of the bossa nova - blame it on the public servants. The Alliance Government seems to be doing it pretty often lately, particularly when it gets caught with its trousers down.

I thank the Assembly for its time. I repeat that the members of the Opposition will be focusing some attention on the interests of the people of Belconnen in this place, and we will be keeping the Government on its toes in respect of those constituents.

Inner City Residents

MR MOORE (4.53): Mr Berry has taken this opportunity to speak about the residents of Belconnen that I will take the opportunity to speak a little on inner city residents and residents of North Canberra. One of the most interesting things is that a number of times today and yesterday certain members of this chamber have referred to inner city yuppies - - -

Ms Follett: "Nimbys" was the term.

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MR MOORE: And "Nimbys" and those sorts of terms, which is very interesting. When my wife and I decided that we would purchase our house in Reid, for the same money a house was available in Weston Creek. We looked at the house which had a swimming pool, four bedrooms and en suite - the sorts of things that the Tuggeranong, Belconnen and Weston Creek yuppies enjoy. Instead of purchasing that, we decided to purchase a two-bedroom house that was well worn in many ways - -

Mr Duby: But worn well.

MR MOORE: And had worn well. I think that anybody who has been in it would notice that it has worn well.

Ms Follett: And it's worth a fortune.

MR MOORE: It was, at that time, a very difficult thing for us to buy. Most people in the house are aware that teachers' salaries are totally inadequate in the ACT, as indeed are nurses' salaries, and so forth. As two teachers we had worked and saved hard, not spending our money on fancy cars and other things that we have seen in other places. These are the sorts of people who live in many of the inner city suburbs. It is not a case of people moving there because they have tons and tons of money - as one of the members interjected a minute ago, who are "worth a fortune".

The other type of people who live in the inner city area are those who moved into their government houses 30, 40 or 50 years ago and who are now concerned about an Alliance policy to sell those houses which have not been purchased. Others who have purchased them are concerned about their rates going up with the value. But the one thing that is most interesting is that people value the characteristics of those older suburbs. Those are the sorts of values that have given rise to the strength of the residents associations and the City Residents Coalition. Perhaps some members find those bodies threatening, but they are made up of ordinary people - - -

Mr Whalan: Certainly the commuters from Tuggeranong do.

MR MOORE: Like people from Tuggeranong, and they have the right to ensure that their suburbs are protected. They appreciate the fact that the Alliance Government has moved to protect them from the commuter parkers. I say to those people who were parking in those suburbs that if they are concerned about it they ought not be concerned about - - -

Mr Whalan: You have said it to them in a big way - "PO" - and they all come from Tuggeranong.

MR MOORE: Thank you, Mr Whalan who interjects. I have never said "PO" and what it implies. What I have said to them, and I will say it again, is that they should be ensuring that the balance of development within the ACT remains just that - balanced.

National Capital Plan

MR COLLAERY (Attorney-General) (4.56): Mr Speaker, I have short comments to make in relation to a subsidiary aspect of a debate that was on this afternoon in relation to the National Capital Plan. Firstly, when we talk here in this Assembly about whether we, as politicians, agree about the broad thrust of those policies - and we all accept that we have two planning systems, for better or worse - there is another side to that debate, and that is what the legal situation is in relation to the draft National Capital Plan. You can have all the views you like, but so far as the courts are concerned they may have a definitive view.

I am happy to inform the Assembly that there is a very strong legal view, on the best advice available to me as Attorney, that some aspects of the draft National Capital Plan exceed the powers and the intention behind the legislation, the Australian Capital Territory (Planning and Land Management) Act. Let me remind members that the Federal Minister, when introducing the Bill, said:

The purpose of the plan is to ensure that the Commonwealth's national capital interests in the Territory are fully protected, without otherwise involving the Commonwealth in matters that should be the prerogative of the Canberra community.

He went on to say that the Bill will allow the people of the Territory to control the day to day planning and development of their home.

The Act uses the term "national significance", and it is on the concept of national significance that the detailed draft National Capital Plan is built. There has been much debate on that issue among lawyers, but firstly the Act does not define national significance, so we are left to work it out. Under the Acts Interpretation Act we are allowed, as lawyers - and the courts are as well - to go to the extrinsic evidence available.

That extrinsic evidence will be the debates in the Federal Parliament. At last we have law reform, at least at the Federal level, such that we can now go to the debates and find out what an Act was meant to produce. I read out that quote to you, and I suggest to you that volume 2 of the draft National Capital Plan does not fully recognise the role of the Territory Planning Authority.

The national significance aspect has been intruded upon. We need to recognise that we have some legality situations that may well be resolved by the affected parties. They may well be the Commonwealth; they may well be this Territory, as a party to litigation; there may well be other litigants. But certainly in one area there seems to be a very clear transgression.

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I am not commenting on the virtue of the matter. I am simply saying that the National Capital Plan, where it moves into the transport arrangements for this Territory and talks about corridor planning and certain roadways and matters which impact on our residential areas and our business communities, clearly exceeds, on the advice available to me, the notion of national significance in the Act and may well be ultra vires the legislation.

Finally, in the few moments available to me I will mention that the further advice available, in which I believe members would be interested, is that in the event of a Federal election period coming at the transition period of 11 May, we face a difficult hiatus in planning in the Territory. This will require a resolution of differing arguments about whether the Governor-General may bring in the National Capital Plan without there having been the certification of that plan - in a view available to me, there must be a certified draft plan at least - and, additionally, the plan is supposed to be put through by the Governor-General within the transition year by 11 May. So there are urgent and important aspects to resolve, which really means that we should have got into this act earlier; we should have resolved a number of these vital concerns earlier in the life of self-government.

MR SPEAKER: It being past 5.00 pm, in accordance with amended standing order 34, the Assembly stands adjourned until Thursday, 15 February 1990 at 10.30 am.

Assembly adjourned at 5.02 pm