



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 April 2002

Wednesday, 10 April 2002

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MR SPEAKER (Mr Berry) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petitions

The following petitions were lodged for presentation.

Dragway

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.

The petition of the undersigned residents of the Australian Capital Territory, and others, draws the attention of the Assembly to the degree of support for a new international standard championship dragway for Canberra. Many of the signatories are non ACT residents and as such this petition illustrates the level to which the ACT economy and in-bound domestic tourism industry will benefit from the operations of an international standard Dragway facility in Canberra.

The undersigned petitioners therefore ask the Assembly to:

- Urgently consider the economic and social benefits for the ACT community to be derived from a Dragway, as identified in the draft “preliminary assessment for the proposed international Dragway facility.”
- Complete without delay any further due process for the approval of the development.
- Direct the necessary resources to the construction of the facility so that operations can commence for the 2002/2003 summer season.

by **Mr Stanhope**, from 8,645 residents.

Abortion legislation

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

- the Health Regulation (Maternal Health Information) Repeal Bill 2001 removes valuable statutory protection from women who are considering termination of pregnancy and those who have conscientious objection to participating in abortion procedures; and
- the Crimes (Abolition of Offence of Abortion) Bill 2001 removes all legal protection from the unborn child before birth.

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Passage of these Bills would be contrary to:

- the fundamental role of government, which is to protect the lives and promote the wellbeing of all members of our community, particularly the most vulnerable; and
- Australia's international obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

Your petitioners therefore request the Assembly to reject these Bills.

by **Ms MacDonald**, from 200 residents.

The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy referred to the appropriate minister, the petitions were received.

Discrimination Amendment Bill 2002

Mrs Cross, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MRS CROSS (10.33): I move:

That this bill be agreed to in principle.

Discrimination against women on the grounds of pregnancy has no place in Australian society today. The Discrimination Act already refers to an existing pregnancy and breast-feeding, but does not include potential pregnancy—that is, the expressed desire or perceived expectation that a woman may become pregnant.

When I first raised the need for this legislation in February, comments were made from some quarters that it was unnecessary. A perception seemed to exist that the law was already good enough on this front. Subsequent discussions with Parliamentary Counsel dispelled that perception completely.

The Parliamentary Counsel drafters who assisted me in preparing this bill assured me beyond any lingering doubt that the law, as it currently stands, definitely does not cover potential pregnancy. They further assured me that references to the general concept of pregnancy lacked both strength and clarity. This bill will take care of that.

Mr Speaker, before going on to explain the bill in some detail, I wish to briefly speak to the two main requirements, as I see them, for creating equal opportunity for all classes of people in society. The first is clear and effective law. The second is community education.

Generally, the discrimination laws at both the Commonwealth and state/territory levels are good. The Commonwealth approach is probably overly complex, but we are certainly well served here in the ACT. It nonetheless appears that the law is still a bit weak and fuzzy in the area of pregnancy.

Canberrans are better educated than people in other jurisdictions, with higher percentages of employment and higher average earnings. However, despite these obvious advantages, official discrimination complaints in Canberra are rising. For example, pregnancy discrimination complaints have doubled each year for the past two years. While the actual numbers of complaints may not necessarily be high, it is nonetheless a serious and disturbing trend.

I am now aware through conversations with the legal fraternity that the number of women who eventually come forward to the Discrimination Commissioner are a very small percentage of those who actually have grounds to do so. Most women prefer to shrug their shoulders and get on with life. They do so because they are afraid of being labelled “troublemakers”.

Mr Speaker, other than providing clarity in the law, an important part of my reason for bringing this legislation forward today is to raise awareness of discrimination issues generally and assist community education. It is time to send a message. It is time this issue was dead in the water.

Discrimination in any form because of individual personal attributes is an anathema in society. I have deliberately used a strong word here—and I appreciate that “anathema” is not a word in everyday use—but it generally means “detestation, abhorrence, abomination, loathing, aversion or hatred”. Discrimination simply has no place among us. It is not intelligent and plays no useful purpose in modern-day Australia. Laws such as our Discrimination Act are tragically still required to ensure equal opportunity in life for all Australians. That is why it is important the law is clear, that it applies sensibly and is not allowed to stagnate.

Mr Speaker, this bill had at its starting point a 1999 report by the Australian Human Rights and Equal Opportunity Commission entitled *Pregnant and Productive: It's a right not a privilege to work while pregnant*. That report examined pregnancy discrimination issues and contained 46 recommendations. The legislation addresses one of those recommendations. Potential pregnancy discrimination can, and does, exist in various forms. While this is most likely to occur in the workplace, say in a job interview, it can equally apply in the housing rental market or when dealing with a financial institution. Discrimination in each of those situations is simply unacceptable.

The relationship between an employer and their staff is one of mutual rights and responsibilities. A successful relationship is only possible where those rights are mutually recognised and acted upon. At the moment, women who apply for jobs may be asked if they intend to have a child in the future, and that information can be used to determine whether they get the job. That is not equal opportunity.

Equal opportunity is especially important for women in the areas of business and employment. Non-discriminatory employment selection processes are essential—they need to be fair and transparent. Irrelevant questions about pregnancy and pregnancy testing should be prohibited as part of the job interview process. This bill achieves that purpose.

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Mr Speaker, women who are encouraged by society to have children should be in a position to view the privilege of being able to have a child as exactly that, a privilege, rather than something they are penalised for. I wish members to consider this quote from the Human Rights and Equal Opportunity Commission's report, that I think explains to some degree just how discriminatory attitudes are entrenched in the workplace and how equal opportunity for women is lacking:

The factors that define and separate men and women are the different constructions of their sexuality and their relationship to family and home.

Women enter the workplace defined as sexualised and family orientated people.

Men, despite the fact that they also possess sexuality and have families, are not defined in this way.

Women's bodies—female sexuality, their ability to procreate and their pregnancy, breastfeeding and child care—are suspect, stigmatised and used as grounds for control and exclusion.

It is argued that the adverse practical consequences to women of pregnancy and motherhood are not the result of chance.

Policies and laws that promote the harmonisation of work, pregnancy and family responsibilities must apply and be seen to apply equally to men and to women.

In the context of pregnancy and work, it is essential that policies and laws treat pregnancy and family responsibilities as neither a disability nor a liability, rather as parts of the normal life cycle encountered by many workforce participants.

A rather long quote, Mr Speaker, but one that I find compelling and accurately reflects the passion and intent with which I have approached this legislation.

Mr Speaker, this is not a long and wordy bill, but it can take a bit of following. The Discrimination Act is structured around a series of attributes that a person could have—personal individual qualities that help to define us, such as age, race, religion or sex. The act then establishes a set of principles that, firstly, determines what constitutes discrimination, before stating what is unlawful discrimination. It then concludes with a specialised list of exemptions for situations that, while still considered to be discrimination, are considered reasonable grounds for that discrimination and are, therefore, lawful.

This bill adds the concept of potential pregnancy to the list of personal attributes that come under the umbrella of the act. Potential pregnancy has been defined as being any reference to:

- the fact that a woman is or may be capable of bearing children;
- the fact that the woman has expressed a desire to become pregnant; and
- the fact that a woman is likely, or is perceived as being likely, to become pregnant.

Other than this definition, the bill essentially adds two new clauses to the act. The first is to section 23 regarding requests for information for any of the purposes covered by the act, such as job interviews, housing applications, requests for goods and services, access to educational opportunities, and the like. This new subsection prohibits requests for information in any form that would not apply equally.

In other words, a person with a certain personal attribute covered by the act could not be asked questions about themselves that under the same circumstances would not be asked of a person who did not have that same attribute. A working example would be an employer who in an interview intended to ask a woman if she intended to become pregnant at some future time in order to use that information as a selection criteria, but who did not intend to ask a man the same question.

The final addition is a new section that provides a genuine occupational health and safety exemption to requests for personal information. Obviously, a woman who is pregnant would endanger the health of her unborn child if she worked in certain professions, such as radiology, and an exemption is required to ensure good health and safety. This example is noted in the bill and would become part of the act. Under such circumstances, where there were genuine work-related safety requirements, it would be reasonable for a potential employer to ask a woman if she intended to become pregnant.

While that question would be permitted in that very narrow set of circumstances, a positive answer would still not be lawful grounds to discriminate against the woman for the job, because sections 8 and 10 of the act would still apply—section 10 being an intent to use that information gained as a selection criteria for the job; and section 8 determining that such an intent was unreasonable and therefore considered unlawful discrimination.

I trust that this brief explanation is not too confusing, Mr Speaker. If so, I would be happy in the coming weeks to personally brief members further on these aspects of the bill.

Mr Speaker, this is important legislation. Since I began work on this a number of months ago immediately after becoming a member, I have consulted widely and found genuine support. The question of a possible impost on business was raised and quickly dispelled. I have canvassed all of the major ACT business groups and discussed the bill with them at length. They have given their support. This is an Australian first which, if successful, would raise the bar on pregnancy discrimination to a new and appropriate level. I commend the bill to members for their consideration.

On a final note, I wish to thank Jeanine Wilson and John Clifford from the Parliamentary Counsel for their help and advice in drafting the bill. It was a source of amusement to the three of us that Jeanine is pregnant herself at this time and I know that she thoroughly enjoyed the task of drafting these provisions. I wish her well in the coming months.

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

Block 3, section 129, Narrabundah

MRS DUNNE (10.45): Mr Speaker, I move:

That the Assembly asks the Minister for Planning to:

- (1) in accordance with section 37 of the Land (Planning and Environment) Act 1991, give written direction to the Planning Authority to immediately commence a draft variation over block 3, section 129, Narrabundah to change the use to broadacre; and
- (2) keep this Assembly informed on progress of the draft variation.

This is a simple motion and I will be brief. It is a simple motion about commonsense and justice to a longstanding Canberra family. Block 3, section 129, Narrabundah is all that remains of what was once a soldier settlement farm run by Sergeant Ernest Murray. Before I go to the issue at hand, I would like to point out that Sergeant Murray was one of Canberra's first ANZACs. He enlisted at the age of 35 and went off to war. He landed at Gallipoli at 4.30 am on 25 April 1915. He served at Gallipoli, he served in Egypt, he served on the Western Front and he was a member of the AIF until 1918.

For bravery and service in the field, Sergeant Murray was awarded the Military Medal and bar and was mentioned in dispatches. When he returned to Australia, a grateful Australian government awarded him a soldier settlement farm, which covered much of what is now Narrabundah and Fyshwick. A small amount of it remains in the Murray family and is held by Ms Christine Murray. This is the block of land that we are talking about today.

Christine Murray and her family run what is almost an institution in the ACT—a simple concept of a company called Animals Afloat, which is Canberra's only petting nursery. Here in the bush capital we have a lot of children who have never had any exposure to the way a farm is run; they have very little exposure to coming to terms with things to do with the soil and agriculture. The very popular Animals Afloat goes to fetes, fundraising activities and corporate events, providing the children of Canberra with a little bit of the knowledge and a little bit of access to what it is like to run a farm.

This petting nursery has been running successfully for a number of years, but under very difficult circumstances. The Murrays have possession of block 3, section 129, in Narrabundah for agricultural purposes. They hold an agistment lease over the land. They were allowed to build a very fine American-style barn on that lease, but they may not live there. Christine Murray and Alan Swan hold their animals on the lease but they hold the very small animals at their home in Mawson. Every time they take their petting nursery somewhere they have to constantly run between Mawson and Narrabundah. They have to pick up and then drop animals back at Mawson or Narrabundah. This places an enormous strain on a large family.

For some time the family has been asking for permission to build on this piece of land. However, because this land is currently urban open space, they do not have the capacity to build a residence. This motion asks the government to instruct PALM to institute a draft variation so that eventually this land can be designated agricultural land with

provision for a dwelling. I have spoken to Ms Tucker about this matter. She has circulated an amendment, which I would be happy to have incorporated in my motion.

When this issue first came to my notice before the last election, Christine Murray asked the government for a variation so that they could build a house on this land. The government at that time had a policy of maintaining urban open space and the minister at the time, while being sympathetic, asked the Murrays to seek the support of other members of the Assembly before he would make a decision. As I said, he was basically sympathetic.

The election came and went and things changed. The Murray family has been to see a number of members in this place, including the present minister. I have to say that, from my understanding, the treatment of the Murray family at the hands of the minister and the minister's office has been fairly shameful. The minister's office has offered the Murrays a number of bandaid solutions. One of them was simple. They said, "You can put your life on hold, you can put your business on hold, for 15 months, 18 months or two years until we get around to doing neighbourhood planning in Narrabundah, and we will look at it in that context."

Christine Murray said to me the other day, "Would Mr Corbell be prepared to put his income on hold for 18 months while this is being sorted out?" What Christine Murray does for the children of Canberra puts bread and butter on her table and shoes on her children's feet. Is Mr Corbell prepared to do what he has asked Christine Murray to do?

One of the other suggestions that came from the minister's office was that Christine should find a helpful friendly rural lessee who is prepared to sublet a piece of their land. If they could sublet a piece of somebody's else rural lease, the minister would give them permission to build a house on it. That is entirely and utterly inappropriate, and illegal under the way the rural policy works. It shows complete lack of understanding by the minister's office of how the rural policy works in this town.

On the contrary, the community is very supportive of Christine Murray and her activities with Animals Afloat. I have a letter of support from the Old Narrabundah Community Council, which feels that Animals Afloat makes a significant contribution to the community. The letter states:

We believe that the proposal will not have huge impact on any future development of an Old Narrabundah Community plan. Further there is already a precedent in the area with changes to the lease ...

The loss of the business Animals Afloat, which is the result of the present circumstances, is a huge community loss.

Mr Speaker, I seek leave to table the letter from John Keeley, the chair of the Old Narrabundah Community Council Inc.

Leave granted.

MRS DUNNE: Thank you, Mr Speaker; thank you members. I present the following paper:

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Proposal for lease variation by Christine Murray and Alan Swan—Copy of facsimile from John Keely, Chair, Old Narrabundah Community Council Inc to Members of the Legislative Assembly, dated 9 April 2002.

What the Murrays and Swans aspire to do is consolidate their business, which is also a service to the community. In addition to taking paid bookings, the Murrays and the Swans spend a lot of time doing charitable work for organisations across Canberra for disadvantaged children—for children at Koomarri, Hartley House, for cancer victims and the like—and they would like to be able to consolidate their business so as to provide a better service to the children of Canberra.

Christine Murray and Alan Swan are aware of the increased responsibility that a lease change would mean. It would mean a different sort of lease, and they are aware that they would have to pay monies for that. But we have a rural policy, initiated and developed by the Leader of the Opposition, and finally implemented by the Deputy Leader of the Opposition, which allows for a rational transition and the possibility of them acquiring a more sustainable lease.

This motion is asking PALM to institute a formal process, with no guarantees of a positive outcome in favour of the Murrays, that would allow, if it were to succeed, the Murrays to acquire a rural lease of greater standing and to build a house. All they are asking for is a simple home on site so that Christine Murray can continue with her business and support the children of Canberra. This is a simple, straightforward and transparent solution. It is not a bandaid like that suggested by the minister and his staff. I commend the motion to the house.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (10.54): Mr Speaker, the arguments put by Mrs Dunne today are emotional and simplistic, and they are arguments the government will not accept. Before I deal with the detail of Mrs Dunne's motion, I would like to make it very clear that the government has no argument with the worth and the value of the service that the Swans provide to the Canberra community through their business. Indeed, I think it is highly likely my own son has enjoyed their petting farm on at least one occasion. But that is not really the point. In fact, these are all matters which are really not relevant to planning issues in this city. What is relevant is that there be an appropriate, transparent and fair process—a process which takes account of the broader strategic planning objectives that the community is asking for, and which the government is committed to implementing.

Mrs Dunne proposes that the land use policy be changed to broadacre. This proposal is fundamentally driven by her belief that the current short-term lessees should be eligible to apply for a right to a residence on the land. Let me give members some background. In March last year the territory agreed to the transfer of the lease to the current lessees from another member of their family. At that time there did not appear to be an intention to run the Animals Afloat business from the land in Narrabundah as it was being run from a rented property in Majura.

In June last year the lessees approached PALM and requested a right to a residence on the lease as they needed to vacate the rental property in Majura by the end of August last year. The lessees were advised at that time by the previous government that the construction of a residence was not permissible under the lease because of the provisions of the Territory Plan. The area in question—block 3 of section 129 Narrabundah—comes under the urban open space land use policy of the Territory Plan, and is also classified as an urban area under the National Capital Plan.

I don't want to make any judgment about the value of the services provided by Animals Afloat. Indeed, if anything, there is no doubt that many people get great enjoyment, and pay for that enjoyment. But the government believes that any proposal to change the planning policies applying to this or any other land should only be proffered after a careful and thorough analysis of all the issues and options; not simply because of simplistic and emotive arguments about the nature of a particular business, which is what Mrs Dunne is doing today. This is particularly important in the context of land designated as urban open space.

The government has now commenced—and it made this clear before the last election—a program of neighbourhood planning for Canberra. I will shortly be announcing the preparation of a city-wide strategic spatial plan. In addition, the government is committed to undertaking a comprehensive review of open space within the territory. The neighbourhood planning process will provide the vehicle to allow all of those who have a stake in the suburb to participate in collaboratively defining the future planning for Narrabundah. Inevitably this process will involve examining the future of parcels of land such is the one which is subject of this motion. This will provide a strategic process for considering any future land use changes.

Mr Speaker, Narrabundah is not among the first group of suburbs to receive a neighbourhood plan, but it is high on the government's list of future priorities. I anticipate that within the next 12 months substantive work will have commenced on a neighbourhood plan for Narrabundah. We are trying to approach this issue in a consistent way that meets our election commitments.

I want to rebut a few things that were put forward by Mrs Dunne. There is no doubt that the land that Animals Afloat is currently on was part of the original soldier settlement grant. As members would know, this land was resumed by the Commonwealth some time ago, and full compensation was paid for the land. It is not as though the land was taken away or diminished in any way. The land was acquired by the Commonwealth prior to self-government, and full compensation was paid for all of that land. So there is no presumptive right simply because it was a soldier settlement lease to that land. Yes, there are emotional and historical links, and I respect those, but there are no legal obligations on the territory simply because it was a soldier settlement lease. Again, it is an emotive argument from Mrs Dunne.

Mrs Dunne says, "Let's make it a rural lease and let's give the Swans a longer tenure under the rural leases policy." The previous government's rural lease policy does not currently provide for long-term rural leases in the Symonston-Jerrabomberra-Narrabundah area because the area is subject to more detailed planning studies. So even if we were to go down the course proposed by Mrs Dunne, there is no guarantee that the

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lease would be any longer or any more secure than what the business currently has, and Mrs Dunne should have checked her facts on that issue.

Mrs Cross: Mrs Dunne did.

MR CORBELL: And she is wrong, simply wrong. There is no capacity for a 99-year lease in relation to this land. There may be a capacity for a 15 or 20-year lease. But I think whether you would be able to get finance to build a house on a 15 to 20-year lease is a matter of considerable speculation.

Mr Speaker, what is Mrs Dunne proposing here? What she is proposing is that the government vary the Territory Plan to change the land use from urban open space to broadacre or something else that will permit residential occupation of this site. Flowing from that, she is also asking the government to issue a lease directly to this business—from representations made to me we know of the Swans' circumstances—and potentially do it at less than market value, or at some other discount.

There are very clear processes for the granting of land and those processes are transparent, open and public. What Mrs Dunne is doing here is confusing the leasing issues with the territory planning issues, and she should not be doing that. I would argue the way this issue needs to be handled is that we have to look at suburb of Narrabundah as a whole. We have to do that through the neighbourhood planning process, and we can then take decisions about what this land should be used for.

Because the land is designated under the National Capital Plan as an urban area, it is highly unlikely that you would continue to see this land used for agricultural purposes in the medium to long-term. It is designated under the National Capital Plan as an urban area and under the Territory Plan it is currently public land.

What Mrs Dunne is asking this Assembly to do is agree to her proposal that it should no longer be public land and that it should instead be granted to the lessees so that they can build a residence on it. Mr Speaker, I find that an extraordinary suggestion. If this government were to walk into this Assembly and say, "We're going to take away this public land and give it to this business," I would probably rightly be castigated by those opposite and on the crossbench. But that is exactly what Mrs Dunne is proposing to the Assembly today.

There is no constraint on Animals Afloat being able to continue to run their business. They just cannot live where they keep their animals. They knew that when they entered into their leasing arrangement. They can continue with their current leasing arrangement; they can continue to keep their animals on this land. It is their choice as to whether or not they continue their business if they cannot get a residence on this land. That is their choice. It is not something the territory has to be responding to.

The territory entered into an agreement with these lessees to use the land for a particular purpose. They knew that agreement when they entered into it. They are now asking the territory to change that because their personal circumstances have changed. They can seek other options. My office has had extensive discussions with the Swans. I have met with them once and my staff have spoken with them on numerous occasions. We have sought to pursue a range of other options. I am advised that the previous government

offered the Swans the option of a property at Uriarra. That is an option which the Swans have chosen not to pursue any further.

I indicated also to the Swans that if there was the possibility of granting another residence through a subleasing of a rural lease, the government would see whether or not that was possible. So we have sought to explore other alternatives for the Swans, but the Swans are saying to the government, "The only option is you let us live on this land," land which is public land under the Territory Plan.

The government has sought to be flexible in this issue, but we have to work within the broader planning objectives we are trying to achieve as a city. I would argue, Mr Speaker, that the Swans have not been flexible. I would argue that they have said to the government, "This is the only option that is acceptable to us and if you do not provide it we will have to close our business." Mr Speaker, the government is prepared to work through options, but when you are presented with only one acceptable outcome, it is very difficult to meet it, given the other points that I have raised today.

The Swans can continue to lease the land on the current premises, but I will not argue in favour of the proposal put by Mrs Dunne because it is ad hoc and it relies on an emotive response to an issue rather than a proper analysis of the planning circumstances that are in place. This is public land. This is land which is subject to review under the Territory Plan. This is land which is urban land under the National Capital Plan, and in the next 12 months we are going to be doing a comprehensive planning exercise for all of Narrabundah. Why in those circumstances should the Assembly agree to this proposal today? The answer is: there is no reason for the Assembly to agree to this motion today, and I urge members to oppose the motion.

MS TUCKER (11.07): The Greens are happy to support this motion, with a slight qualification that I will mention later. The proprietors of Animals Afloat, Ms Murray and Mr Swan, have spoken to me in my office a number of times about the problems they have faced in trying to run their business from their block in Narrabundah.

My understanding is that the Murray family has had an interest in this block that predates self-government—in fact, four generations of the Murray family have lived there. This block is the last remaining block of a much larger rural property that was held by the Murray family before Canberra was developed, and took in the suburbs of Narrabundah and Kingston and parts of other surrounding suburbs. However, as with many rural properties in the Canberra district, the block was steadily resumed over the years as the suburbs were built. The last acquisition was in 1982 for the building of the Monaro Highway over Canberra Avenue, which required the demolition of the main homestead on the property.

The current block has been held by Ms Murray's father as a grazing lease on a quarterly basis since 1985. The lease was passed on to Ms Murray early last year. This area was zoned as urban open space when the Territory Plan was introduced. However, I note that the area is specifically designated as not public land, and I think Mr Corbell misled the Assembly in the speech he just made in stating so strongly that this is public land.

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MR SPEAKER: Ms Tucker, you might withdraw that. You know that, if you want to suggest that a member has misled the Assembly, you have to do it by way of a substantive motion.

MS TUCKER: Well, I would like Mr Corbell to clarify his position.

MR SPEAKER: Ms Tucker, will you withdraw that?

MS TUCKER: Yes, I withdraw that.

MR SPEAKER: Thank you.

MS TUCKER: I don't want to interrupt the debate for that at the moment. But I am raising the question. I am asking Mr Corbell to check what he has said. Can I do that? If you look at the Territory Plan you will see there is a cross on this block. The key says that there is an overlay—it is urban open space; it is not public land. That is clear on the Territory Plan, so I think Mr Corbell needs to check that issue. It is indicated that this is not public land. At the time the Territory Plan was developed there must have been a recognition that this land did not have the same qualities as other open space areas in Canberra, and there was a prior lease on the land.

This part of Narrabundah is certainly not remnant woodland or grassland. It effectively forms a buffer zone between Narrabundah and the Monaro Highway, and has been significantly modified over the years by human activity. It adjoins the Canberra velodrome and the newly built golf facility. In his presentation Mr Corbell referred to this site as being part of the general broader Symonston area. But really this land is further south. It is a quite thin strip. As I said, it is a buffer zone and does not come within that consideration.

Ms Murray and Mr Swan started the Animals Afloat business four years ago. They rented a block in the Majura Valley where they lived and kept their animals, as Mrs Dunne has already explained. They were not able to stay there on a long-term basis, so when the opportunity came up to use the Narrabundah block, they moved their animals there. But the main problem has been that they have not been able to live on the site because of the nature of the lease. All Ms Murray and Mr Swan want to do is keep on that land the animals which they use in their nursery. They want to be able to live on site so that they can provide care to the animals and prevent vandalism of the property.

The land will continue to be open space in nature. It should be remembered that land use for rural activity in the ACT has long been regarded as part of the ACT's open space system, alongside the formally established nature reserves. I understand that their current lease allows them to keep animals, but through some anomaly in the Territory Plan they are not able to live on the site. This seems quite unreasonable and is a serious impediment to operating their business effectively. They have tried to commute to the block from their house in Mawson, as well as keep the baby animals in their backyard, but this has proven to be impracticable as well as a burden on their Mawson neighbours.

I do not believe that this proposal to vary the Territory Plan is giving Animals Afloat an unfair advantage or a subsidy. For me it is a recognition of their prior occupation of this area as one of the early ACT farming families. It is just allowing them to effectively use this block for agricultural activities for which this area has long been used. Their situation is very similar to the situation relating to people who held short-term rural leases in the ACT that we dealt with in the last Assembly. The Assembly agreed to grant long-term leases to these people in recognition of the fact that agricultural activity was a legitimate land use in the ACT, and that such rural leaseholders needed stability in their leasing arrangements so that they could plan and finance their rural activities.

Mr Corbell said that he felt this was an inconsistent position to be taking. However, this is consistent with the position that was taken by this Assembly on our rural landholders. Animals Afloat are in the same situation. They cannot plan for the development of their business because of the uncertainty over this lease. In fact, they have now had to put their business on hold because their situation is untenable.

It is interesting to me that this government is prepared to give lots of assistance to big business in this town but it is not prepared to help this home-grown small business that gives much joy and educational opportunities to many children. The business may not be very high tech, but it is important that children are made aware of the connection to the land, and to the agricultural activities that sustain them.

I understand that Ms Murray and Mr Swan are not asking for a handout from the government. As I understand it, they are not asking even for a 99-year lease. They are more interested in 20 to 40-year leases, which are in the area already. They are prepared to pay any government fees and charges that may arise from changing the allowable use of the land.

Mrs Dunne said she received a letter. I have also received a letter from the Old Narrabundah Community Council which advises that they are sympathetic to the proposed change because of the value of the educational facilities to the whole Canberra community. They offer support in principle. They note that the use of this land for agricultural activities will not have an impact on development of Narrabundah.

Mr Corbell also said that he felt this should be part of a neighbourhood plan. However, this land is on the edge of the suburb and it has not been part of any urban infill plans—and this is the reason neighbourhood plans were introduced in the first place.

As I said, I support this motion but I have one qualification. I think Mrs Dunne has gone too far in requesting that the land be rezoned as broadacre. The broadacre zoning allows a very wide range of land uses which I do not think are necessarily appropriate for this block. My amendment make clear that this block should be used for agricultural activities, and this is what the block has been used for for many years. I think this motion today is really about fixing up an anomaly in the plan. It will allow the farming history of this area to be retained; it will recognise that the Murray family have a prior right to this land; and it will allow a valuable educational business to be maintained.

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The last point I want to make is that it needs to be made clear that what we are asking for is a variation process to begin. We should see what the community thinks about this. It is the normal open process to making planning decisions. Mr Speaker, I move the following amendment:

Omit “change the use to broadacre” and substitute “allow the land to be used for agricultural activities and associated residential accommodation.”.

MR HARGREAVES (11.16): Mr Speaker, I wish to express my opposition to the motion and the amendment. It is with a touch of sadness that I have to express my opposition to such activities as they provide a very valuable service; there can be no question about that. The government has absolutely no problem with such activities taking place. We recognise that kids get a great buzz out of handling young animals, but they also get taught an awful lot as well. I wish the record to show that this issue is not about children being exposed to young animals; it is about a planning process. We have to be very careful, in considering the approach we take, that we address the planning issues and not the emotive issues and that we do not allow ourselves to be swayed by emotion.

Mr Speaker, I have not prepared some notes on this subject; I am merely basing my remarks on comments I have heard across the chamber this morning. I do know that there are a number of rural activities of a similar nature—not with small animals, but educative roles with a rural application—round the ACT, and these have been set up using the existing planning process, as far as I am aware.

Mr Speaker, I want to touch on a couple of the points that Ms Tucker made. Firstly, I want to challenge and refute her statement that this government gives a lot of assistance to big business and not much to small business. I would remind Ms Tucker that it was the former government that gave bucket loads of money to big business and nothing to small business. This government is only of the order of five months old and has not had an opportunity yet to give money to very many people, so let us not detract from our arguments by introducing extraneous rubbish.

Ms Tucker also said that she wishes this valuable education business to be maintained. We all do, but not being maintained at the same spot. It is not as though it has been operating from that spot for, say, 10 years and is now under threat; it has been operating elsewhere. Again, let us not cloud the issue. As far as I can determine, the family connection with the land is not being threatened. The family connection is still with the land. We do, in fact, need to pay respect to people like the Murray family who pioneered the area. That needs to be stated quite clearly. But this Assembly has to be particularly careful whenever it enters into the realm of directing a planning minister to do anything, or even creating a direction by a clever use of words.

I remind members who were present in the last Assembly that Mr Smyth’s use then of the call-in powers was severely criticised by the then opposition. The attempts by the former Assembly to direct the government were felt with much discomfort by the government of the day. I have to say that the then opposition had some discomfort with that as well because we felt that such a precedent would come back and bite us.

Therefore, the extent to which directions were given by the Assembly were few and far between. They were still there, but they were few and far between. I caution the Assembly very seriously about interfering in the process. I do not think that we need to do that in this case. What kind of precedent is it for this Assembly, as it is being requested to do, to ask the minister to give a direction to the planning people—and this is the important bit—on the basis of a short debate in this house?

I have heard Ms Tucker say that she has spoken to the people involved in this issue, the Swans. I have heard the minister say that the minister's office has been involved with the Swans and others. I challenge Mr Smyth to tell me how many times he has spoken to the Swans on this issue—or Mr Stefaniak, Mr Quinlan or Ms Dundas. She may even tell us later. I certainly have not spoken to them.

Mr Smyth: I spoke to them the other day. I spoke to them last year.

MR HARGREAVES: Mr Smyth is on the ball. One out of 10 is good. Where we have an Assembly being prepared to start saying, "Let's get the minister to exercise his power of direction," we really should be having a little bit more sharing of information than we have now. I do not believe that I have had enough information today to warrant taking that course of action. As I said at the beginning, I do not have prepared notes. I have had no consultation with the minister's office on this issue. I note that Mrs Dunne has been taken in the grips of hysterical laughter and is laughing into the back of her hand in what seems to be an expression of amazement. Let me be clear about that. Ministers do not always talk to their backbenchers about everything that works and moves under the sun.

Mr Smyth: Oh!

MR HARGREAVES: Mr Smyth seems amazed, but he never consulted his backbench, either. Mind you, he did not have much of a backbench to consult. Perhaps the same is the case today. If those opposite think that I am telling untruths, I challenge them to have the courage to stand up in this chamber and say so. I had heard nothing about the content of this issue until I walked into this place today. I knew nothing about the content of this issue until I walked into this chamber this morning. I still do not see enough in it to cause us to ask the minister to use his power of direction. There is a process for that. We all know what the process is and we do not always like the outcome. Sometimes the outcome is fine and we get what we want; sometimes it is not.

Mr Speaker I really do think that caution has to be the go here today. I have an enormous amount of sympathy for people wanting to conduct this type of business. The Mugga Lane zoo, for example, was a great activity. I took my kids there when they were very small and it was terrific. I was sad to see it cease operating. That does not matter in this instance. There should be other solutions to enable this business to continue to provide a service for our kids without requiring special treatment.

I urge members to consider very seriously the precedent that the Assembly would setting by getting the minister to issue a direction. It is not our responsibility to do so. If we wish to challenge his decision at a later stage, so be it, otherwise I think we should let the process take its course. It is dangerous, inappropriate and would not help anybody in the long run to do otherwise.

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Let the process continue through to finality, let the minister examine it and let the appeal processes be conducted through to conclusion, and then, and only then, should this Assembly interfere in the planning process if the process that has been undertaken has been corrupted. I have seen no evidence so far that the process has been corrupted. Therefore, I see no reason for this Assembly to ask the minister to give a direction on anything.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.26): Mr Speaker, I rise again to speak to Ms Tucker's amendment. Ms Tucker suggested that I had made some mistake about public land. The point I was trying to make was that urban open space is land available to the broader community in a whole range of ways. Technically, the land is not public land under the land act, but it certainly is in the broader sense. I would challenge anyone to go out into the community and say, "It is urban open space, but it is not for you." Quite clearly, the very broad expectation of the Canberra community is that urban open space is land available to the broader community.

Mr Speaker, there are some other issues that I really need to draw to members' attention. The key one is the assertion by Ms Tucker that neighbourhood planning does not have anything to do with this site. Ms Tucker would be the first person to stand up in this place and say that the government needs to take a holistic look at how planning and development issues are managed in a neighbourhood. That is what neighbourhood planning is about, Ms Tucker. It is about taking a holistic view and looking at all the issues. This land immediately abuts an existing residential area. For that reason, it is entirely appropriate that it be considered in the broader planning context.

I find it extraordinary that Ms Tucker is asking the government to look at this site in isolation from the broader planning issues for that area of Canberra, but that is exactly what she is asking the government to do. Next time I hear criticism from Ms Tucker that I should be taking a broader look, I will just refer her to her support for this motion. You cannot have it both ways: either you take a broad strategic look at planning issues in the area or you do not. You cannot hive off bits here and there: either you do it as part of a broader planning exercise or you do not.

Let me highlight exactly why we need to do it as part of a broader planning exercise. In relation to the proposed draft variation which has been put forward by Mrs Dunne, the land is urban open space and any proposal to change the land use policy would automatically trigger a mandatory preliminary assessment under the land act. As it would be changing it from urban open space to another land use, it would automatically trigger a mandatory preliminary assessment under the land act.

It is the normal requirement that the people seeking the variation pay for the mandatory preliminary assessment; that is the standard process. I do not know whether the Swans have considered that, but that would be the standard process and it would be the process that the government would require in this case. Why would we trigger a mandatory preliminary assessment?

The loss of urban open space is something people consider to be fairly serious; it is a big election issue. This government was elected on the basis of saying that urban open space is not up for development. Whether building a single residence on urban open space is going to be in that vein is something which would need to be considered, but you would need to do a proper and full preliminary assessment.

Actew have already advised in relation to this land that there is major sewerage vent on the site. They put it there because there was no possibility of residential development on this site. Clearly, that is an issue that would have to be considered in the context of the mandatory preliminary assessment. Actew have further advised that to permit any residential use of the site would mean that the territory would have to indemnify Actew against any health or environmental impacts. That is why you would also need to do a mandatory preliminary assessment. Has Mrs Dunne considered that? Is she even aware of that? I do not think so. There is no sewerage or power currently available to the site. Again, these would be costs that would have to be met by the lessees if the proposal from Mrs Dunne were to be accepted.

Mr Speaker, those are just some examples of the issues that need to be taken into account and why they should be taken into account in a holistic way. Again, I can only emphasise that neighbourhood planning is about taking a broad, holistic view of development in an area. Ms Tucker is suggesting that we should look at this site in isolation and progress a draft variation for this site in isolation from the rest of Narrabundah. Is Ms Tucker also saying that the government should progress the draft variation for the Hungarian Australian Club in Narrabundah, which is currently on the books, ahead of neighbourhood planning, or is she going to criticise this government if it decides to do that? The approach from Ms Tucker is hypocritical and contradictory.

We are trying to be consistent and look at the Narrabundah area as a whole. This land is in the suburb of Narrabundah. It is designated as part of the suburb of Narrabundah. The neighbourhood planning process would include this area of land. All the issues could then be considered as part of the neighbourhood planning process which will commence next year. But this isolated proposal, this one-off proposal, is not one that the government is prepared to accept and it is not one that the government will accept.

MS DUNDAS (11.32): This debate has been very emotive. I think that is because, to a certain extent, we are predetermining the outcome of a draft variation to the Territory Plan. I would like to explain the facts as I see them to the Assembly. First of all, section 37 of the Land (Planning and Environment) Act allows the Assembly, by resolution, to recommend that the executive give authority to make specified directions under subsection (1), which include directions to review the plan or any specified part of the plan. There is then another subsection, subsection (3), which says that the executive shall consider the recommended directions and shall, by instrument tabled in the Legislative Assembly, give the authority directions under subsection (1), as recommended, or in modified terms, or refuse to give the authority the recommended directions. That is a notifiable instrument.

My understanding of the process is that we are asking the minister to give directions to review the plan and the executive may then give directions to the authority, either as recommended or modified, or it may refuse to do so, which would then lead to another

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long and lengthy debate in this chamber, no doubt. Also, my understanding is that the section of land that we are referring to—I suggest that Assembly members look at the section C1 overlays in the Territory Plan, specifically figure 14 and the Narrabundah exclusions from public land—is not public land. It is specifically excluded from being public land. I do urge all members to check the Territory Plan as part of this debate.

I understand that Animals Afloat is a small mobile nursery that works with children and community organisations as very much a friendship farm and that the current leaseholders have existed on the space in Narrabundah on a quarterly lease since 1985. I find it remarkable that any business would have to exist on a quarterly lease for such a long time, but this has been what has happened.

The proprietors of Animals Afloat have along come with a simple request, that is, to build a residence on the farm to help them monitor their animals more closely and to protect the land from vandals. That might seem like a simple request but, as we know, planning issues are incredibly complex, especially in this territory, and the debate that we are having today is just one small step in this very long and arduous process.

My understanding, as I have indicated by what happens under the land act, is that if this motion is passed and the direction is given to PALM, it will embark on the process of looking at a draft variation that will go to the Planning and Environment Committee for consideration, the Planning and Environment Committee will table a response to the Assembly and the Planning Minister will then respond to that report supporting or otherwise the variation. We are not prescribing an outcome.

The concerns about sewerage on the site and the impact on Narrabundah are all things that should come up under the draft variation process. We cannot pre-empt those things coming up and we cannot ignore those things coming up, but by not having a process at all we are not allowing the discussion to take place.

What happens to the land after this long process has been gone through? The minister could give it as a direct grant, which has been a matter of debate today, if the minister can prove that the public benefit and associated tests are met, or the land could go out through an open tender process. Those things are part of an outcome that we are not determining today. We are setting off a process. It may be an outcome in which Animals Afloat would be outbid. That is not the result that Mrs Dunne is advocating. I have discussed this concern that the outcome is not set in stone with the proprietors of Animals Afloat and I have told them that I am willing to support the starting of the process, but I cannot offer them a guarantee as to the outcome. This motion does not bind us to an outcome; it just initiates a process.

Mr Swan and Ms Murray, the proprietors of Animals Afloat, are definitely stuck between a rock and a hard place. Their current situation is unworkable, but they are willing to work through this process and they are committed to their animals and to their business. I hope that this process will take heed not only of the needs of Animals Afloat but also of the needs of Narrabundah and, more broadly, the Canberra community. I leave the last message to the Planning Minister: a timely consultative process is required.

MR SMYTH (11.38): Mr Speaker, I rise to address a few points. I will start with some of the things that Mr Hargreaves stated. Mr Hargreaves seems to be saying that you cannot have this sort of debate unless you have had lengthy discussion beforehand. That presupposes that nothing will happen in the community that needs urgent attention. The case of the Swans is something that now needs urgent attention. We are hearing from the Labor Party, through Mr Hargreaves, that nothing will happen unless you have been through such a long and arduous process and that, before we get to the use of the Assembly to defend the rights of the people of Canberra, the government has to have time to consider the matter. Government is about managing things that happen in the community today, and sometimes governments do not have much time to do so.

For instance, Mr Quinlan will attest to the issues arising out of the insurance problems round the country now. Under Mr Hargreaves' theory, we should not raise them in this place until there has been a huge amount of community consultation and time for the government to consider the issues. I think that is wrong in that it denies the fundamental role of government.

It also seems to me that Mr Hargreaves was saying that we in the Assembly almost have no right to direct the government to do something because it is new to office, that it has to have time to settle in and do this, that and the other. That is not how it is done, either. The law is there. As Ms Dundas has so eloquently pointed out, this is the start of a process, and it is the start of a process in the law that allows the Assembly to do so. I have not seen any time limits in the act that says that you cannot direct the government to do something for the first year of its being in office. That shows up the folly of Mr Corbell's neighbourhood planning policy. It shows that he did not think about how he would implement it. It seems to me that Mr Corbell and the government are saying that nothing can happen in these suburbs until they finish doing so. That is unacceptable to the community, because things will occur that need urgent attention. Good ideas or logical ideas could arise that the majority of the community would agree to on the spot; but, if a neighbourhood plan has not been done, the government is not going to do anything about them.

Life has to go on. Business goes on, the needs of the community go on, and I think it is important to have a mechanism and, if necessary, to use that mechanism to ensure that good outcomes are achieved. It would seem to me from the statements already made that the majority of the members of this place actually believe that the procedure initiated by Ms Tucker, as so accurately pointed out by Ms Dundas, is the start of a process, a very open and very public process, that may allow for such an outcome. Why are we afraid of initiating this process? Initiating it will not guarantee that the Swans will get what they are seeking, but it will give them the opportunity to seek it. That is something of which we all should be in favour.

There are some broader issues here about how planning is going on in the ACT. There are some high expectations out there, which is good, but that does bring into question the ability of this Planning Minister to deliver anything concrete or coherent that will actually take the community forward. Yesterday we heard about collaboration, about working with the community. Here we have representations from the Democrats, the Greens, the Liberal Party, the Narrabundah community association, and a small business.

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I have had a swag of letters from community groups saying that these are good folk who are doing a great job and they want them to survive and we need to have them survive. I have been associated with Animals Afloat at things such as the launch for *Ainslie's Sheep*. They brought their sheep along on the day, which was very appropriate.

I detect that there is a huge amount of collaboration in the community and that the people who do not want to collaborate at this stage are, in fact, members of the Labor Party. I think that we should be getting on with this process. I have looked at Ms Tucker's amendment and it seems fine to me, but we need to make sure that the government understands that there will be cases that require urgent attention. It is good that they are getting on with their neighbourhood planning; I wish them well. But we have to start the process.

Mr Corbell: You know how long it takes to vary the Territory Plan.

MR SMYTH: We can vary the Territory Plan relatively quickly if there is goodwill on all sides. There is goodwill from three of the four parties represented in the Assembly today to see the process at least started so that the Swans can take their chances on the outcome. We on this side believe that it is appropriate to make this direction. We believe that it is appropriate to start the process. We look forward to the community, in collaboration, participating in that process and we look forward to the Labor Party doing as the Assembly directs them through the law.

MS TUCKER: I seek leave to speak again.

Leave granted.

MS TUCKER: I would like to respond to a couple of comments. Mr Hargreaves seemed to think that it was only the Liberals that supported big business in the last Assembly. Labor was behind the support for Impulse, the V8 car race and so on, so there was a joint effort there by Labor and the Liberals. The issue raised by Mr Corbell and Mr Hargreaves about some kind of dangerous precedent being set is another example for me of how fascinating it is when power changes hands. Mr Corbell, as the opposition's spokesperson on planning, often did exactly so in this place, whether it was to do with dual occupancies in Red Hill, the north Watson woodlands or whatever. Of course he did that. Labor saw that to be a role of the opposition. One could argue as well that Mr Corbell was not taking into account the whole planning picture in his approach to dual occupancies in Red Hill, for example, but was responding to a particular perceived problem at the time which I supported.

In particular, I need to respond to Mr Corbell's accusations of hypocrisy by me. I do not recall whether that language is parliamentary, but I will not worry about that. I thought we were not supposed to call each other hypocrites. He seems to have misunderstood my argument on the neighbourhood planning issue. My experience in this Assembly has been that the whole concept of neighbourhood planning has come up in response to changes and perceived threats to our urban environment by the then Liberal government. I supported those concerns.

The issue of neighbourhood planning was a response to changes to the urban environment. It was in that context that I thought we had neighbourhood plans. I did not think we had neighbourhood plans to have a review of all land use. The key point in this debate is that we are not looking at the Hungarian club in the centre of Narrabundah; we are looking at some land which has a land use which we are not attempting to change but which, through an anomaly in the Territory Plan, has—

Mr Corbell: You are attempting to change it.

MS TUCKER: We are not trying to turn it into residential use. It is still going to be for rural land use. An anomaly in the Territory Plan has created this situation which we are trying to deal with. If Mr Corbell wants to say now that we are going to review all land use in the territory, we can have that debate.

Amendment agreed to.

MRS DUNNE (11.47): Mr Speaker, I rise to conclude the debate. I will try to be brief. This debate has taken longer than I had anticipated. Mr Corbell says that my motion is emotive and simplistic and that my belief is that Christine Murray and Alan Swan have a right to a residence. To reinforce what has been said by me, by Ms Tucker and by Ms Dundas, we are not anticipating the outcome. I made it quite clear to Mr Swan and Ms Murray when they came to see me that I could not give an undertaking on the outcome. This is the beginning of a process. To use the word that Mr Corbell used here yesterday about planning, this process is about collaboration. We are collaborating with all the people who have an interest in this matter.

The Commonwealth has an interest, the territory has an interest, the Swans have an interest, and the people who live in Narrabundah and whose residences, I point out to the minister, do not immediately abut on this block of land have an interest. That is what this process is about. Mr Swan and Ms Murray know quite well that there will be a preliminary assessment over this matter. They know about that and will take it in their stride. Let us get some things straight here. The minister has been trying to make a case that that process is impossible, that this is public land. This land is not public land. Christine Murray has a lease over this land. It is an agistment lease and it confers property rights on her. We are here defending her property rights. The public does not have access to an agistment lease.

We need to get a few things straight here. The minister said that I need to know a little bit about the rural policy. I happen to be very proud of my role in the development of the rural policy. I was advising the now Leader of the Opposition when the rural policy task force was set up. I had a watching brief and was there taking an interesting when the now Leader of the Opposition introduced and successfully passed the rural policy. I know how the rural policy works. Leases in Symonston are for 20 years and a 20-year lease would be acceptable to the Murrays. Nowhere at any stage did anyone say that it would be for 99 years.

Mr Hargreaves did a manful job of filling his allocated time talking about this motion, but I have to make a few points about that. He said that this is motion is not about children and people; it is about planning. I have not been sitting in my current position

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for very long, but I have sat in this chamber for five years, most of the time listening to Mr Corbell talk to us about how planning was about people. Suddenly, it is not about people; it is about arid policy. Today, we are asking to government to start the process of looking at the anomalous effects of the planning policy on these people. We have the government saying, “Gosh, we have only been here for five months and we cannot get round to doing anything.” Does this mean that people like Ms Murray and Mr Swan have to put their lives on hold until this government gets its act together? That is not acceptable.

We have had Mr Hargreaves saying, “We cannot make a decision about this because we haven’t talked about it long enough.” Here we have the Labor Party’s approach: never mind the quality, feel the length. We have to argue ourselves to death over something that is simple and straightforward, the starting of a process that deals with people openly, justly and with certainty. I commend the motion to the house.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes, 9		Noes, 8	
Mr Cornwell	Mr Pratt	Mr Berry	Ms MacDonald
Mrs Cross	Mr Smyth	Mr Corbell	Mr Quinlan
Ms Dundas	Mr Stefaniak	Ms Gallagher	Mr Stanhope
Mrs Dunne	Ms Tucker	Mr Hargreaves	Mr Wood
Mr Humphries			

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Very fast train—feasibility study

MR HARGREAVES (11.54): Mr Speaker, I move:

That this Assembly:

- (1) expresses its disappointment at the Federal Government’s decision to cease funding for a feasibility study into a Very Fast Train between Brisbane and Melbourne; and
- (2) calls on the Federal Government to restore funding to the study and as a first step in the study, the Government should review earlier studies on a fast train link between Sydney and Canberra in the context of acknowledging Government responsibility for substantial funding for such infrastructure projects.

I submit this motion in a spirit of bipartisanship. I do not wish simply to express my concern about the failings of the Commonwealth government in this area. Rather, I wish to speak about nation building and the appropriate responsibilities of government. I also

have some concerns about the uncertainties of the Australian aviation industry and the impacts of that in our region.

The federal government announced last week that it had decided to abandon further investigation work on the concept of a fast rail service linking Brisbane, Sydney, Canberra and Melbourne. The federal transport minister, John Anderson, said that any continuation of the study process would simply raise false hopes about the viability of the fast train. He said that the Commonwealth had concluded that the project would cost taxpayers about \$50 billion and that this was far too much. I understand the Commonwealth's position. They are simply clearing the tables for a tough budget. Clearly, some bureaucrat in the Department of Finance has had a little list, and this one has bitten the dust.

I think we should have a debate about priorities. Plenty of things the Commonwealth does with its money could be challenged. I would have thought that a few thousand dollars per year to continue these studies would be an excellent investment in the long-term future of the nation. The studies need not be restricted only to issues concerning fast trains. We need reliable advice on long-term trends in the whole rail sector, drawing on information not just about fast trains in Europe and Japan but also about growth of rail traffic in North America.

We must also be concerned about the waste of the work already undertaken. The very fast train project and Speedrail have been the subject of intense study for at least a decade. Is all of that work now to be wasted? This is clearly a long-term issue which requires a long-term vision. At a time when we are having a population debate and continuing environmental debates, it is ridiculous to chop off this study process.

It seems particularly silly for the federal transport minister to suspend the study of rail options when he must know the position of aviation in this country is problematical. More starkly, the future of reliable and good value aviation services in this region is particularly unclear.

Let me look at the national position first. It is quite clear that Qantas will maintain well over two-thirds of the market share for the foreseeable future. The cut-price operators remain in a classic aviation bind. They need to attract business traffic to survive, but their cost basis requires a level of service provision which will not attract a business traveller. Moreover, any marriage of Virgin with a partner operator could take us back to the good old duopoly days, back to the safety of parallel scheduling and identical fare structures.

Added to this is the declining attraction of air travel for leisure. It is quite clear that current world tensions will lean to an increase in the incidence of terrorism rather than a diminution. It seems that a determined terrorist can be thwarted only by extreme security, invasive surveillance and exhaustive baggage searching. Over time this will create a new pattern of consumer costs, delays, and inconvenience. This pattern is unlikely to diminish over the next decade. It is more likely to become the norm.

That is why we cannot drop studies of alternative transport modes. There is also a social justice component to this. Governments have an obligation to investigate cheaper modes of transport for those who are less affluent.

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There seems to be an assumption in the Commonwealth's decision that any fast rail project would never justify the expenditure of government money. Australians would not be travelling anywhere if that had been our historical attitude. Governments have played the major role in the development of Australia's transport infrastructure. There is certainly no suggestion, even now, that we should stop government funding of roads. Governments cannot escape their responsibilities for planning and providing transport infrastructure.

This responsibility is even more important in the regional context. The future of aviation in the Sydney/Canberra corridor could be very limited. Setting aside the national factors to which I have already referred, airline services between Canberra and Sydney are now extremely unattractive. The pricing of Qantas flights in that sector is now at ridiculous levels. But it appears that the structure of the local aviation market means that business travellers are not price sensitive and that the cheaper services are not attracting much support. This is very bad news for the region and the airport operator.

I note that the airport operator's response to this situation was to claim in its recent master plan variation document that fixed-wing movements in and out of Canberra will increase from 107,000 last year to 283,000 by 2050. This seems fanciful. Who is going to be on the planes? The document also seems to specifically exclude any growth in 747 traffic, which it estimates will be restricted to visiting government traffic and not for tourists. So much for the international airport.

The estimate seems to imply a massive population growth in the ACT over the forecast period to well over a million people. What are the implications of that, and can we believe it? Does the airport operator really believe that there will be over a million people living in Canberra in 2050? Where will their houses be located? More importantly, a population base of this size could easily make a rail service viable. All of this points to the need for continued study of alternative transport technologies.

I note that the Leader of the Opposition commented on the federal government's decision following Mr Anderson's announcement on Tuesday, 26 March. Mr Humphries was reported in the *Canberra Times* on Good Friday, when he announced that the ACT Liberal Party would continue to lobby the federal government to "keep the high-speed train on the drawing board". Mr Humphries also said:

Australia's aviation industry has an uncertain future and the days of cheap air fares for Canberrans wishing to depart from the territory are long gone ... The Australian population continues to grow and more viable transport options to cross our vast land must be considered. The very-fast-train project is a worthy candidate.

The Canberra Business Council has also criticised the federal government's decision.

In the spirit of bipartisanship, I welcome the support of the ACT Liberal Party and the Business Council, and I commend this motion to the Assembly.

MR HUMPHRIES (Leader of the Opposition) (12.03): Mr Hargreaves has appealed for the support of the ACT Liberal Party for this motion, in the spirit of bipartisanship. I can indicate to him now that he will receive it.

This motion expresses the Assembly's quite warranted concern that a decision taken in recent weeks will significantly retard the development of a very fast train project for Australia, and in particular one that would have embraced the ACT. With this decision by the federal government, the significant remaining element of continued work on the project from the point of view of government has been removed.

My words on the occasion of the federal government's announcement have already been quoted by Mr Hargreaves, so I will not repeat them. But I will say that it needs to be put on record very clearly that the Australian community expects and looks to government at a variety of levels to provide support for the development of major infrastructure around this country.

The ACT has been a conspicuous beneficiary of a policy over many decades of building up national infrastructure. The ACT itself, in many respects, is a major item of national infrastructure. It is the infrastructure of a national capital apparatus serving the federal government and its agencies and providing other important national facilities and institutions.

The ACT has also been a particular beneficiary of the decision decades ago to develop the Snowy Mountain Hydro-electric Authority, which increased Australia's hydro-electric infrastructure and transformed the nature of power supply in this country. The federal government of the day was entirely involved in providing that infrastructure and funded it exclusively. There is no doubt that successive generations of Australians have benefited from that investment.

Similarly, I believe that Australia has reached the juncture where it needs to seriously and properly consider the development of a national rail infrastructure to reflect contemporary needs. The old bone rattlers which still serve many parts of Australia, including the ACT, were adequate for their time but will not be adequate in the future.

This nation needs, and must have, a system of high-speed rail transport. The logical first place for that infrastructure to be laid down is in the corridor between Sydney and Melbourne, Australia's two largest cities, and it makes sense to include the national capital in that infrastructure.

As Mr Hargreaves has mentioned, Australia is a vast country. The airline industry which services it at the moment has undergone significant upheavals in the last year. Its future has to be described fairly as uncertain. That means that other strong alternative infrastructure projects providing for transport of people and goods between major centres of Australia should be available to Australia in due course. I do not think any of us would doubt that this project would have significant benefits economically and perhaps socially for the whole of Australia.

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I do not believe that this project is dependent entirely upon certain arrangements for a second international airport for Sydney. I do not think it is dependent on other major infrastructure being developed around a high-speed train route, although either of those projects may assist it to occur in an economic sense.

But it is certainly dependent on an acknowledgment that relying on increasing air travel or air transport is a short-sighted approach—not merely because, as Mr Hargreaves has mentioned, there is a question mark over the safety of air transport after events of last year but also because it follows that the cost of such transport will still be high, beyond the reach of many Australians and certainly uneconomic from the point of view of some major goods transport and freighting issues which Australia needs to be very careful of, given the great distances between major Australian centres and between Australia and the rest of the world.

The affordability of transport of services and goods is a critical issue for this nation, and it is an issue which can be assisted by the provision of a good transport system, including high-speed rail.

It may be the case that in a few years or decades from now some technology will be available which will be more appropriate than anything available today and that there will be at that point a greater, better, more economic case for high-speed rail deliveries than today. But the point this motion makes is that there is a case today for some form of exploration of high-speed rail. We must be exploring now what that means for this country.

The feasibility study which was announced last year—when the train project was, in a formal sense, postponed or put off by the federal government—needs to stay on the table and needs to be pursued. Funding needs to be provided for it, and acceptance needs to be there on day one that government, particularly federal government, must provide significant support, including significant financial support for this to work. I am pleased this is a project which, if it happens, is going to embrace the private sector. It clearly must. It must also embrace funding from federal governments and indeed other Australian governments.

In supporting this motion, I think it is worth making a few points that are a little bit less bipartisan. It is true that the federal government plays a pivotal role in this project. It is also true that there are other parties that need to be supportive of this for it to happen, and there are other parties that have not been supportive and have contributed to the position today where, at best, the project is on a very slow burner at the very back of the stove.

Those other parties include the New South Wales government and the federal opposition. The New South Wales government was, at best, an extremely lukewarm supporter of the fast train. In my own discussions with Bob Carr, I, as Chief Minister, had a firm indication that the New South Wales government would potentially provide concessions to the project but would not put any direct dollars into the project. There would be no money coming from the New South Wales government for this project.

That lack of support has been a factor in this decision, I have no doubt. If this is ever going to happen, it will need to happen with the forthright and full-bodied support of state and territory governments involved in the corridor between Sydney and Melbourne. Victoria, New South Wales and the ACT will have to be so committed to this project, I would argue, as to be prepared to put money forward on a pro rata basis as the federal government will need to do. Without that support, there will not be sufficient to make this happen.

The New South Wales government has also played a role in this decision. The federal Labor Party opposition has not been conspicuous by its support for this project. Members will recall that in 2000 the federal government reached a key crossroad in considering what to do about this project. At that juncture the federal opposition called for a Senate inquiry into the tendering and technology for the project. The comments made at the time sent extremely alarming signals to the federal government about what they could expect if they were to put their necks out and embrace a national project of this size. I quote from the *Daily Telegraph* of 2 August 2000:

Labor will risk collapsing the \$4 billion Sydney-Canberra fast train proposal by forcing a Senate inquiry into the tendering and technology for the project.

The inquiry will delay a government decision on the project just when the consortium behind it is saying that it must start work soon or not at all.

A prolonged inquiry would also jeopardise the Federal Government's designs for a nation building program to link Brisbane and Melbourne with very fast trains.

There is reference to a motion being moved by Labor's then transport spokesman, Martin Ferguson, and comments also by then opposition leader, Kim Beazley. The article continues:

However, Labor Leader Kim Beazley considers the present proposal—

this was the idea being put forward by the consortium, which was the most recent project—

considers the present proposal to be a "last century" project while priorities for this century were communication through the Internet and the telephone system.

Mr Beazley doesn't accept that the fast train service is an alternative to building a new airport in the Sydney basin, or as an appropriate boost to regional development.

Mr Ferguson is quoted in the *Canberra Times* of 27 March of this year, only very recently, as offering less than fulsome support for the concept of a train. The *Canberra Times* article reads:

Opposition transport spokesman Martin Ferguson said the Government had supported the train to get it through last year's federal election.

He said that the money spent on the feasibility study could have been better spent on transport infrastructure.

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“It is no surprise that the longer route would also not be viable without significant taxpayer help,” Mr Ferguson said.

“I could never understand why he needed to spend \$20 million to work that out.

“The government has blown a fortune on this feasibility study—money that could have been spent on upgrading the mainland interstate freight line or port access works.”

I have said here that the ACT Liberal Party is prepared to support this motion unamended, because we want an unequivocal statement to be on the record in this place that we believe the fast train project is important and that we believe the federal government’s role in continuing to pursue a feasibility study is critical to keeping the project on the national drawing board.

It needs to be recorded in this debate that there is a fairly large degree of hypocrisy by the Labor Party in moving this motion, in that they have overlooked the fact that the at best lukewarm support and at worst damning comments by both the New South Wales Labor government and the federal Labor opposition have contributed to the situation today where this project is in serious jeopardy. If those two parties had been more supportive, it may well be that a better approach and more positive approach would have been taken by the federal government as well.

It is fine in a spirit of bipartisanship to call for support for motions to condemn the federal Liberal government or to express concern about the federal Liberal government’s position, but I do not recall a spirit of bipartisanship in the last few years when similar motions have been moved about positions taken by federal Labor, particularly in the years when the Hawke and Keating governments were in power. In fact, I think the record will show that every motion moved to take to task the federal Labor government was opposed by the then ACT Labor government or opposition, as the case may have been. There was no spirit of bipartisanship on those occasions.

I believe that this nation needs a very fast train. I believe that 50 years from today we will have a very fast train, because it will be inevitable that such a facility will exist in this nation. I believe it will be foresighted of all of us to make sure it happens much sooner than 50 years from now. But we do need to send a signal today, and therefore this motion has our support, to make sure that the federal government does not overlook the need to keep this project on the rails—excuse the pun—and does not overlook the fact that positive public financial support is a critical element in making that happen over the next few generations.

MS DUNDAS (12.18): I wish to add the voice of the Australian Democrats to support for this motion. In this country we continue to rely far too heavily on road and air transport to move people between cities and states. This means we have to continue to spend billions upon billions of dollars to continually maintain and upgrade our roads and control our air traffic, and it maintains our dependence on polluting fossil fuels. A fast rail link would be a price competitive, fast and efficient mass transport option to link Sydney and Canberra.

The federal government, however, continues to promote road transport, without giving equal consideration to rail, which is both cost effective and fuel efficient. A very fast train would provide a means to reduce the congested air traffic in Sydney and would have a positive economic impact on Canberra by making our city more accessible to both business and tourism.

The decision to stop any further investigation into the very fast train link is a short-sighted move by the federal government and will further hinder Australia's developing fast, efficient and energy efficient transport infrastructure for sustainable development in this country.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (12.19): It has been pointed out that there have been significant changes in the dynamics of air travel and possibly the costs of air travel since any real work was done on the VFT proposal. It is therefore highly probable that the whole costing model of the VFT proposal has changed, had it still been alive. That is largely the import of what Mr Hargreaves has suggested. The times, they are a-changin'. As a function of the changing times, it may well be that this particular project has a different bottom line, or potential bottom line, than it had before.

Whether I am disagreeing with Kim Beazley or not, it does offer regional developmental opportunities for Australia. It could not be less cost effective than the Adelaide to Darwin railway line which, for reasons we probably should not delve into, because we do not the time for that, still seems to get Commonwealth support.

I accept Mr Humphries' bipartisan support, which was followed by his totally partisan address. I would just like to make one comment without listing all the usual suspects. I have not heard the New South Wales opposition supporting the VFT, but then you do not hear a lot from the New South Wales opposition, except when there is an occasional leadership change.

Amongst the benefits that might flow would be benefits to the ACT. There is a chronic need for us to diversify our economy away from our heavy dependence upon the public sector and upon the government dollar. Much is said about the change in the ACT, but in other times in this place I have been able to produce figures to show that the change in dependence on the public dollar between now and 12 or 13 years ago has been very little, as measured by the base numbers for gross state final demand

In our economy we need to build beyond our dependence upon both local government to a minor extent and the federal government to a great extent. The train coming into and through Canberra and the development of Canberra as a transport centre would make a considerable contribution to that process. It would allow product at least to pass through this town, and if product does pass through this town then there well may be opportunities to develop manufacturing and fabrication industries that are totally independent of the doings within government and government budgets.

I support the motion, and I think it ought to be communicated to the federal government.

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MRS CROSS (12.24): Mr Speaker, I would like to speak in support of Mr Hargreaves' motion. In 1981 the Institution of Engineers suggested that a network of fast trains connecting Brisbane, Sydney, Canberra, Melbourne and Adelaide would be a worthy bicentennial project. I understand the idea of a very fast train first came from Dr Paul Wild, then head of the CSIRO. He was travelling by rail between Canberra and Sydney, a service which had been recently introduced, when he noted that the journey was slower than the journey between London and Exeter in 1848, a distance of about 50 miles.

Dr Wild and some fellow CSIRO scientists developed the idea for a very fast train linking Sydney, Canberra and Melbourne, and put a formal proposal to the federal Labor government in 1984. Unfortunately, the idea was summarily dismissed by that government as a pipe dream after only a very brief examination.

The idea, however, did not go away and has subsequently been revived in various forms. The latest initiative was for a fast train service travelling between Sydney and Canberra in less than one hour. The project was even considered by an Assembly committee during the years 1995 to 1997. Naturally the key factor was cost and who would pay that cost.

The project had substantial benefits for the Commonwealth, New South Wales and the ACT. A fast train would take pressure off the Sydney airport by making rail more attractive than flying for the hundreds of passengers who each day travel between Sydney and Canberra to do business and/or interact with government. There were jobs on offer with the fast train project—about 15,000 jobs both directly and indirectly during the construction phase of the project and another 2,000 jobs for Canberra once the service was operating.

The project initially had hope. The former Liberal government did its part and made a significant financial contribution towards researching options. Former Chief Minister Mrs Carnell strongly championed the fast train project and was an advocate at every opportunity. Initially, the federal government showed interest too. At one time it appeared likely that the train would be up and running in time for the 2000 Olympics, and then by 2005. Unfortunately, all federal support for the project has now gone. The federal government's final dismissal is short-sighted and shows a stubborn disregard for sensible, ecological values.

As a nation we need to embrace transport technologies that are more environmentally friendly than the cars, trucks and planes we rely on. I am grievously disappointed that the federal government has seen fit to take the easy option on this project but just as disappointed by the New South Wales Labor government for not supporting this project.

I support Mr Hargreaves' motion, and I commend it to the Assembly.

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

Siting suspended from 12.27 to 2.30 pm.

Questions without notice Schools—IT grants

MR HUMPHRIES: Mr Speaker, my question is to the minister for education, Mr Corbell. Yesterday in question time, Minister, you refuted the suggestion that you had misled the Weston Creek Community Council over IT grants for non-government independent schools by saying that in your letter of response to the Blue Gum School you indicated:

... requests would be dealt with on a case-by-case basis. Blue Gum would be welcome, as with any other non-government school, to detail any specific requests they had for IT support, which the government would then consider.

Minister, no doubt you have had a chance in the interval to peruse what you said to the Blue Gum School in that correspondence. Having done so, will you now concede to the Assembly that you said nothing of that sort to the school; that your letter indicates, on any reasonable reading, that there is no money for the Blue Gum School? You have shown a propensity in recent time to dig in and deny whenever inconsistencies in your public statements are brought to light. Do you have the courage today to say clearly and unambiguously to the Assembly, "I got it wrong"?

MR CORBELL: I have no need to do that, Mr Speaker, because the letter from Blue Gum School was written on an assumption which was wrong. The assumption was that there were specific dedicated sums of money available for individual schools. I made it clear to them that that was not the case. There are no individual parcels of money for individual independent non-government schools. The government is open, consistent with its election commitment, to look at individual specific requests for IT support.

MR HUMPHRIES: I ask a supplementary question. The minister made this statement in the house yesterday in respect of the Blue Gum School:

I indicated in my response that there was no specific allocation and that the requests would be dealt with on a case-by-case basis. Blue Gum would be welcome, as with any other non-government school, to detail any specific requests they had for IT support, which the government would then consider.

MR SPEAKER: Order! Mr Humphries, no preamble.

MR HUMPHRIES: Do you agree that this statement is inconsistent with what you have just told the house? How do you reconcile the statement that you were merely indicating that there was no entitlement to the school with the statement you made yesterday that requests would be dealt with on a case-by-case basis? Did you not say to that school, on any reasonable reading of that letter, that there was no money?

MR CORBELL: I made the point that the government's policy position was clear on this issue. There is no dedicated sum of money available to any individual school to use as it sees fit, but there is the capacity for schools to detail specific requests for IT support and those will be considered by the government.

Aboriginal tent embassy

MR HARGREAVES: Is the Chief Minister aware of a reported decision by the ACT branch of the Liberal Party to push for the removal of the Aboriginal tent embassy? Does the government support such a move?

MR STANHOPE: Thank you for the question, Mr Hargreaves. It is a particularly important question. Yes, I am aware of reports that the ACT branch of the Liberal Party believes that the tent embassy in Canberra should be removed, and I am concerned and distressed that that is their view.

The Aboriginal tent embassy is a significant institution for Aboriginal and Torres Strait Islander people. It is the most significant and enduring of the symbols of Aboriginal struggle and disadvantage in Australia. Its significance for indigenous people is that it is a powerful symbol of the struggle they have endured and maintained in their quest for justice and in their continuing quest to highlight the extent to which indigenous people have suffered dispossession and have been and continue to be disadvantaged.

In the context of the Liberal Party's desire to see the tent embassy removed, it is relevant that we acknowledge the circumstances of indigenous people in Australia. Even today, half of all indigenous men in Australia die by the age of 49, and half of all indigenous women die by the age of 59. This compares with an average life expectancy of non-indigenous people of 77 and 82, respectively.

Only 39 per cent of Aboriginal and Torres Strait Islander families live in homes that they own or are purchasing, compared to over 70 per cent of the non-indigenous population. The average weekly income for indigenous people in the ACT is \$306, as against an average weekly income of \$402 for non-indigenous people. This is the last time the ABS reported on these statistics. In the last ABS report, 17 per cent of indigenous people in the ACT were unemployed, whereas 7 per cent of non-indigenous were unemployed.

Mr Cornwell: Mr Speaker, I wish to raise a point of order. I think the question related to the Aboriginal tent embassy. I am not even sure that the question is in order in any event because it is asking about the Liberal Party of Australia rather than that of the ACT.

MR SPEAKER: Thank you, Mr Cornwell. The question was about indigenous people—it was about the tent embassy—and so far the Chief Minister's response has been about indigenous people. I think the question is in order and the answer is in order as well.

MR STANHOPE: Mr Speaker, I am giving background to the importance of the tent embassy for indigenous people and that is very relevant to the question I was asked.

The tent embassy has now been in existence for 30 years. This year it had its thirtieth anniversary. It was established on 26 January 1972 in response to decisions taken at that time by the federal government in relation to the offering of leases on the land of traditional owners. The protests continued intermittently there until 1992. In 1995 the tent embassy was registered on the Register of the National Estate. It is interesting that we are talking about a structure that is registered on the Register of the National Estate, yet the Liberal Party feel no compunction about suggesting that it should be removed.

The tent embassy is a political entity protesting the legitimacy of the authority of the Commonwealth and, indeed, of the settlement of Australia by white people without treaty over 200 years ago. It is undoubted that the physical appearance of the tent embassy and its environs have created debate and some disquiet within sections of the community in recent times. However, those are issues that can be addressed, through consultation, discourse and discussion, by authorities in the ACT—certainly, by an institution as significant as the Liberal Party—rather than by this calling in the bulldozers approach. To simply bulldoze the tent embassy out of existence is the approach of the Liberal Party.

Mr Quinlan: Shame!

MR STANHOPE: It is shameful, for a number of reasons. One of the other reasons—

Mr Smyth: Mr Speaker, I would like to raise a point of order. The Chief Minister is not responsible for the Liberal Party, and it is impossible for him to comment. He was not at the meeting, and he does not know what motion was passed. He should either confine himself to the answer or sit down.

MR SPEAKER: The Chief Minister is responsible for indigenous affairs.

Mr Smyth: That was not the question. It was not about the Labor Party's indigenous policy.

MR STANHOPE: I was asked about comments made by the president of the Liberal Party of the ACT, and I am responding to them. The reported comments of the president of the Liberal Party on behalf of the Liberal Party are simply shameful—remarks that were later supported by other members of the Liberal Party and that echo comments that the Leader of the Opposition himself made on *Stateline*, which we are all aware of, that he has no sympathy or support for the tent embassy and that he wills it out of existence.

Many of us visit the tent embassy, as I do, and see there confronting us a most powerful symbol of the struggle of indigenous people for justice and the recognition of their rights and their place in the Australian community. That is what I see. I see a powerful symbol of the struggle of indigenous people for justice.

The Leader of the Opposition rolls up and, through his glasses, sees a mess—a group of black people having the temerity to put a political position. That is what the Liberal Party see, and their response to that is to seek to brush it out of existence, to swat it away. That is what the Liberal Party sees when it looks at the tent embassy and at the extent of indigenous disadvantage in this nation. That is its commitment to reconciliation. The most disturbing aspect of the approach the Liberal Party has adopted is that they continually come into this place spouting reconciliation, but their commitment to real reconciliation is reflected in their determination to wipe the tent embassy off the face of Canberra. It is truly shameful.

MR HARGREAVES: Mr Speaker, I have a supplementary question. What harm would the removal of the tent embassy cause to the reconciliation process?

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Mrs Dunne: Mr Speaker, I wish to raise a point of order. The supplementary question is both hypothetical and rhetorical: what harm would it do? He has to express an opinion about something that has not happened.

MR STANHOPE: I have touched on the issue, Mr Hargreaves, and I will be very clear. It would do irreparable harm to the reconciliation process—just as the Liberal Party's national leader's refusal to apologise has done irreparable harm to reconciliation.

Mrs Dunne: Mr Speaker, you didn't rule. Why don't you rule?

MR SPEAKER: I think the question was in order.

Gungahlin Drive extension

MRS DUNNE: Mr Speaker, my question to the Minister for Planning relates to the government's policy on Canberra's open space network. Minister, in the Labor Party's campaign launch speech made on 10 October last year the now Chief Minister said:

Labor wants to protect our city's open space. We are proposing that Canberra's unique open space system be fully identified in consultation with the community. Labor will then take steps to ensure that open space land can only be changed for development by a special two-thirds majority of the Legislative Assembly.

Minister, do you stand by the Chief Minister's undertaking of 10 October 2001? Is it not the case that if you proceed with the ill-considered western route of the Gungahlin Drive extension you will be building a four-lane road through an area between the CIT at Bruce and the athletics track designated "ridges, hills and buffers", which are part of Canberra's open space network?

Mr Stanhope: What a ripper! What land did you give away this morning?

Mrs Dunne: Didn't give any land away.

Mr Stanhope: Flogging off open space. What an appalling decision that was.

MR SPEAKER: Order, members! Mr Corbell has the floor.

Mrs Dunne: On a point of order, Mr Speaker.

MR SPEAKER: A point of order already?

Mrs Dunne: I would like to draw your attention to the fact that the Chief Minister has just made a reflection on a vote of the Assembly by saying that the decision made this morning was an appalling decision. I would like you to have him withdraw it.

Mr Quinlan: He said, "What land did you give away?"

Mrs Dunne: No, he said it was an appalling decision and I would like to have that withdrawn.

MR SPEAKER: I didn't hear the remark. How could I hear?

Mr Stanhope: Mr Speaker, if I did reflect on the wisdom of the Assembly I must say it was perhaps instinctive in that respect. But I withdraw.

MR SPEAKER: Thank you, Mr Stanhope. I call Mr Corbell.

MR CORBELL: Mr Speaker, the answer to Mrs Dunne's question is yes.

MRS DUNNE: Mr Speaker, I ask a supplementary question. Minister, will you implement your stated policy to entrench Canberra's open space network before or after you build the Gungahlin Drive extension?

MR CORBELL: It strikes me as very odd that it is the Liberal Party that is criticising this government for—

Mrs Dunne: On a point of order, Mr Speaker: this is a very simple question. The answer we need is "Yes I will do it before" or "No I will do it after".

MR SPEAKER: Order! Mrs Dunne, I cannot put words in ministers' mouths. All I can do is ask them to answer your questions and when you ask I suspect that there is a little bit of hope for the best in them anyway. So Mr Corbell may care to try to answer the question.

MR CORBELL: I will do that as long as I can get more than half a sentence out at a time, Mr Speaker. It strikes me as odd that it is from the Liberal Party that we have criticism about the impact on Bruce and O'Connor ridges—the party that wanted to build the Gungahlin Drive extension right along the base of both of those ridges, fundamentally undermining the nature park integrity of those ridges. For them to stand up in this place—

Mrs Dunne: On a point of order, Mr Speaker: my question relates specifically to an area of ridges, hills and buffers between the Bruce CIT and the athletics track. There has been no question about Bruce and O'Connor ridges. I would like to know whether the planning minister proposes to entrench this now or later.

Mr Stanhope: That's the bit where you wanted the tunnel, is it, Mrs Dunne?

MR SPEAKER: Order, Mr Stanhope! Let me respond. The question I heard was distinctly related to ridges, hills and buffers. I know that Mr Corbell heard the question. I cannot put words in his mouth, neither can you. All we can do is ask him to answer the question and I am sure he is going to do that.

MR CORBELL: The point is, Mr Speaker, that under the Territory Plan all of Bruce and O'Connor ridges is hills, ridges and buffers, and considerable elements of it are also designated land under the National Capital Plan. But they are all regarded as part of the hills, ridges and buffers network that is the setting for the national capital.

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Mr Speaker, it strikes me as odd in that context that a Liberal Party that wanted to build this road on the eastern alignment—a very destructive alignment—along the O'Connor and Bruce ridge area has the temerity to stand up in this place and criticise this government for seeking to develop an alignment which has the least possible impact on those two ridges. They were prepared to build—

Mr Smyth: On a point of order, Mr Speaker: the question is fundamentally whether or not the government will keep its election promise. It is not related to what the Liberals have promised or done. The question to the minister is will he honour his election promise before or after he builds his road. I know that he doesn't want to answer the question, but I would ask that you draw his attention to his leader's election promise. Will he honour it?

MR SPEAKER: Mr Smyth, I am getting sick of saying this but I have spent 12 years in this place at various times asking members on the other side questions and trying to get them to answer the questions the way I wanted them to. It never worked for me but it never stopped me trying. I don't think it will work for you. I repeat: I cannot put the words in ministers' mouths that you wish to have them utter. So Mr Corbell, continue.

MR CORBELL: Thank you, Mr Speaker. So it is the height of hypocrisy for the Liberal Party to then stand up in this place and say, "How dare you build a road on hills, ridges and buffers." Of course part of that road is going to be built over Bruce ridge. Is that a big state secret? I don't think so. I think it is very clear from all of the debate over the past three years that the western or eastern alignments at some point cross the Bruce or O'Connor ridges. The difference is that our alignment has the least possible impact in comparison with the view and the position adopted by the previous Liberal government. So that is the difference.

The government is committed to the establishment of mechanisms to protect urban open space and to have it entrenched in the Territory Plan, and this was also made clear in the policy document. I draw the attention of Liberal Party members to the fact that it said it would be entrenched. How do we propose to entrench it? We propose to entrench it by referendum. When do we propose to do that? We propose to do so at the next election. If you had read the policy you would have known what the answer was.

Chlamydia

MS DUNDAS: My question is to the Chief Minister and Minister for Health. Is the minister aware of the almost tripling of chlamydial infections in the ACT, for young people aged 12 to 24 years, since 1995? Minister, in your term, what initiatives can we expect to help curb the spread of this often hidden and under-reported disease? Or do you, like an unfortunately increasing number of people in Canberra, have safe-sex fatigue?

MR STANHOPE: Yes, I am aware of the incidence of chlamydia, Ms Dundas. In fact, your question might have come from a press release that I issued on the subject a year or so ago as to the alarming increase in chlamydia.

I think this was reported in the last annual report of the department of health. I understand that the two most infectious diseases in Canberra, or the two that had most increased, were chlamydia and measles. There are serious concerns for us in relation to the spread of both of those diseases.

At the same time as the significant increase in chlamydia was reported, there was a report of a threefold increase in the incidence of HIV in the ACT. However, I believe that was something of an aberration. I understand that, since that last reporting period, the incidence of HIV has returned to a level more consistent with the years prior to that.

There are a worrying number of cases of chlamydia in the ACT, of course. In most instances, these go very much to the sexual activities and proclivities of an identifiable group within the community.

We certainly need to do more to address the incidence of chlamydia. That is being addressed through education programs run through community care and the department of health. It is an issue that the department, and the government, is keenly aware of—as was the previous government.

The increase in the rate of chlamydia came to attention whilst Michael Moore was minister. He responded to that quite seriously and significantly. We are maintaining our determination that the spread of sexually transmitted diseases is an issue of seriousness and one that we address. We will do the same in relation to concerns about that perhaps aberrant increase in the level of HIV infection that we suffered over the past year. That matched a very significant increase in HIV, particularly in Victoria, to the point where there were major concerns around Australia that the safe-sex message had been diluted, and that a level of complacency had crept in. We had, in that period, seen that very worrying upsurge in both HIV and the associated increase in the rate of chlamydia.

MS DUNDAS: Given that chlamydia is such a serious disease and that only about 35 per cent of year 10 students know that chlamydia is a sexually transmitted disease, do you agree that it is now time to relook at the ACT's nine-year-old policy of banning condoms in schools?

MR STANHOPE: I must confess this is not something I have bent my mind to, in the past six months or so. In relation to all issues around ensuring appropriate health outcomes and a healthy community, I am prepared to consider any option that would be supported, and would deliver to us significant and appropriate health outcomes. I would have to take advice on that issue and am happy to do that.

Budget consultation document

MS GALLAGHER: My question is directed to the Treasurer, Mr Quinlan. Yesterday, the Leader of the Opposition, Mr Humphries, during his speech on the presentation of the report of the Select Committee on Estimates, complained about the level of detail in the budget consultation document. His words were:

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One is the issue of the very significant changes in the bottom line of the territory over this and future financial years. The reference to technical changes in the document, changes which amount to some \$158 million over the next five years, which are unexplained—completely unexplained in the document.

Treasurer, can you please explain to your predecessor, the former Treasurer, the “technical changes” included in page 10 of the budget consultation document?

Mr Humphries: I rise on a point of order, Mr Speaker. This question was asked yesterday by a member of the opposition and the standing orders provide that a question fully answered cannot be asked again. Does Mr Quinlan want to have a second go at this question because he did not get it right yesterday, or is he admitting that an answer was not provided to the question asked yesterday?

MR SPEAKER: That is a damned-if-I-do damned-if-I-don't point of order.

Mr Humphries: That is what you are paid for, Mr Speaker.

MR SPEAKER: I do not know whether that is a relevant point of order. I am prepared to give Mr Quinlan a go at answering the question.

MR QUINLAN: If Mr Humphries' concern yesterday was representational of the concern of others on the other side of the house, I am sure that an answer could only help clarify the situation. Let me read from the document to which Mr Humphries was referring:

An update of the 2002-03 Budget and forward estimates was released to the public by the previous Government on 2 October 2001, prior to the election. The update provided a list of known and agreed adjustments to the 2001-02 estimated outcome and forward estimates.

Table 1 provides a summary of the movement from original estimates.

Quite clearly, Mr Humphries conveyed to this place yesterday that he was mystified by a line in that table. Maybe we can help him by informing him that these were his own numbers. As I have quoted, the table provides a summary. One would have thought it unnecessary to detail again something which was the province and information of all of the Assembly in October.

Mr Humphries: You didn't know, in other words.

MR QUINLAN: It does seem to me, Mr Humphries, that it was quite clear yesterday—

Mr Stanhope: Did you?

Mr Humphries: I am not the Treasurer any more.

MR QUINLAN: Just as well, by the sound of it. It was quite clear that you did not actually associate these numbers with your own press release in October, your own issued statement. I have to say that there never was such an eloquent commentary on

Mr Humphries' familiarity or, to put it another way, lack of familiarity with ACT finances. For the information of members, particularly members on the other side of the chamber who have the former Treasurer sitting amongst them and complaining about a table that he put together, apparently, so that they may not have had the benefit of the detail associated with it, I table Mr Humphries' press release and the statement that goes with it. If members on the other side of the house want to know what Mr Humphries put forward, they should not ask Mr Humphries. I do not think it is a case of Alzheimer's; I think it is a case of him not understanding it in the first place. I present the following paper:

Forward Estimates 2001-02 to 2004-05—Copy of media release by Gary Humphries MLA, Treasurer, together with attachments, dated 2 October 2001.

MS GALLAGHER: I have a supplementary question. Treasurer, as this technical detail has now been explained, what clues were in the budget consultation document that would have made the information you have just presented plain to Mr Humphries?

MR QUINLAN: I guess the clues would have had to have been read. I have to say that I have probably anticipated your supplementary question somewhat by reading into *Hansard* the material from this document, which clearly said that the update provided a list of known and agreed adjustments of the 2000-01 estimated outcome and forward estimates from the previous government, and table 1 provides a summary thereof—extended by a year, I have to admit. What might have thrown Mr Humphries is that we have actually added a year, we have extended those figures, but I can only repeat what I said a moment ago—never was there such an eloquent commentary on Mr Humphries' familiarity with the economics of the ACT.

MR SPEAKER: Mr Humphries, you raised a point of order about whether the question had been fully answered or had not been answered at all. It has been drawn to my attention that the question yesterday was from Mr Stefaniak, who said:

My question is to the Treasurer. Mr Quinlan, late on the Thursday before Easter, you produced the long-awaited, indeed greatly overdue, 2002-03 budget consultation document ...

I will not take you right through the question, but Mr Quinlan's immediate response was that he would have to take the question on notice; so, to that extent, it was not fully answered and the question today was quite in order and you therefore had no point of order, as I suspected. I also heard Ms Gallagher urging Mr Quinlan to bring these matters to the attention of the Assembly, so your point of order fell short of the mark.

Mr Humphries: There is another point of order that I might take. Isn't there a standing order which says that a question taken on notice, as that question was yesterday, cannot be asked again in this place?

MR SPEAKER: You asked whether there is. I do not think so.

Mr Humphries: You are the Speaker. Can you answer it?

MR SPEAKER: I think the minister was entitled to answer the question. He took it on notice yesterday.

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Mr Quinlan: I am prepared to withdraw the answer, if you like.

MR SPEAKER: I do not think that would serve much purpose, Mr Quinlan. We might as well move on.

Police

MR STEFANIAK: My question is to the police minister. In providing an answer to a question from Mrs Dunne in relation to the ALP's commitment on police numbers on 7 March, Mr Quinlan said:

During question time I took a question from Mrs Dunne in relation to the number of police committed. I understand that before the election the Liberal Party promised an additional 10 policemen. At a later date, about 2 October, the then Treasurer issued some updated estimates figures, which became the basis for debate during the election campaign.

As I understand it, the 20 that Mr Gerritsen was referring to are a marginal 20 over the 10 that you had committed. Therefore, 10 plus 20 equals 30. It ain't rocket science.

Mr Quinlan, we have checked the forward estimates issued by Mr Humphries on 2 October 2001, and there is no mention of 10 extra police. The commitment in the Labor Party policy issued on 12 October 2001 is for 20 extra police, and this is what Professor Gerritsen costed. The incoming government's brief refers to an additional 20 police.

Minister, do you stand by your claims in this place of 7 March 2002 and 12 December 2001 that the ALP's election commitment was to increase police numbers by 30 officers, or do you wish to correct the record and acknowledge that the ALP's election commitment was in fact for an additional 20 officers?

MR QUINLAN: No, I will not stand by those statements, just in case. What you are saying, I think, Mr Stefaniak, is: "You said you were going to provide 10 extra policemen, but you did not cost them." Is that what you are saying? That is what I am hearing. I am hearing: "The Liberal Party promised 10 extra policemen but did not include them in their forward estimates. They did not count them and did not cost them. They were just going to appear." Is that what you are saying?

I will concede I could have made the mistake of believing that if you made a promise of 10 extra policemen you would have included them in the costing of your election promises, your update. We started our estimates with your revised bottom line, a bottom line we have just been discussing. If I have made the terrible mistake of assuming that the Liberal Party promised 10 policemen and meant to deliver them, then I would have to apologise to the house. But that would be the only circumstance I can imagine in which I would be apologising.

MR STEFANIAK: In that case, Mr Quinlan, I ask whether you remember the response you gave in this place on 12 December 2001:

On election day, unless there were others under your rock at the time, most people knew exactly how many police we intended to increase the force by, which was 30 over three years.

MR QUINLAN: The answer to that question is the same, because it is the same question. I thought I had been through the numbers. I will have the numbers checked again for you. I commit to that. I will examine what you promised and what you committed in police numbers, and if you promised 10 policemen that you did not cost anywhere then we will come back and advise you that you did not cost 10 policemen you promised.

MR SPEAKER: Mr Humphries, you raised a point of order in relation to questions on notice and asked for my ruling. I draw your attention to general rules for questions under standing order 117, in particular paragraph (h).

Statesman Hotel—redevelopment

MR CORNWELL: My question is to the Minister for Planning, Mr Corbell. Minister, in the *Canberra Times* article about former Labor candidate Peter Conway's proposal to redevelop the Statesman Hotel into a seven-storey development, Mr Conway was quoted as saying:

Curtin is an older suburb in need of rejuvenation. There's an aging population demographic in Curtin.

At a public meeting, Mr Conway went on to say:

Curtin will change. I expect older people will sell and move out.

Minister, do you agree with your Labor colleague Mr Conway that it would be appropriate for older residents of Curtin to sell up and move out?

MR CORBELL: I am not responsible for the comments of Mr Conway.

Chinese Embassy—Falun Gong protest

MS TUCKER: My question is to the Chief Minister and relates to the right to protest. Mr Stanhope, I notice you have been critical of Foreign Minister Alexander Downer's decision to issue certificates under the Diplomatic Privileges and Immunities Regulations which proscribe the use of banners and musical instruments by Falun Gong members outside the Chinese Embassy. Could you advise the Assembly whether you have written to the Foreign Minister putting your concerns? If so, have you received any response to that correspondence?

MR STANHOPE: Thank you, Ms Tucker, for the question. Yes, I have been critical of the decision the federal government took to effectively seek to end the demonstrations the Falun Gong had for some time maintained outside the Chinese Embassy. I should make it clear that at no stage has the ACT government supported or sought any action against the Falun Gong. It has always been my view and it has always been the view of the government—and all the advice I had in relation to that demonstration is—that the

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demonstration has always been peaceful; that it has always been conducted within the bounds of the law.

On the advice I had, there was no basis, within the laws of the ACT, on which we as a government, or the ACT police, would have had any concerns about the nature of the protest being maintained by the Falun Gong. The advice I had is that it could not at any stage be said that the protestors were trespassing on private property. It has never been suggested to the government that they were obstructing any public roads or thoroughfares. It has never been suggested that they were impeding any private rights of access.

As far as we are aware, there have never been any threats of violence or property damage. The protestors have not attempted to blockade or otherwise interfere with access to, or egress from, the embassy.

The attitude of this government is and continues to be that as long as such demonstrations and protests are peaceful and non-violent and conducted in accordance with the law there is no scope for the application of police move-on powers.

I have been advised that the action that was taken by the Australian Federal Police to remove the protest banners and audio equipment from outside the Chinese Embassy was authorised by a certificate issued by the Foreign Minister, Mr Downer, under the Commonwealth Diplomatic Privileges and Immunities Regulations 1989. As I understand it, the protestors, the Falun Gong, complied with that certificate.

I think we need to acknowledge that the Australian Federal Police, in their actions in relation to this matter, have always acted thoroughly professionally, as they do, and that they at all times sought negotiated outcomes. I commend the Australian Federal Police for their actions in relation to the position they found themselves in. I think they have acted commendably in difficult circumstances. As far as I can tell, the Australian Federal Police, acting as the ACT police, at no stage over the last year, felt any need to interfere with that demonstration. That goes to the heart of this matter.

The Australian Federal Police, our police force, at no stage felt that the Falun Gong protest in any way represented or constituted a breach of the laws or represented a danger to anybody. Yet it was the Australian Federal Police that responded to a certificate issued by the Commonwealth.

To come to the conclusion of an answer on this, Ms Tucker, I have written to the Foreign Minister, Mr Downer. I wrote only a short while ago. My letter simply sought from him the facts. I asked only for him to confirm the reports I had read in the *Canberra Times* that he had utilised the Diplomatic Privileges and Immunities Regulations, and I asked him to explain to me why he did that.

MS TUCKER: I would ask you to take stronger action on this. As you may be aware, the certificate will expire on 15 April, and Alexander Downer may well choose to sign a new certificate. I am asking whether you would write to Alexander Downer on behalf of your government and this Assembly, request that he not reissue such a certificate and express concern that the first certificate was issued.

MR STANHOPE: Certainly I think the Commonwealth government can be in absolutely no doubt about my attitude or the attitude of this government to the actions it took in relation to the Falun Gong. I have been quite explicit about that. As far as I am concerned, there was absolutely no basis to justify the thwarting of peaceful, lawful protest.

The capacity of the Commonwealth to act did require the issuing of a certificate in order to provide the Australian Federal Police with a capacity to take the action they took. It is in that context that I have written and asked the Foreign Minister to explain to me why his government, the federal Liberal government, felt it necessary to interfere with this demonstration in the way they have. I would like a full explanation of the basis on which the federal government came to a decision that the holding of banners which, as far as I can tell, asked the world in general to act with peace and compassion is in some ways a threat to the dignity of the Chinese Embassy and, even if it were, why that is not a legitimate protest. That is the sort of answer I am hoping to receive from the Foreign Minister.

My inclination, Ms Tucker, is to await a response from the Foreign Minister. Having a response from him to the letter I have already sent, I will assess what further action it would be appropriate for me to take. But I am aware of your very strong interest in, and commitment to, the Falun Gong and the right to peaceful, lawful protest.

Remandees—mental health condition

MR SMYTH: Mr Speaker, my question is to Mr Quinlan in his capacity as minister for corrections. I will keep talking about corrections until the minister gets back to his seat because I think this is an issue that both sides of the chamber believe is very important. My question to the minister is: can you inform the Assembly of what percentage of Belconnen Remand Centre remandees over the past year have been identified as having some form of mental health condition? How many of them received treatment for this condition while they were in the BRC?

MR QUINLAN: Mr Speaker, I will take that on notice. I do not have those figures right now.

Review of ACT school funding

MR PRATT: My question is to Mr Corbell, the minister for education. Minister, on 20 March, you announced that you had commissioned an education inquiry to review ACT school funding. Can you assure the ACT community that no ACT school, whether private or public, will be worse off as a result of this review?

MR CORBELL: Mr Speaker, there is no intention to see a situation where schools receive less than they currently receive. In that context, I think the answer to Mr Pratt's question is yes.

What is important, though, about this inquiry—it was an interesting question from Mr Pratt—is that it is the first time he has asked a substantive question about the inquiry. It has taken nearly a month for the shadow minister for education to stand up and ask

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a substantive question about the inquiry, rather than seek to attack the legitimacy of the inquiry head.

This is a very important inquiry. The inquiry is the first in self-government to seriously review the entire basis on which funding is provided to schools in the ACT, both public and private. The intention is to ensure that funding arrangements are based on need and equity—that they are based on addressing the greatest areas of need and disadvantage in the system, as well as maintaining the excellence of our schools overall.

These are very important goals. In the context of Mr Pratt's question, this is not a case of taking existing money away from schools. That is simply not on the agenda.

MR PRATT: A similar review in Victoria, conducted by the same person that you have appointed to this inquiry, cost taxpayers \$100,000. That created a hell of an outcry. Can you explain why this review will cost the taxpayers of the ACT \$250,000, while the Victorian review cost only \$100,000?

MR CORBELL: I do not know whether that is a supplementary question, Mr Speaker. I think it is close to a new question. Nevertheless, I am happy to answer the question.

I cannot speak for the detail of the Victorian review or the issues behind it—I am simply not familiar with it. However, this government is committed to a thorough and wide-ranging investigation.

This is the first time I have heard an opposition complain that we are resourcing too much on an investigation. The usual complaint is that we are not serious about it and are not resourcing it enough. However, in this instance it is apparently too much. I think the amount of money demonstrates the government's seriousness about a wide-ranging and extensive investigation.

We have provided the remainder of the year for the inquiry head, Ms Lyndsay Connors, to undertake her investigations. Part of the cost is for the appointment and employment of Ms Connors. Part of it is for the administrative support relating to her functions as an inquiry head.

Another very important part is that we have given Ms Connors discretion to commission research, where she believes it is appropriate, to investigate matters of concern that come up in the course of the inquiry. We have negotiated an arrangement with the Australian Centre for Educational Research. They will be available to provide Ms Connors with the research capacity she needs on matters which she believes are appropriate to help her inform the inquiry.

That is a very significant commitment. This sort of research is highly specialised. We want to get this inquiry right. We are serious in its investment, because it is, ultimately, an investment in the future of education in the ACT.

Lake pollution

MS MacDONALD: My question is to the Minister for Urban Services, Mr Wood. There have been several instances of lake pollution this year. Of which instances is the minister aware, what has caused them and what is the department doing to minimise such occurrences?

MR WOOD: Mr Speaker, this is a question I could have faced seven or eight years ago when I was minister for the environment, because the same sorts of problems emerged in those times. This year there have been high levels of faecal coliforms in the lake for some time. A similar problem occurred about the same time last year and has occurred at various other times over the years.

Warnings from the National Capital Authority effectively closed the lake to all recreational and commercial activities for most of the last three weeks. The latest water-quality samples for Lake Burley Griffin have shown an improvement in bacterial levels. The National Capital Authority now advises that West Lake, West Basin and Central Basin are considered safe for boating. Restrictions were lifted yesterday on Taroola Reach and Yarramundi Reach. East Basin is the only area still considered to be off limits to boating, but the contamination levels in that part of the lake appear to be declining.

The National Capital Authority says people are still advised against swimming, if they are so inclined at this time of the year, in any sections of the lake. As yet, there has been no confirmation of the cause of the high faecal coliform levels. As pollution of Lake Burley Griffin comes under the responsibility of the NCA, we have been working in coordination with them to address this problem.

The pollution of Lake Burley Griffin is being investigated by a joint working group consisting of the National Capital Authority, Canberra Urban Parks and Places, Environment ACT, Environmental Health, and the Cooperative Research Centre for Freshwater Ecology. A research program to determine the cause of the contamination has been agreed upon by that joint group and will commence shortly.

With respect to the faecal bacteria and other bacteria and health issues, it is the case that current monitoring and subsequent warnings are based on nationally-accepted guidelines. The monitoring is intended to provide an indicator of faecal contamination, but it does not differentiate between faecal sources of bacteria and other sources, such as the decay of vegetation.

The non-faecal sources of bacteria rarely pose a significant health risk. However, as there is uncertainty about the origin of the most recent bacterial outbreak, health authorities are, quite rightly, concerned to ensure that the public is not put at risk. The working group has been working in consultation with the National Health and Medical Research Council and Health and Community Care to develop appropriate health risk assessment and management protocols which it is hoped will reduce the frequency and extent of closures in future years.

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I have acknowledged the calls of Ms Tucker and the Master Plumbers Association for an investigation into the possibility of large numbers of illegal connections from stormwater to sewer resulting in the pollution. I have been advised that this matter has been previously investigated and will continue to be so, but previous testing has shown that there is no evidence to support this contention.

A 1996 report on smoke testing undertaken by Actew shows that sewer defects were detected in 4 per cent of the properties tested. Of those, only one per cent—still too much—were illegal connections. Such a small number would not be expected to have a significant impact on sewage flows. This evidence is supported by sewer flow measurements in February of this year.

Assuming that the problem is just sewer related, putting fixes such as PipeCheck in place, as suggested, could be expensive, but with little impact. It would be more likely that the contamination was caused by a number of problems and that fixing the problems required an integrated solution.

Public service—job cuts

MRS CROSS: My question is to Mr Quinlan, as the Treasurer. During the last election campaign the present government promised that there would be no cuts to public service positions. However, the *Canberra Times* of 21 March this year reported you as saying:

I hope there will be no job cuts.

Can the Treasurer assure ACT government public servants that there will be no cuts to the public service, and can he assure the community that there will be no cuts to public service positions providing important services to the public?

MR QUINLAN: To answer the second question first: the answer is no. To answer the first part of it: certainly this government will work to ensure that there are no enforced redundancies. But I have to tell you that the position we find ourselves in when we take a closer look at the finances of the ACT does leave us in a position where this budget process is going to be quite difficult.

Let me just take it from the top. A year or so ago, when the government brought down its budget, it brought down a capital budget which was twice the size of the normal annual budget. It doesn't take much to work out that the territory's finances can't digest that sort of level of increase in expenditure. That, of course, was reflected if you looked at the cash line in the budget. The unencumbered cash of the territory was running down at an alarming rate. We are still facing, in large part, that situation.

In addition, we have such things as a Williamsdale quarry, which is going to cost millions to back out of. We find coming through losses from CTEC going back the best part of two years—the best part of \$2½ million. I did actually read my little check list of the Humphries legacy into *Hansard* yesterday. I don't think I have got it with me. Yes, I just happened to find it here.

What we find, for example, is that the remand centre, which Mr Smyth just inquired about, was left to us in a position where something must be done, and must be done immediately. It was chronic.

We find, as a result of the Gallop report, that disability services are in disarray. We find that the government has signed an MOU with the university for a medical school. No budget for that! We find that there was a jail announced by the government—\$110 million. No funds for that!

Let me assure you, Mrs Cross, that the government will be working its best to ensure that there are no job losses, as you call it, as we have said. I don't know whether I said it in terms of that quote or somewhere else where I was interviewed in relation to the same question, but I did say that, in large part, administrations handle information, and information-handling has been modernised at a great rate over the last few decades. That has meant a whole change in demographics of employment in bureaucracies.

It doesn't matter how many times I say it, I suppose—it is just the same words from a new Treasurer—but the situation we find is not a pretty sight. We are now faced with a very, very tough job, and we are working through that very, very tough job. I, as Treasurer, have a responsibility to make sure that the territory is heading in the right direction. Quite clearly, some of the lines in this report indicate that in the outyears, particularly in terms of the cash capacity of this territory, the legacy we received is not a great legacy. Best endeavours, I guess, is my answer to that.

Corporations law

MR HUMPHRIES: Mr Speaker, my question is to the Attorney-General in his capacity as minister responsible for corporations. In an answer in question time yesterday you said that the former government had been less than vigorous in respect to pursuing the issue of the ACT's lack of power over corporations.

Is the Chief Minister aware of his incoming government brief which says, in part:

The ACT has also suggested that the Commonwealth dispense with this unnecessary provision—

that is, the one dealing with the inability of the ACT to legislate in respect of corporations—

and agree to delete paragraph 23 (1) (h) from the Australian Capital Territory (Self-Government) Act 1988. Chief Minister Humphries raised this matter with Prime Minister Howard in mid 2001. The Prime Minister asked the Commonwealth Minister for Financial Services and Regulation to provide advice to the Prime Minister. No response has yet been received.

The rest of the brief, Mr Speaker, is blacked out; so we don't know what else he goes on to say about that.

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Chief Minister, do you agree that this would indicate that, in fact, there has been action on the part of the former government to pursue the very issue you said yesterday had not been attended to?

MR STANHOPE: No, I wasn't aware of the brief, Mr Speaker.

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

Stem cell research

Discussion of matter of public importance

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

The potential for stem cell research to benefit society.

MRS CROSS (3.35): Mr Speaker, I will speak only briefly in this debate, in order to allow as much time as possible for other members to contribute. I trust that this is but the first of a number of debates on the merits of stem cell research. As a passionate supporter of stem cell research, I look forward to these opportunities. I believe that the eventual application of stem cell research will prove to be a breakthrough for humanity, akin to the discovery of electricity.

The great good that stem cells have for society is yet to be fully recognised, even by those at the forefront of science. Stem cells can be made available from a number of sources, both from adults and in embryonic form. Science is increasingly showing that adult stem cells are less suitable for treating disease and impairment than was first thought. They lack the plasticity of embryonic stem cells—that is, the ability to become any type of tissue.

Embryonic stem cell research is, of course, not without its detractors. Those detractors, in the main, come from two sources—the ignorant and/or uninformed, and the church. Firstly, for the uninformed, here are some facts: IVF treatment for infertility is now commonplace and non-controversial in Australia. For each IVF pregnancy, a number of embryos must be created. Other than the two or three that are implanted, the rest are surplus to requirements, and are either stored or disposed of. There are currently some 70,000 spare embryos in frozen storage in Australia. If not used for stem cell research, they will eventually be thrown away.

Mr Speaker, embryonic stem cell research is not abortion, and it is not cloning. It involves taking a small amount of material from a minute group of cells that, grouped together, are about 100th of a pinhead in size. However minute, these stem cells contain medical hope for humanity.

Imagine a world where kidney dialysis was no longer needed, or where diabetes did not exist, the blind could see again, and those disabled, or otherwise hindered by impairment, were restored to full health and ability. That world is now close at hand.

Humanity once lived without antibiotics, heart transplants, or the ability to do even the most basic surgery where the patient had any hope of survival, let alone cure. Let us not forget that the world's best medical experts once bled their patients in order to bring about healing.

Science moves on. As legislators, we must embrace that fact and move on with it. Despite the progress that has been made over the centuries by medical science, as human beings, we are still very ignorant about our biology. Hopefully, future generations will look back at this time in human history and wonder aloud at our reluctance to take this important step, a step that will perhaps make the replacement of failing body parts as routine as going to the dentist is to us now.

Let us take a brief look at religious opposition. I read a comment this week on embryonic stem cell research which offered the opinion that subtle shadings of theology development in the 19th century should not censor, filter or slow down what happens in medical research.

I believe this opinion to be most reasonable. Religious leaders are divided on the merits of stem cell research, and disagree with each other. There is also disagreement and confusion among church groups, and between the views of congregation members, as to the official view. As an example, I wish to draw members' attention to a survey of Catholics that was published in the *Canberra Times* on 30 March—less than two weeks ago.

The company, International Social Science Survey, has progressively surveyed Australian opinions on stem cell research since 1993. Their most recent nation-wide survey, taken at the end of last year, considered the fairly straightforward question: Would you approve or disapprove of cells from a fetus being used for medical research, testing new ways to treat cancer, Parkinson's or other serious diseases?

Mr Speaker, only 20 per cent of Catholics disapproved. That is just slightly more than the disapproval figure for all Australians, which came in at 13 per cent. Even devout, regular churchgoing Catholics were divided in their response, with only 33 per cent showing disapproval for using foetal tissue.

Suppose religious fury is a myth and does not exist. Objections based on this premise are simply dead in the water. For too long, politicians have been spooked by wild claims of widespread opposition to this research. They have been quelled into silence, afraid of wading into the tangle of complex issues that accompany new technologies.

The events of the past few weeks, I believe, show the majority of Australians to be well informed, reasonable and ready to embrace this new research and its potential to benefit society. The decision by the Prime Minister last week to provide a way forward for embryonic stem cell research in Australia took great courage. It was a step in the right direction, but only the first step. This is phase one of a series of measures necessary to assist medical science to devise cures for devastating diseases. This is for the benefit of all mankind—for the greater good of future generations.

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I know what it is like to be incapacitated for an extended period—for four years, in fact. I can, therefore, appreciate the despair with which some people have to live their everyday lives—despair that could probably be lifted by this new technology.

MR SPEAKER: We can come back to that, Mrs Cross.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.43): I commend Mrs Cross for advancing this as a matter of public importance. This certainly is a matter of significant public importance. I think it is appropriate that the Assembly be informed on this, and debate the issue.

As Mrs Cross has said, this was a significant issue for discussion and decision at last week's COAG meeting. To give some brief background on the issue of stem cell research, I will give some background to that meeting and those discussions.

The isolation and culturing of stem cells has raised considerable debate in the community. In June 2001, COAG committed to achieving nationally consistent provisions in legislation to prohibit human cloning by June 2002. COAG also agreed that jurisdictions would work towards nationally consistent approaches to regulate assisted reproductive technology and related human technologies.

As Mrs Cross has said, on Friday, 5 April 2002, COAG agreed that excess IVF embryos, that would otherwise be destroyed, be allowed to be used for research, provided they were not cultured after 5 April 2002, that donor consent was given, and that the research was controlled by a strict regulatory regime, backed by ethical oversight.

Mr Speaker, a stem cell is a specialised kind of cell that has a unique capacity to renew itself and give rise to specialised cell types. Although most cells of the body, such as heart cells or skin cells, are committed to conduct a specific function, a stem cell is uncommitted, and remains uncommitted, until it receives a signal to develop into a specialised cell.

Their proliferative capacity, combined with the ability to become specialised, makes stem cells unique. Researchers have, for years, looked for ways to use stem cells to replace cells and tissues that are damaged or diseased—and, recently, stem cells have received much attention. There are two types of stem cells—adult and embryonic. Adult stem cells are cultured from various tissues and have specific applications. Embryonic stem cells are cultured from embryos with no more than 200 cells and no more than 14 days old—usually at the six to eight days-old stage.

An adult stem cell is an undifferentiated cell that is found in specialised tissue in the adult, such as blood. It can yield the specialised cell types of the tissue from which it originated. In the body, it can renew itself. There are several types of adult stem cells. I will not go into great detail on the characteristics of adult stem cells, other than to differentiate them from embryonic stem cells.

There are approximately 60 existing stem cell lines originating from human embryos. Of these, up to 25 are perhaps suitable for the research we are discussing. Six to eight lines are imported into Australia, which comply with internationally recognised criteria.

To go to the heart of the debate that we have had around the utilisation of embryonic stem cells, and issues touched on by Mrs Cross, it is necessary to have regard for some of the possibilities—at this stage these are only possibilities—of research in relation to stem cells.

There is a view within the scientific community, among those who are concerned with research into a range of human diseases, that there are very significant potential benefits to be achieved from the utilisation of that research, and indeed from the use of stem cells.

It is thought by some people that stem cells have the potential to cure or alleviate suffering caused by injury, disease or trauma, to a wide range of tissues or organs of the body. One of the notable, and most frequently quoted, conditions is Alzheimer's disease, which is a degenerative disease of the nervous system. All members would be aware of the devastation of that disease.

As our life expectancies increase, so do our chances of being afflicted with age-related diseases such as this. There is a whole range of other diseases or conditions in relation to which it is felt that there is potentially significant benefit from research utilising stem cells—both adult and embryonic. Frequently referred to is the possibility of a cure, through the application of stem cell research, for juvenile onset diabetes, which is caused by the destruction of insulin-producing cells in the pancreas. The treatment currently available is insulin injections after every meal—up to four times a day—and strict diet control. Sufferers have shortened life expectancies. I understand that, in Australia today, there are approximately 40,000 children with juvenile onset diabetes. So we understand the significant potential of some of that research.

Other conditions that can potentially be treated include spinal cord injury, Parkinson's disease, recovery from stroke, heart failure, cancer, and possibly cystic fibrosis. Some believe that this fundamental research has the potential to be applied to the growth of disease-free whole organs such as hearts and livers. Future uses of human stem cell lines might include the exploration of the effects of chromosomal abnormalities in early development. This might include the ability to monitor the development of early childhood tumours, many of which are embryonic in origin.

In conclusion, Mr Speaker, two important points about embryonic and adult stem cells have emerged. The cells are different, and present immense research opportunities for potential therapy. As research goes forward, scientists will, undoubtedly, find other similarities and differences between adult and embryonic stem cells. Of course, it is early days yet. We are really just at the cusp. This research is experimental. It is early days, and we do not know.

During the next few years, it will be important to compare embryonic stem cells and adult stem cells in relation to their ability to proliferate, differentiate, survive and function after transplant—and avoid immune rejection. Investigators have shown that differentiated cells generated from both adult and embryonic stem cells can repair or

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replace damaged cells and tissues in animal studies. To cut off research in this field is to cut off hope for a better, healthier society.

In saying all that, and in indicating my support for embryonic stem cell research for all the reasons stated, I am, of course, as each of us is, acutely aware of the difficult ethical and moral issues and dilemmas raised in this discussion, in relation to many of the reproductive technologies, and certainly in relation to experimentation on embryos.

The position put by all those who support embryonic stem cell research acknowledges that the embryos that would be utilised for this research have been created for another purpose—namely, IVF—but are excess to the requirements of the particular IVF intervention or application, and would, in any event, be destroyed.

In relation to a discussion of this issue, it is important to be aware of the basis and circumstances surrounding the proposals. The proposal is that the embryos were created by a couple for the purposes of IVF but, for whatever reason—that the IVF has proceeded or that it is not to proceed—the embryos are surplus to requirements, and, as surplus embryos, they are fated to be destroyed.

The position put is that, if they are going to be destroyed in any event, and there is a particularly valid and potentially extremely significant outcome from the possibility of research, that opportunity should be grasped; however, it needs to be grasped in an acknowledgment of the tough ethical and moral position, decisions, or circumstances. I think due regard has been given to that in the proposals COAG is now supporting.

Additional riders were put on the position put to COAG by its officers, through an incredibly detailed paper. They set out, in fine detail, the circumstances that would pertain to the particular research. They were: that the research would be subject to stringent ethical guidelines; that every research institution would be accredited; that it would be monitored by the National Health and Medical Research Council, and that it would be monitored by the prime and principal ethics organisations in Australia. All of those stringent requirements were to be made.

I have supported the prospect of this research progressing. I think it is important to note that every Australian jurisdiction was represented at COAG. They all acknowledged that, in each of the parliaments in which legislation would be brought, the proposal was that the Commonwealth pass legislation in relation to stem cell research on embryos. It is legislation that will be mirrored in each of the states and territories. It has been acknowledged that, in every jurisdiction, a conscience vote, certainly on behalf of the Labor Party, will prevail. My understanding is that that will also be the situation in relation to the Liberal Party.

In accordance with the arrangements made at COAG, legislation will be prepared, and put to parliaments, to permit the utilisation of embryonic stem cells under the most rigorous guidelines.

MRS CROSS (3.53): I would like to thank the Chief Minister for his compassion and understanding. I thank you, Mr Speaker. I apologise to the chamber for not finishing this earlier.

As I was saying, I appreciate the despair with which some people have to live their everyday lives—despair that could probably be lifted by this new technology. I believe that those who oppose this new research, because they are confused about a six-day-old cluster of cells in a petri dish, commit a greater moral sin by sentencing those who are in dire need of a cure to lives without hope.

MS DUNDAS (3.54): I thank Mrs Cross for bringing this important discussion to the floor, and I note that her commitment in this area is outstanding.

Science is advancing at such a rate that our ethics—or perhaps, more specifically, our legislation—are finding it very difficult to keep up. The lags between scientific developments and their regulation must be addressed in the parliaments, and not in the pulpits of the churches.

Stem cell research, genetic modification and gene technology are concepts that were unheard of only a few years ago, yet the implications of each milestone are both exciting and terrifying.

The Democrats are strongly opposed to human reproductive cloning. They have long advocated the need for federal legislation which ensures this practice cannot occur in Australia. The recent COAG communique signals that this measure will be taken, later this year. This is something the Australian Democrats have been calling for since 1998—believing that human reproductive cloning to produce human fetuses is both unethical and unsafe.

A historic decision was made last Friday, when government leaders agreed that research would initially be limited to 60,000 frozen embryos, left over from IVF programs. It is the first step, with a three-year ban on the use of new embryos—rather than the permanent ban proposed initially by the Tory Prime Minister, John Howard. This gives Australia a more liberal research regime than that adopted last year in the United States, but more restrictive than that in Britain.

Of some concern is that therapeutic cloning is still banned in Australia, under the new agreement. I hope this decision is debated publicly to move towards a more amenable position.

Therapeutic cloning, using human embryo stem cells, has been mooted as providing potential cures for a wide range of human conditions, such as diabetes, stroke, cancer and neuro-degenerative disorders, such as Parkinson's and Alzheimer's diseases.

Australia is well placed to benefit from leading world expertise in embryonic stem cell research, but the attendant ethical questions need careful deliberation. Australia boasts some of the world's leading stem cell researchers. However, the current ban on therapeutic cloning may prompt some of our best scientists to move abroad. Already the chief executive of Stem Cell Sciences, Dr Peter Mountford, said the ban on therapeutic cloning may force his company to move its research to Britain.

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Herein lies the problem. The COAG decision is one brokered between church and state leaders. Church leaders were urging a total ban on embryonic stem cell experiments, but the premiers and chief ministers want a more liberal regime to encourage investment in research and advances in medical science.

I am not alone in believing that some conservative church leaders wield too much power in scientific and medical policy debates. Let us not kid ourselves that there is a separation between church and state. There never has been, in Australia. The church influences many scientific, medical and industrial relations policies. This is just the latest example. Mrs Cross mentioned in her speech that IVF has become commonplace in Australia. One of the leading debates on which the church has taken a strong stand is that IVF is not commonplace for single mothers or lesbians.

What will be next for stem cell research and public policy debate? The next three years will be critical. Further debate on therapeutic cloning is needed. The obvious question raised about the COAG agreement is: what happens after the three-year prohibition on new embryos? The community debate that we must have has to include questions such as: should embryos be created or destroyed for the express purpose of the production of medical therapies? Who holds the rights to the information in human embryonic stem cell lines, or the proceeds of any technologies that may arise from the lines? Should pharmaceutical companies profit from products of human embryos?

I support Australian genetic research, and believe there is a lot to be gained from looking at human bodies at the cellular level. However, human bodies exist in a social, cultural and public context, and it is in these contexts that we must debate the issue of cloning. Specialist scientific and ethical knowledge should be discussed in the same public debate—not separately.

The existing and future application of genetics requires a legislative framework that protects people and their rights. Without this certainty, I believe our communities will continue to be reluctant to adopt the great potential that genetic technology offers. Only that way will the community have knowledge about, and confidence in, the potential for stem cell research to benefit society.

MS GALLAGHER (3.59): I am grateful for the opportunity to speak on this very important subject. I, too, thank Mrs Cross for bringing this to the Assembly as a matter of public importance.

The starting point must be to highlight the benefits this research could provide to humanity. We must recognise the potential benefits and support the principle in the matter, as the federal-state agreement at COAG has done.

Degenerative diseases affect people across classes and global divides. The potential for stem cell research to affect the wellbeing and standard of living of millions of people who suffer from incurable diseases such as Alzheimer's, Parkinson's and diabetes, is publicly documented. The effects on people with spinal cord injuries, heart defects and other illnesses are potentially fantastic.

Hopefully, this research will give us improved understanding of human development, including the nutritional and hormonal determinants on making unspecialised cells into specific tissue types.

Abnormal cell development in embryos can lead to cancer, and birth defects. This research could potentially correct these conditions. Stem cell research can lead to medical science moving away from treatments that manage conditions—to the cellular renewal of tissues which are damaged. These therapeutic benefits can affect treatment for afflictions as diverse and damaging as skin burns, cancer, cystic fibrosis and HIV.

There is also the future potential of using this research to improve the acceptance of certain types of cells in transplant surgery. This would limit the use of immuno-suppressant drugs. That has benefits for all of us. The point, however, is not to simply establish that this research could be beneficial, it is to affirm the value of the scientific endeavour which has led us to this point.

The decision of COAG to provide uniform legislation across all jurisdictions is a huge advance. This will enable science to demonstrate this potential, and undertake research for the common good, without undue interference. I have no problem endorsing this research.

I believe that research in this field will deliver results, and I believe the research will be judged on that basis. This may occur in my lifetime, and it may not. The point is that it is inappropriate for the moral imperative to dictate the course of important scientific work, and curtail its possible benefits in this field.

I had a bit more to say. Everyone else has said it, so I do not think I need to say it again. I am just going to rush through, and go to the end.

Mr Cornwell: You are very welcome in this chamber, thank you.

MS GALLAGHER: It is rare, but I think it is about time!

Mr Speaker, the work of the Labor leaders, including our own Chief Minister, deserve commendation for achieving a consistent, uniform, thorough, and ethical national approach to stem cell research. Future generations will be thankful that members of all parliaments across Australia have united to provide a clear framework and guidelines for research using stem cells.

Hopefully, when this research gives us greater insight into and understanding of human life, and improves the quality of life for sufferers of diseases and other afflictions, those who have opposed these moves will recognise that their fears were unfounded. I commend the member, Mrs Cross, for raising this issue.

MR SPEAKER: Thank you, Ms Gallagher. Ms Gallagher has just set a new standard, where she is not going to use debating time on matters that have already been talked about by other members.

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MS TUCKER (4.03): This is indeed a matter of public importance, and I thank Mrs Cross for raising it. I have listened to the comments made by the members who have spoken, and I think they are all important comments.

The Greens are still resolving their detailed position on this issue. Obviously, we are supportive of looking at ways to deal with illnesses that people suffer. We are, of course, interested in the discussion that occurs around technology—but I cannot agree with people who say the church does not have a role.

I think civil society—this society as a whole—must have a role in these discussions. Perhaps I have misrepresented that. I thought people were saying they did not think the church should be getting into it. I do not think that is correct, but I think the church, and all groups in society, should engage fully in these discussions.

We had a debate on surrogacy in this place which, in some ways, was very difficult. Technology had become available for a particular process; the human dynamics of the whole thing then came up, and we had to deal with it as a parliament. That was really difficult, because there were four or more human beings sitting in the gallery who had used that technology, who had a personal case to put. We were here as legislators trying to deal with some very complex questions and issues.

Some of the issues which came up are also relevant to this issue. The issues were about the position society takes on the embryos that are not implanted—the very invasive nature of the whole process, women's role in that; what we, as a society, think is a limit to what women can be subjected to, in having this invasive process occur in their bodies—how to regulate that; and how to be sure that, in removing eggs from their bodies, exploitation of women does not occur.

At the moment, yes—I understand people are saying it is only okay if they are already there, and they are in a test tube somewhere. I understand all that, but I think we need to think ahead and have a far-reaching discussion about it. We are going to have to, one way or another, because the pressure will continue.

There are other questions we need to think clearly about. Who owns what is found? Who owns this research? What will be the access to benefits of this research? Everything is going to private medical research, and access to the results of that research is not provided equitably. It is a user-pays system, in many ways. So there are issues about ownership.

For example, this has come out of IVF, which is a state-funded process. Then you have the private sector, which could do pretty well out of it. So there are questions about ownership of the technology and access for people, regardless of their capacity to pay.

Those are just a couple of the issues I am still grappling with, which the church is interested in. Members of different churches have differing views. There are complex issues in terms of when life starts. There is a lot of continuing discussion about that.

I appreciate this matter being raised. I think it needs to be raised, not just in parliaments and assemblies but across the broader community, in a really respectful way. People can then seriously open their minds and listen to those who are speaking about it, according to their feelings. The thing we cannot do is allow these decisions to be left to scientists. We must have that broader community discussion.

MR SMYTH (4.07): Mr Speaker, I think we all need to take a step back and have a very serious think about this question, because of the ramifications which may come about.

For those who did not hear his interview on the ABC the other day, a Dr Abud, from the Australian Centre of Bioethics, said he had grave concerns about what had been decided, simply because embryonic stem cell technology had not been proven, and had not had any significant successes as yet. He said his great fear was that it was the back door to human cloning, and that that was the purpose of a large amount of the research.

As I, and many others in this place, have heard before, and will hear again, I think there is a more fundamental question we need to ask before we get to the actual question of whether we should use an embryo stem cell for research. The question is, where does life begin?

Mrs Cross described the embryo as a six-day-old cluster of cells in a petri dish. If that six-day-old cluster is inserted into the woman—impregnated into the wall of the womb—it becomes a human being. That is why that six-day-old collection of cells was created. It was created for the purpose of the creation of a life. And yet we then say that because it is now surplus to our needs, we can destroy it, or use it for research. I think we have to look at the whole question of whether or not the end justifies the means.

No-one would doubt the need to find cures for all of the diseases, afflictions and conditions that affect us as human beings, but we have to ask questions as to how we get there, and what happens to us in the process.

I, too, take exception to the statement that the church does not have a role in this. Churches do have a role, as do all of us. Political parties, individuals, communities, the scientific community and the churches all have a role. There must be very, very, solid discussion on this before we progress much further.

We are looking at whether or not we can find cures. I think the temptation to be dazzled, almost, by a holy grail is something we need to put aside at first, so we can get back to the fundamental question. I always look at the fundamental question. Ms Tucker often raises it, in the form of the precautionary principle—if we do not know, then perhaps we should not go there.

The question is, what is that six-day-old cluster of cells in the petri dish? I put to you that that six-day-old cluster is a human being. There is very little that happens further to that six-day-old cluster that will not change the outcome if it is allowed to proceed to become a birthed human being.

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At six days, the merging of the sperm and the egg is complete. My understanding is that, between day six and approximately day 14, the only thing that may occur is that that six-day-old cluster of cells may divide a second time to create two clusters of cells—twins. I have twins, and am very much aware of that process.

I would caution people, before we stand here and make proclamations, that we should look at the information that will become available.

I believe this is a discussion that should go on, and I think we should look at what is presented on both sides. But, for me, it comes back to a fundamental question. I would put to all members: does the destruction of the six-day-old clusters themselves—the destruction of what I regard as a human being, the embryo—justify what we seek? I think that is a really hard question to answer.

Yes, to find the cures would be tremendous; yes, to relieve people of suffering, pain or conditions, or of not having the full potential that others have, would be a wonderful thing, but are we denying those six-day-old clusters of cells that fundamental right?

The Chief Minister has pointed out that there is a conscience vote on this—and it is a matter of conscience. We, in the Liberal Party, will be exercising our consciences. I hope everybody does it with an informed conscience. I hope people seek out information, and try to find out as much as they can about this issue.

I will say it one more time, although I have said it several times already. When we get down to it, the basic question is: what is that six-day-old cluster of cells in the petri dish that we call an embryo? It is a question that has never been answered, and I believe that if you apply the precautionary principle, and look at it, that six-day-old cluster of cells—the embryo—is a potential human being, and should be protected.

MRS DUNNE (4.13): This is a matter of public importance—the potential for stem cell research to benefit society. It is all-encompassing, it is “wow”—it is out there. Somewhere, as Mr Smyth has said, we may find a holy grail that will be the solution to a range of diseases. Some of those were listed earlier today by Ms Gallagher. We may be able to find the solution for diabetes, Alzheimer’s disease, Parkinson’s disease, and spinal cord injury. Ms Gallagher also mentioned cystic fibrosis.

Cystic fibrosis is something that is close to my heart. Most of you would know that two of my five children—Olivia and Connor—suffer from cystic fibrosis. At the same time, because I am so close to this as an issue, it makes me pause. I always come back to the answer that personal cases and personal experience make bad law. I have had discussions about this over some time—and recently also with my daughter, Olivia. Some people say to me, “But if you could find a cure for their disease, wouldn’t it be worth it?” The answer that always comes back to me is: “Not at the cost of somebody else’s life.” The end does not justify the means.

With stem cell research, we need to be talking about two things. I heard this morning, when listening to the ABC—I think it was *AM*—of some groundbreaking research, which has been done in the United States, using human stem cells from the brain to treat

patients with Parkinson's disease. The preliminary findings of this seem to be a massive breakthrough.

We need to be very careful when we are talking about this. To deal with adult stem cells is one issue, but to deal with embryonic stem cells is another. To say, "Well, look, there are 70,000 of them sitting around waiting to go to waste—it would be a shame for them to go to waste," is a means that, I believe, as a community we cannot embrace.

I would never want to see a cure for my children's cystic fibrosis—or the diabetes that they surely look down the barrel of encountering later in their lives—at the cost of another human being. As Mr Smyth has said, those 70,000 embryos that we have in cold storage in laboratories around the country are surely, as far as I am concerned, human life.

There is much emotion surrounding these issues, and we see it often. The other day we saw Premier Bob Carr referring to Christopher Reeves. Christopher Reeves is a great advocate for stem cell research, using his celebrity status. It is the same with Michael J Fox. Both people are suffering from debilitating diseases and conditions. But at what price do we play with other people's lives to fix somebody else's?

We know that there are emerging technologies from all around the world which say that adult stem cells have the potential to address many of the diseases that we are confronting. We see this on a daily basis—Parkinson's today, and then another story about heart disease.

This is something we should embrace. However, at the same time, we should not be going down the path of embracing stem cell research—for a variety of reasons, which have been canvassed here today. Ms Tucker referred to the exploitative nature of the IVF process for women—the process of super-ovulation, and the injection of drugs to create large numbers of eggs, with the clear knowledge that some of those will be wasted, in one way or another.

The fact that we have 70,000 frozen embryos across the country is a huge ethical question for us, but I do not think we should be addressing that ethical question by going down the path of an even more fraught ethical solution.

I know this might sound like hyperbole. I am trying not to do that in this debate, because there have been many instances of hyperbole. However, last night, Ms Tucker, Mrs Cross, other members of the Assembly and I were at the holocaust memorial day commemoration. There were young, and elderly, Jewish people together commemorating this great atrocity. I was thinking that we have the potential to see another atrocity here, with almost the same reasons given. I quote from an article that appeared in the *Age* on 8 April 2002—a couple of days ago. The author says:

The Nazi doctors who conducted experiments on pregnant Jewish women and other "research" on people they considered less than fully human brushed aside parallel moral arguments as "getting in the way of science and progress".

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This remains the mantra of apologists for cloning, and embryonic stem cell research. We must not put another evil in the way. We must not create another evil by playing God with human beings while chanting the mantra of making things better for science.

MR CORNWELL (4.19): The Chief Minister has, I think, adequately outlined the COAG statement on assisted reproductive technology—or ART—and related matters. He has made the point that it is going to be for a limited time, that there will be checks and balances built in, that an ethics committee will be set up, and that the council will agree to request the National Health Medical Research Council to report within 12 months on the adequacy of supply and distribution, for research, of excess ART embryos which would otherwise have been destroyed.

It seems to me that, if they are going to be destroyed, and can be put to some valuable use, we should give serious consideration to that. Also, of course, if we believe that their use is improper for research, then we should not destroy them at all, should we?

That, I suggest to you, creates more problems than it solves. Therefore, it seems to me that the most sensible approach is to at least attempt to make use of these embryos, that would otherwise be destroyed. I know arguments have been advanced against it. In fact, I would refer to an article by Senator Guy Barnett, a Tasmanian Liberal senator. Whilst he agrees that research on adult stem cells should be continued and encouraged, he draws a line in the sand in relation to ART, and makes what I regard as a rather astounding statement. He says that Australians with disabilities, or those who are not functioning normally, can be affronted by the proposal.

I say one's functioning ability should not determine the level of respect shown, or protection given, to human life. Members, I think that argument can be used in favour of proceeding with the use of these cells, just as much as it can be used against it. In fact, I would think that a great many Australians with disabilities would be extremely affronted if they thought that there would be no further attempt to improve on—not necessarily on their situation—the problems faced by other people, now and in the future, afflicted by the various serious illnesses outlined by the Chief Minister.

As far as I am concerned, I believe there are sufficient built-in safeguards. I would imagine that it will be a contract-in, rather than a contract-out, arrangement. You would have to give permission for the cells to be used, rather than their being used automatically, unless you objected.

I would think that there will be very considerable controls over the whole approach. I do not see some sort of brave new world coming in as a result of this, where we would be cloning people. We live in a civilised society. It is possible to impose rules and regulations that can be instituted, and which will be obeyed.

Ms Tucker: It happened this week!

Mr Pratt: She is right, Greg, it did happen this week.

MR CORNWELL: It could. My colleague says—

Ms Tucker: It did happen!

MR CORNWELL: All right. But if you wish to put a stop to it, it can be done. We must never forget that. There have been rules and regulations instituted in the past. What immediately comes to mind is the use of poisonous gas in warfare. That was outlawed after World War I. Its use has occurred in a few areas since but, in general, it is not used. It was not used to the same extent in World War II as it was in World War I. Simply because—

Mr Pratt: They used the atom bomb instead!

MR CORNWELL: I will come to that in a moment. Simply because a decision was taken, that was respected.

I do not believe we have any right to prolong pain, if we can do something to ease it. If that means further research which will improve the lot of people in the future, in relation to disabilities, then I do not believe we have any right to stop it. I do not believe, either, that, simply because of their beliefs, people have the right to allow others to suffer pain. I can respect their beliefs, but I do not believe they have the right to allow others to suffer pain that could be alleviated.

Our friend Mr Pratt commented about the atom bomb. I would like to remind members about Columbus. You know, we have to take a few chances here, haven't we? Columbus discovered America—I know that wasn't much fun for the natives over there. The Industrial Revolution took place; we had the atomic age; computers, and IT. All of these things were moving forward. This was progress.

These things were not always in everybody's best interests—no doubt there were people who were most unhappy with some of the things that went on. I recall the Luddites. Were they not involved in attempting to prevent the Industrial Revolution?

Through history, we have had the problem of people who have legitimate reservations. However, I do not believe we should therefore seek to impede progress, particularly if it is going to be beneficial to mankind. There is no guarantee on this, I grant you. Nevertheless, we should attempt to improve the lot of people, particularly those with disabilities.

I conclude by saying that we were all elected on the oath or affirmation which says that we will faithfully serve the people of the Australian Capital Territory as members of the Legislative Assembly, and discharge our responsibilities according to law.

I therefore believe that, in the interests of the people of this territory, we have a responsibility to consider the laws that come before us. If this legislation is introduced here, I will support it. I believe it is a good law, and I have a responsibility to discharge my responsibilities to the people of the ACT, according to that good law.

MR SPEAKER: The discussion has concluded.

Personal explanations

MR HUMPHRIES (Leader of the Opposition): Mr Speaker, under standing order 46, I would like to make a personal explanation. In the course of question time, my name was referred to with respect to a motion supposedly being moved at the federal council of the Liberal Party this weekend which allegedly calls for the removal of the Aboriginal tent embassy. I want to read the motion which has been moved by the ACT delegation:

That Federal Council calls on the Federal Government to condemn recent illegal acts of intimidation, theft and vandalism by the occupants of the Aboriginal tent embassy.

Members will see that there is no reference in that motion—or, to my knowledge, in any other motion being moved at this weekend's council—referring to the removal of the Aboriginal tent embassy.

MS TUCKER: I would also like to make a personal explanation. I believe I was misunderstood by Mr Smyth when he was speaking to the matter of public importance. He summarised my position in a roundabout way. He said that I wanted to apply the precautionary principle and suggested that I was not supportive. I want to make it quite clear I have not said that. I have asked a series of questions and said we are still determining the exact position we should take on the matter.

Very fast train—feasibility study

Debate resumed.

MS TUCKER (4.30): I have the media release on the land transport east coast very high-speed train scoping study by the Department of Transport and Regional Services. I will pick out a couple of things from it. The Greens are concerned and agree with Mr Hargreaves that it is a disappointment that the federal government decided to conclude its investigations into the possibility of a very high-speed train.

We did ask questions in this place about a number of aspects of this expenditure of public money and the best way to improve the rail system of this country, which we are supportive of. I also raised in this place questions about the process of the federal government when they were initially looking at it.

On the process point, I asked the federal government for a copy of the various analyses and feasibility studies that were done at the time, because I was particularly interested to see how comprehensive the environmental analysis and so on were. I was never able to see that work. That is a bad situation. I condemned it at the time and continue to do so. It is extremely unaccountable to have a closed process with such a major expenditure of public money.

As a member of the ACT Legislative Assembly, I would have thought I definitely had a right to look at that work, but I also think the general community should have a right to look at that work. Fair enough if you wanted to take out some of the economic costings because of the so-called commercial-in-confidence problem. Even that would have been

arguable but possibly acceptable. But we were not even able to see the rest of the work—the environmental analysis, the greenhouse impact analysis, the long-term equity issues and how they were addressed. We were not able to see the work when it was happening, and that was the problem.

The other issue of concern to us at the time was freight and how we can use an improved rail system to get trucks off the road, which is obviously a political issue, because the truck lobby has significant power and significant disruptive capacity if they want to protest, as we have seen in this town. But that is no reason not to look at how to get trucks off roads. It is quite obvious that there are huge costs not only in the maintenance of roads but in road injury and trauma.

The media release says:

The report shows clearly that about 80 per cent of the costs involved would have to be provided from public funds.

Public funds are paying for the roads. That is something we do not hear very often, from either Labor or Liberal. We do not ever see a clear cost analysis of our dependence on road systems in this country. We certainly do not see any social or environmental cost analysis of our dependence on motor vehicles and roads. It would be refreshing if we could see that. We do not even see any analysis and what it costs each one of us as citizens, through our taxes, to maintain our society's roads. We would like to see a clear picture of the costs and benefits of our dependence on private vehicles and building roads.

The second sentence of the media release reads:

As the ratio for public benefits to public cost is very low, between 0.12 and 0, the return to the community may never justify the public investment required.

That is a scandalous statement. There has not been any analysis of the public benefit of having an improved rail system and reducing our reliance on roads and motor vehicles. There has never been any assessment of the environmental or social costs.

I think it is a good motion today expressing concern. If we are going to see this revived by a future Labor federal government or a future Liberal federal government that takes an interest in it, it is very important that any feasibility study have a thorough look at the costs and benefits of improving the rail system versus continuing to rely on roads and give that picture clearly to the community of Australia, because we are paying for those roads.

If we put public funds into rail that worked, we would see considerable environmental and social benefits. We would also want to see a process that allowed the Australian community a chance to make an informed decision about what is a significant expenditure of public money.

Question resolved in the affirmative.

Annual reports—implementation of committee recommendations

Debate resumed from 21 February, 2002, on motion by **Ms Tucker**.

That:

- (1) this Assembly calls upon the Chief Minister to include in any relevant instrument relating to the information to be included in annual reports made pursuant to the provisions of the *Annual Reports (Government Agencies) Act 1995* directions to include a schedule outlining action that has been achieved and is in progress on the implementation of recommendations of Assembly standing and select committees that have been accepted by the Government of the day in any response to those committee reports;
- (2) this provision commence in relation to the current Government's responses to committee reports of the Fourth Assembly, and, after initial publication, the schedules included in subsequent annual reports only need include information required on achievements in the relevant period and action that remains outstanding; and
- (3) this resolution have effect from the commencement of the Fifth Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly or the relevant provisions of the legislation are amended by an Assembly.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.37):
I move the following amendment:

Omit all words after "That", and substitute:

- (1) this Assembly calls upon the Chief Minister to table on the last sitting day of each calendar year a schedule outlining action that has been achieved and is in progress on the implementation of recommendations of Assembly standing and select committees that have been accepted by the Government of the day in any response to those committee reports;
- (2) this provision commence in relation to the current government's responses to committee reports of the Fourth Assembly, and, after initial publication, the schedules only need include information required on achievements in the relevant period and action that remains outstanding; and
- (3) this resolution have effect from the commencement of the Fifth Assembly and continue in force unless and until amended or repealed by this or a subsequent Assembly or the relevant provisions of the legislation are amended by the Assembly.

We support the general thrust of Ms Tucker's motion. However, I am concerned to ensure that we do not clag up the process of production of annual reports and the audit process. The way the motion is written we would have these assessments included in annual reports. Under the annual reports legislation, the Chief Minister defines the time limits on the production of financial statements, the auditing of financial statements and the tabling of annual reports. However, there is a limitation in the legislation. The period for the production of the annual reports cannot be any longer than 10 weeks, which means that annual reports have to be completed by 15 September at the latest.

Currently the edict from the Chief Minister is that they be completed by 8 September. They must be audited within 30 days and tabled within six sitting days from that point. So it is a very tight schedule.

Officers of the Department of Treasury and the Auditor-General's Office battle every year to get these reports produced, finalised and audited ready for tabling. I would like to avoid encumbering that very tight schedule by additions to annual reports. Without throwing the baby out with the bathwater, the thrust of the amendment is to say that the agencies should report upon recommendations that have been accepted by the government but that they can do that separately so that they do not become embroiled in the audit process.

We support the thrust of the resolution, but in the interests of not making life any harder for officers, who I have now come to understand are working very hard, particularly at that time of the year, I would like to change the motion so that the agencies are required to report before the Assembly rises in any given calendar year. Essentially, that is going to be early December. But my amendment will allow the Assembly to digest the annual reports that come down, possibly to conduct the estimates committees on them and then to receive the reports from agencies on the action they have taken on recommendations put forward by the committees and accepted by the government of the day.

I commend the amendment to the house.

MS TUCKER (4.41): I am not comfortable with supporting this amendment. One of the reasons I thought it was good to have it reported in the annual reports was to have the information in the same body of work as other reporting of the government's work over the year.

If you have a report on the last sitting day of each calendar year, I do not think that would be a time conducive to community understanding of the issues. I do not think it would be a good time if you want to facilitate community involvement and engagement in this issue and understanding of it, because it would be nearly Christmas and that is a bad time to do anything.

MR SPEAKER: Order! We have a separate parliament going on. Could members please withdraw to the lobbies to hold their meetings. It is too difficult for members to speak.

MS TUCKER: It is very important to have it in the annual reports. It gives a status to the committee work, which is what this motion is all about. The public servants involved should be able to do that work when they are doing the annual report work. They have that responsibility to summarise what has happened. They have particular responsibilities when they are providing information for annual reports. This adds to that, but it is an important thing to add. That is why I have moved this motion. I think it reduces the importance of the work by having this separate statement lumped on us at the end of the year. I do not think it is useful suggestion, so I will not be supporting it.

Question put:

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That **Mr Quinlan's** amendment be agreed to.

The Assembly divided—

Ayes 8		Noes 9	
Mr Berry	Mr Quinlan	Mr Cornwell	Mr Pratt
Mr Corbell	Mr Stanhope	Mrs Cross	Mr Smyth
Ms Gallagher	Mr Wood	Ms Dundas	Mr Stefaniak
Mr Hargreaves		Mrs Dunne	Ms Tucker
Ms MacDonald		Mr Humphries	

Question so resolved in the negative.

Amendment negatived.

MS DUNDAS (4.48): The Australian Democrats will be supporting this motion. We have always believed that the committee process is crucial to the function of this Assembly. Unfortunately, it seems that on occasions the time and work of the committees do not always effectively pass from this Assembly to government departments.

I endorse the mechanism suggested by Ms Tucker to try to ensure that recommendations are monitored and their implementation checked by departments through a reporting requirement in annual reports. Assembly committees and committee inquiries are important mechanisms through which the community can have its voice heard in a direct and complete framework without it being filtered through the media or political process.

Committees assist the Assembly in properly considering the breadth and background of issues, allowing informed and carefully considered policy development, not the hurried decisions that can be encouraged by the Assembly's busy program.

This motion sets out a process whereby government agencies include in their annual report an update on the implementation of committee recommendations that have been accepted by government. I think it is important that they be included in the annual reports so that we get them when we get all the other information about what is going on in the public service. It will allow us to consider in conjunction both what they mean in terms of committees and what they do with their day-to-day activities.

I believe that this motion, if acceptable, will provide an important link between the community-based work of the committees and the practical outcomes of government. It is important that the outcomes of committee investigations be built into our system of governance.

This motion instigates a formal means of ensuring that committee recommendations continue to be recognised and implemented in the machinery of government without MLAs having to constantly remind the government to do so.

MR SPEAKER: Order! Hansard is going to have awful difficulty hearing Ms Dundas while there are two or three separate meetings going on in the place. If members have a need to converse with each other in separate little groups, perhaps we ought to suspend for half an hour until you get it sorted out. I want to hear Ms Dundas. I do not want to hear any other groups while she is speaking.

MS DUNDAS: Thank you, Mr Speaker. I will just repeat my last sentence for Hansard and the Assembly. I believe that this motion instigates a formal means of ensuring that committee recommendations continue to be recognised and implemented in the machinery of government without MLAs having to constantly remind the government to do so.

Motion agreed to.

Education funding inquiry—committee of reference

MR PRATT (4.52): I move the motion standing in my name on the notice paper relating to the establishment of a committee of reference for the government's education inquiry, which reads:

That the Assembly urges the Minister for Education to establish a 'Committee of Reference' representative of all sectors, to work with the consultant, Ms Connors, who has been appointed to conduct the Education Inquiry, so that the ACT community may be assured that the Government inquiry to be undertaken into our education system will be sufficiently balanced to review all relevant aspects of ACT education.

Mr Speaker, this motion arose from my deep concern about the education inquiry initiated by the minister, Mr Corbell. I believe that such an inquiry into an education system as complex and diverse as ours requires a diverse and balanced panel to manage the inquiry, not a single appointee, however well credentialled. I believe the minister has ignored this fundamental requirement by appointing a single person to be in sole charge of this vital project.

You, minister, wish to talk about Ms Connors, however, minister, we want to talk about you and the way in which this inquiry has been cobbled together. Mr Speaker, the minister will always seek to characterise our questioning of this inquiry as a personal attack. We are, in fact, questioning the minister's commitment to collaborative community action. Indeed, yesterday the minister was going on about the importance of collaboration, but the fact is that he does not practise it.

What is wrong with a collaborative approach: an inquiry by a committee of reference that broadly represents the community and reflects community ownership of the subject? The minister wants to talk about Ms Connors. Well, on behalf of the ACT community, we want to talk about lack of judgment, questionable actions regarding budget management, and policy planning ineptitude.

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Mr Speaker, the ACT is fortunate enough to have one of the leading education systems in Australia. However, there appear to be inadequate understandings of what we mean by the ACT education system. The ACT education system is one that reflects the diverse nature of our ACT. This includes government schools, faith-based systemic schools, and a range of independent schools. Each of the sectors that make up the ACT education system have their advantages, disadvantages, strengths and weaknesses. Importantly, each of the sectors complements the others. What one lacks, the others may provide. For example, some of our colleges may offer an international baccalaureate program, while others concentrate on languages, music or IT.

Narrabundah College, for example, is a shining example of genuine diversity in ACT government sector education, having developed over the years its unique, effective school system. Some independent schools strongly hold to their faith-based character, since this is what parents require of these schools' administrations. It is the reason they send their children to such schools. On the other hand, many parents—particularly in two-parent working families, which are the rule too often these days—require full-time schooling for their children, and they need government school sector support. The ACT community needs this sort of diversity.

We are a relatively small jurisdiction, but one that has a high capability, energy and initiative. Canberra is no longer a public service town, but one that is a microcosm of Australian society, but perhaps with a greater level of diversity, not just between sectors, but also within them. This means that parents will go to almost any lengths to ensure that their children receive the education they believe is appropriate for their individual cases.

Each year, significant numbers of ACT parents move their children from one school to another, indeed from one sector to another and often back again, in search of what they consider to be the perfect school for their children. Choice is paramount in our education system. The previous government did not favour any one sector above another, and nor will it ever: that is this political party's stance.

Within the constraints of budget, the previous government tried to bring all sectors into the ACT education framework, seeing this as essential to providing the best educational opportunities for all concerned. We need a rich, diverse tapestry of schooling, providing maximum choice for parents and students.

Make no mistake, my party was 100 per cent committed to public school education, and our initiatives proved this. For example, we were committed to providing computers for teachers and more for students, we introduced literacy and numeracy testing, we introduced smaller class sizes and improved disability programs, we introduced programs to further develop teaching capabilities, and we rebuilt VET, increasing the student participation rate by 40 per cent over six years. In fact, we led the way with government sector schools in the nation. We led the way: we set the example. That is the evidence of this party's commitment to its philosophy on ACT schooling.

There is no question that government schools must be maintained to the highest degree. This is a fundamental "service of government" responsibility. Government must provide sound public sector schooling programs in order to offer quality education to all families, including those in difficult circumstances and those with only the most meagre means.

Despite the good condition of ACT education now, more can always be done to improve the capability of government schools. My party remains committed to this improvement—as we are committed to “real terms” funding guarantees, as verified by the KPMG audit—to which the government is not committed.

The government sector will be greatly disadvantaged if there is not a viable non-government sector. Erosion of capability in the non-government sector will have serious knock-on effects for the government sector. I have listened with some disquiet to the minister speaking about equity, and I fear that this, translated, means reinforcing the government sector at the expense of the non-government sector. Surely, equity means fairness of resource allocation right across all school sectors, and that extra resources that are justifiable should be provided to non-government schools where necessary.

It is against this background that I have queried the appointment by the government of one consultant to undertake a complex review of a multifaceted education system. Further, I have queried the appropriateness of an appointee who champions a strong public sector agenda. Evidence indicates that the appointee, while respected in her field, is also a co-convenor and co-founder of a government school lobby group known as Priority Public.

Priority Public is known to be critical of the role and place of the non-government school sector, and it promotes the public sector at the expense of the non-government school sector. This is not welcome news for an ACT school system, 38 per cent of whose students attend non-government sector schools. There is now disquiet in our community about this inquiry, which the government should dispel. Minister, to be able to dispel this disquiet, you have to increase the number of participants involved in this inquiry.

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

MR PRATT: I am deeply troubled, and I believe that this inquiry will not work well for the following reasons. First, I believe a single consultant is simply inadequate for the scope of this project. Second, rightly or wrongly, there is now a community perception that this inquiry could be heading towards a preconceived outcome, that is, that it will support what appears to be the minister’s preferred option—that the government sector should be reinforced at the expense of the non-government sector.

In the interests of thoroughness, I urge that the consultant be supported by a committee of reference representing all areas of our education landscape, and by relevant terms of reference and conditions that cover all sectors of education policy. The minister has a responsibility to ensure that the community is satisfied with the results of this inquiry and its outcome. So far, the minister has not demonstrated an understanding of this responsibility.

If it is appointed, this committee of reference should report to the consultant, measure all review contributions for validity against the terms of reference, and ensure that all shades of opinion are represented. The committee of reference may not have to be a full-time one. Indeed, in the interests of expenditure savings, some appointments could be casual, although it would be necessary to have a core of key representatives working substantial

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hours. I believe that the quarter of a million dollars already allocated to this inquiry should at least ensure that the views of all sectors of the education community are encompassed.

Importantly, the price tag for this inquiry, at 2.5 times greater than that spent on a similar education inquiry in Victoria—with its much greater education system—appears extravagant, and I have real concerns about the validity of this cost to ACT taxpayers. However, that is another matter and I will revisit that issue as the weeks go on.

Finally, it is patently obvious that a committee of reference with representatives from all sectors, which is properly involved at all stages of consultation, is more likely to embrace any inquiry outcome, thereby ensuring a successful result and implementation. This inquiry should not be undertaken by just one ministerial appointee. This review needs community ownership, since we are all going to be paying for it. A committee of reference will allow this to be achieved.

MS DUNDAS (5.03): As you would be well aware, Mr Pratt first raised his objections to this education review in the media last month. Since this time, the chamber has heard the position of Mr Pratt on four different occasions. We had the dorothy dixer to the minister yesterday then, at the conclusion of question time, Mr Pratt was so incensed that he tried to make a personal explanation. At the end of proceedings, the adjournment debate was also on this education review. Today, we had another question in question time, this time from Mr Pratt, and finally we are able to debate the issue of the review further in the form of this motion.

I, like Mr Pratt, do have concerns about the review. However, our concerns are quite different. Rather than another review into the crisis facing our education system, I would like to see action now. My concern is not with the consultancy or the consultation process. My concern is that, with the Stanhope government launching yet another review, this may be just a stalling tactic.

My questions to the government are about what our children and families can expect in this year's budget. Is there going to be any support in this year's budget for families with children with disabilities, or for children at risk? My fear is that, by sending this issue of education to review, the minister is going to use this as an excuse for inaction now. The education sector is looking for support for early intervention schemes to diagnose and support children with disabilities and children at risk. This is a problem of unmet need requiring \$1 million, and we need this \$1 million now, not in 2004. It should not cost \$250,000 in consultants' fees to determine this. That is one concern that I have with the review.

My other objection is that the ACT government is using this review to do the job of the federal Labor Party. Let us remember that federal Labor has continued to support the current federal funding model, which gives large grants to rich, non-government schools. I see this review as a vain attempt by ACT Labor to get some credibility in the area of public education.

Yes, Mr Pratt, I agree: there may be problems with this review. However, the government have chosen to do this review. They promised to do it in their election campaign, and this is one election promise that they seem likely to keep.

If the Assembly appointed a committee of reference to work with a private sector consultant on this issue, a consultancy that I assume has already commenced, it would be an overbearing impost from an overzealous shadow minister. Mr Pratt, your criticisms of this review are well documented, and I do not think this motion will help the outcome of the review at all.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.06): Mr Speaker, the government is committed to conducting an open inquiry into ACT education funding. This is not just another inquiry: it is an inquiry that has been called for by groups in both the public and the private school sectors. Organisations including the Australian Education Union, the Parents and Citizens Council and the Catholic Education Office have all publicly indicated their support for the inquiry, and have accepted the need for it and endorsed its appropriateness.

I will respond briefly to Ms Dundas' comments by saying that this does not mean that the government will simply not be providing any additional funding this year, before the inquiry reports. We will, of course, be responding in appropriate ways to areas of immediate need, and that work is currently being done in the context of the development of this year's budget.

This funding inquiry is going to be an open process, and we are committed to ensuring that education funding is provided equitably and on the basis of relative need. The issues involved are indeed substantial, and the views of the many stakeholders will be varied, and they will be many.

It is important, and it was important from my perspective as minister, that the government obtain expert advice before any changes to the current arrangements are made. It was also important for me to ensure and to be confident that stakeholders would be able to contribute to the inquiry effectively, and that their views would be made known to the government in the final report.

It is also important to emphasise that there is the potential for division among stakeholders, and it is therefore important that the inquiry be seen to be rigorous, robust and independent. My main concern with the motion proposed by Mr Pratt today is that it is simply a thinly veiled attempt to question the credibility of the inquiry head, and an attempt to interfere in the conduct of an independent inquiry.

I am confident that the arrangements that the government has put in place are appropriate. Ms Connors is a highly regarded and experienced educationalist. Her work in the education sector, for a number of Australian states and the Commonwealth government, is substantial. She has a comprehensive understanding of Commonwealth and state funding policies and practices, and this is an essential base for any serious investigation into the funding arrangements for the ACT school sector.

Ms Connors has also been provided with an appropriate budget to employ expert research, and analytical and modelling support services, as she deems necessary. There is no doubt that funding arrangements are complex, formulas are highly sensitive to change, and that expert support is required to assess them.

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The inquiry's terms of reference require that Ms Connors be available to consult stakeholders. As I have indicated earlier, the government will not be supporting this motion by Mr Pratt today, because we believe it is an attempt by Mr Pratt to dictate to an independent inquiry how that inquiry should be conducted. The government will not do that. Therefore, the specific consultation arrangements are a matter for the inquiry head, Ms Connors. However, I am pleased to advise members that she has already begun to speak to stakeholders and that, in addition to inviting formal written submissions, she is proposing a range of other consultation arrangements. I want to outline these to members.

First of all, there will be an opportunity for stakeholders to comment on other stakeholders' submissions, so the question raised by Mr Pratt—about whether everyone is going to be able to comment on the relevance or otherwise of the issues raised—will be dealt with. Joint and individual discussions with stakeholders will take place, including discussions about funding principles and the progress of the inquiry. Ms Connors will also arrange presentations to stakeholders by the expert researchers that she commissions to assist her, and there will be a series of public information meetings.

All submissions will be made public. Copies of all submissions will be provided to each stakeholder and stakeholder group. As I have already indicated, stakeholders and stakeholder groups will have the opportunity to comment on other stakeholders' submissions. Copies of all submissions will also be made generally available to the public through the ACT public library service. Further, Ms Connors will be establishing a website to report on the conduct of the inquiry and, where possible, submissions will be placed on the website.

That is a very open and transparent process. It is a rigorous one that allows everyone to contribute, and that allows different perspectives to be recorded on the views being put to the inquiry itself. I expect that all interest groups will take full advantage of the opportunity to contribute to the inquiry.

In these circumstances, I am satisfied that the arrangements provide for independence, expert assistance, openness, and full and substantial consultation. As I have already indicated to the Assembly in question time in earlier sittings, Ms Connors is also intending to seek to visit a wide range of public schools, and has indicated to me that she will be seeking to visit, and speak with representatives of, every private school in the ACT. Ms Connors has already spoken to many of the key stakeholders, and they have indicated support for the arrangement she is putting in place, and a willingness to work with her on this very important piece of investigation.

I am very confident that the processes Ms Connors intends to implement will provide ample opportunity for stakeholders and the community to contribute to her work, and that her findings will be informed by the taking into account of those contributions. I think most of Mr Pratt's speech really dealt with the issues related to the debate. The government is not interested in opening up that debate, but we are interested in making sure that funding arrangements are equitable, and that funding is provided on the basis of relative need. That is essentially what this inquiry will strive to achieve.

The terms of reference are extremely comprehensive. They include a review of ACT school education funding arrangements; a report and recommendations on current funding and resourcing arrangements to government and non-government schools; a policy framework and methodology for the identification of the relative needs of students; a policy framework and options for replacing and enhancing the current funding arrangements for government and non-government schools, which acknowledge the relative needs of students and which are financially sustainable into the future; and any transitional or other implications associated with the proposed funding methodology options.

I have also asked Ms Connors to take account of a range of issues. These include issues of effectiveness, equity, transparency, accountability, consistency, and predictability; the impact of Commonwealth government school funding policies, which is a significant issue; complementary research carried out by other Australian jurisdictions; the work of the Ministerial Council on Education, Employment, Training and Youth Affairs task force on schools resourcing; and work on a needs-based funding model currently being developed by the Department of Education and Community Services.

I have already indicated that Ms Connors will be acting as an independent inquirer. Secretarial support is being provided by the Department of Education and Community Services, but she is not located within the department. She has offices in the O'Connell Education Centre, at Griffith. She has a small secretariat support team, and she has a good level of resourcing to ensure that she is able to undertake the expert research she requires.

For all those reasons, I think the proposal by Mr Pratt is not needed. It is simply an attempt to interfere in an independent investigation, one which is rightly in the province of the person appointed to conduct the inquiry. The government has full confidence in the consultant, has full confidence in the robustness and rigorous nature of the terms of reference and, indeed, based on the advice I have just provided to members on the proposed consultation process, has full confidence in the way she is going about her work. I urge members to oppose the motion.

MS TUCKER (5.16): Reading the words of this motion, I am concerned. I have to confess, I have not followed, word-for-word, everything that has occurred in this Assembly over the last few days regarding Mr Pratt's public statements about Ms Connors. I know there has been some intense debate, in which Mr Pratt said that he was not in any way slurring the reputation or character of Ms Connors. However, when I read this motion, I find that it says that we need to have a committee of reference that is:

representative of all sectors, to work with a consultant, Ms Connors, who has been appointed to conduct the Education Inquiry, so that the ACT community may be assured that the Government inquiry to be undertaken into our education system will be sufficiently balanced to review all relevant aspects of ACT education.

From my understanding of that sentence and the words "sufficiently balanced", it definitely contains the implication that Ms Connors is not capable, without this group, of producing a sufficiently balanced review. I think it is regrettable that this has been said.

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I do not really understand what the agenda is here. I am concerned that Mr Pratt is perhaps laying the ground for a rejection of Ms Connor's report, when it is brought down towards the end of the year, by implying that Ms Connors is unable or unprepared to undertake a sufficiently balanced inquiry into all relevant aspects of the ACT's education system. This would obviously make it easier, later, to reject any recommendations that he finds difficult.

I am concerned that he may be seeking to vindicate a prejudiced position on the questions that this review will be asking. For me, the issue is a serious one, because I think that anyone who has looked at Ms Connors' work would have confidence that she is very well prepared and expert in all areas of education, and in her methods. In fact, the dean of education at Melbourne University has publicly congratulated Ms Connors for her open mind, for her preparedness to change her view of self-managed schools, for instance, in the course of the review she recently conducted in Victorian public schools.

I could spend significantly more time providing similar evidence of Ms Connors' professionalism and quality. What is clear about this educational leader, who we are extremely lucky to have conducting such an all-encompassing review, is that she has a demonstrated commitment to equity and diversity, to needs-based funding, to addressing the issues of disadvantage, to transparency and to accountability. Is it these commitments that concern Mr Pratt? I certainly hope not. If it is, then surely his beef should be with the terms of reference.

Perhaps one aspect of the terms of reference that may be a problem—I do not know—is the primary responsibility of education being to provide well-staffed and well-equipped public schools accessible to all children. If that is a problem, that should be what is addressed.

Mr Corbell: It is not a term of reference.

MS TUCKER: It is not a term of reference. I am sorry. It was in the preamble where the government said what it saw as its primary responsibility. That is true. If that is Mr Pratt's problem, it can be debated.

Issues of effectiveness, equity, transparency and accountability: if Mr Pratt has a problem with those aspects of the terms of reference, let us debate it. Is he uncomfortable with a policy framework and options for replacing or enhancing current funding arrangements of government and non-government schools, which acknowledge the relative needs of students and which are financially sustainable? If that is a problem, let us debate it.

Is it conceivable that Mr Pratt is unsettled by the reference, in the terms of reference, to the impact of Commonwealth government school funding policies? I think this motion is not helpful in moving forward with one of the very important reviews of this government. It is long overdue. The stakeholders in the community support it. They have been asking for something similar for quite some time, and I sincerely hope that it moves forward in a positive way from this point.

MR PRATT (5.21), in reply: The Democrats have made a couple of comments. I must agree with one point made by Ms Dundas when she spoke against the motion. She did make an excellent point: there is no need for an education inquiry. In fact, the previous government undertook sufficient inquiries and reviews to allow for the system to continue in its current form. However, I cannot agree with Ms Dundas' concern that there is therefore no need to examine the direction of this inquiry.

If the inquiry is a *fait accompli*, which it is, then we have a duty to scrutinise its establishment and its mobilisation. That is the duty of opposition. It is also the duty of Ms Dundas to look at this inquiry, and to be satisfied that the inquiry has been correctly established, and run in a professional and comprehensive way. I would hope that Ms Dundas, over the ensuing months, will also scrutinise the progress of the inquiry and question it when it should be questioned.

The minister says that there is general support from all major stakeholders. Well, he may think that, but there is very strong feedback from the community indicating that there is disquiet and alarm at the establishment of this inquiry. After all, the inquiry is being established under a sole consultant, and it is around this point that most of the concern centres.

The minister also states that he is concerned about the potential for division among stakeholders. I would have thought that it was patently obvious that the potential for division will surely be exacerbated if we do not have a broad representative inquiry with a committee of reference, or some other body, representing all the views of all the stakeholders, so that such a body, working together, will arrive at an outcome. Surely that is the best way to avoid division between the stakeholders? Surely having a sole consultant, with nobody else involved in the analysis and consultancy process, is a recipe for potential division among the stakeholders?

I said at the outset of the delivery of my motion that Mr Corbell will seek to characterise our questioning of this inquiry as a personal attack. Of course, he got up and proved that. I wonder why that is the approach. Does Mr Corbell not have a more constructive response to what is a legitimate debate, and one in which we have a responsibility to engage? Why create these smokescreens? Why create this bogeyman of personal attacks? One can only conclude that this is a smokescreen to mask the fact that this inquiry has been cobbled together in such a way as to be unprofessional.

I am talking about the inquiry being unprofessionally put together. Immediately, the minister leaps up, and I can just imagine what he is about to say: "My goodness, an attack on the professionalism of an individual." That is not the case. I have never done that, and I do not intend to.

Mr Corbell: No, you have just suggested that she is biased, that is all.

MR PRATT: That is not the case. I said that the way in which you have cobbled this inquiry together, minister, is unprofessional.

Mr Corbell: You have suggested that she is biased. That is an attack on her credibility.

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MR PRATT: That is not a comment about the consultant: that is a comment about you, minister. That is a comment about the unprofessional way in which you have cobbled this inquiry together.

Mr Corbell: Do not play with words, Mr Pratt.

MR PRATT: No, don't you play with words. So you see, again the minister talks about interference: good God, how dare I question the establishment of this inquiry, or the way in which it has been done? That is characterised as interference into the independence and the mobilisation of this inquiry. That is absolutely untrue. It is my duty to question the way these vehicles are put together, and I will continue to do that. We, on this side of the house, will not be bullied by a minister who simply needs to create smokescreens.

On this side of the house, we understand and respect the capabilities of Ms Connors, and we have never questioned them. We have only questioned the viability of the establishment of an inquiry involving one person, and one person who tends to represent a fairly prescriptive viewpoint. That is not an attack on the person: it is a severe questioning of the process of the establishment and the mobilisation of this inquiry.

Surely a committee of reference, representing a broad spectrum of stakeholders, and one which is given ownership of the inquiry, will be one that will eventually march to the same drum, and speak with one voice about the outcome of that inquiry? Ms Tucker has commented that I may have difficulties with the terms of reference. That is not the case, Ms Tucker, and I have never said publicly, or in this place, that I question the terms of reference. Given that the inquiry is a fait accompli, I have no difficulties with the terms of reference, and I have stated that. I do not think you are on the right track by criticising that.

I will finish by saying that the appropriate involvement of all stakeholders in this inquiry, not just as respondents to questions, will allow a far more effective and representational outcome, and one much more likely to add value to one of Australia's best education systems.

Question put:

That **Mr Pratt's** motion be agreed to.

The Assembly voted—

Ayes, 6		Noes, 9	
Mr Cornwell	Mr Humphries	Mr Berry	Ms MacDonald
Mrs Cross	Mr Pratt	Mr Corbell	Mr Stanhope
Mrs Dunne	Mr Stefaniak	Ms Dundas	Ms Tucker
		Ms Gallagher	Mr Wood
		Mr Hargreaves	

Question so resolved in the negative.

Motion negatived.

Child abuse

MS GALLAGHER (5.33): I move:

That the Assembly:

- (1) notes the importance of community and government action in protecting children from abuse;
- (2) commends the support shown by Canberrans in hosting and supporting the National March for Children on 14 April;
- (3) rejects the uninformed comments by Opposition Spokesman for Community and Family Services Mr Cornwell made in the *Canberra Times* on Sunday 7 April.

Mr Speaker, to say that Mr Cornwell's comments over the weekend, as published in the *Canberra Times* on Sunday, were ill-timed and unnecessary is putting it mildly. In referring to the legitimate desire of the community to show its support for children and its ambition to protect them from abuse through the National March for Children as a charade, and by suggesting that child abuse is a family issue, he has not only undermined his office as opposition spokesman on community and family services but also, I believe, tarnished the reputation of this Assembly as a responsive and active participant in protecting the vulnerable from exploitation and abuse.

There is no doubt that child abuse is a serious social problem, and it is one that the entire community and their governments have a duty to address. This is the year 2002 and antiquated notions of the public/private divide that we used to keep the abuse of women and children out of the public arena are no longer relevant, and it is not acceptable to sweep issues of child abuse and domestic violence under the mat of family privacy.

For centuries the primacy of the family was used to deny the unrepresentative and the vulnerable access to basic social justice. Fortunately, as a society we have moved beyond that, and we accept that as a society we have a duty to each other to protect those who cannot protect themselves, no matter what their family status may be.

Children are without a doubt some of the most vulnerable people in our community, yet they are also the fruit and future of that community, and we must ultimately look to the sound care and treatment of children as the best way we have of ensuring our own success as a cohesive, democratic and tolerant society.

We each have a responsibility, whether we are parents or not, to ensure that children receive the love, care and support they need and that they are free from emotional, physical and sexual abuse. It is a sad fact of today's society that governments have to take an active role in dealing with child abuse but, unfortunate or not, the reality is that child abuse occurs and governments, as advocates for those who cannot advocate for themselves, must do all they can to protect children.

We must also recognise that governments need support from the community in order to legitimately carry out their functions and that marches such as the one planned for Sunday are an excellent way of bringing the community together to show their concern

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for a particular issue and to encourage and support governments to continue to be proactive on important issues.

The march on Sunday is not a charade; it is democracy—positive, peaceful, active, democracy—and as such this Assembly should support it. The National March for Children presents an opportunity for all those who support the rights of children to happy, abuse-free childhoods to show this support, and it is a shame that Mr Cornwell cannot honour his duty to his shadow portfolio and show the same support.

Just because children cannot vote does not mean that they do not deserve the same attention from government as the rest of us receive. Rather, they deserve our particular protection. Mr Cornwell's comments were badly timed and pre-empt any positive outcome from Sunday's events by attacking the organisers of the march.

If Mr Cornwell was serious about his shadow portfolio, he would not use it to peddle his archaic vision of the perfect family. Rather, he would recognise that it is not some moral calamity related to a relaxed attitude to the marital state that is to blame for child abuse but a breakdown in our community.

In the ACT, for the period 1999-2000, 84 per cent of abused children were abused by a natural parent, compared to 4 per cent by a step-parent, while de facto parents did not appear in the statistics. It would seem to me that Mr Cornwell should stop using his conservative and outdated moral agenda and seriously look at the interconnection between poverty, social alienation and the abuse of children. Of course parents should be taking responsibility for their children, but our community and our government also have a responsibility to support and assist parents in their roles as care givers.

Mr Cornwell's comments are indicative of what the march on Sunday is fighting against. The main problem faced by those who, be it via community awareness and education or through legislation, seek to protect children from abuse is the dismissal of the problem by those who see child abuse as the result of moral failing within the family unit and therefore not a social problem that should be addressed. Child abuse should never suffer from the "someone else's problem" syndrome but should be viewed as a problem that we all have a responsibility to combat.

I would like to read a statement by Hetty Johnston, the national organiser of the March for Children on Sunday. It reads:

Politically, judicially and ethically, child protection needs to be at the top of the National Agenda.

By rejecting the efforts of Ms Johnston in organising the march, and by denying the importance of community action and support on this issue, Mr Cornwell has demonstrated that he does not support this statement. I would hope, however, that Ms Johnston's statement is in fact one that we can all support here today, and in doing so demonstrate to our community that this Assembly recognises the rights of all children to be free from abuse, the value of community actions that support that right and the duty of governments the world over to deliver to children the protection they deserve. I commend this motion to the Assembly.

MR CORNWELL (5.39): Mr Speaker, I have no problem with the first paragraph of Ms Gallagher's motion. I have a small quibble with paragraph (2), because I am not sure that you can commend the support shown for something that has not taken place yet. Never mind, I suppose you could speak in a general way.

I do have a great problem with paragraph (3), because I do not believe that my comments were uninformed. My comments were not given by me to the *Canberra Times*. Neither did the *Canberra Times* bother to contact me for any comment that I may wish to make to elaborate, to go a bit further or to correct. The failure of the *Canberra Times* to contact me was repeated in their Tuesday's paragraph, which I would have thought they might have followed up in a little more detail. Frankly, the Tuesday paragraph was worse than their comments on the Sunday, though—to be fair to them—there was a degree of accuracy in their Sunday comments.

I did not write as spokesman on community and family affairs. We may quibble on that, but my understanding is that all members received an invitation to this march. I claim therefore not to have been misquoted—that would be unfair—but most certainly misinterpreted. I think the easiest way of correcting that is for me to read the short letter that I sent to the people who were organising the march:

Thank you for your invitation to participate in a March for Children, April 14, and note that I will not be attending.

I have no quarrel with the aims of your cause, however I do question what positive purpose such a march will achieve.

There can be few people in Australia who are unaware of child protection issues. There are laws governing abuses, there is mandatory reporting and there will be further steps taken to improve protection of children—what is a march to achieve?

Further, to claim the march is not a protest is at best naive, at worst a state of denial and ignorance and I am not prepared to involve myself in such a charade.

I notice Hetty Johnston talks about “Continuing to deny that there is a problem ...”

I am not aware of any denial in official circles. Despite recent efforts to demonise a public figure for sins of omission in the past—an error for which most of the population would be found wanting in something—our institutions, particularly our religious faiths, now take the matter of child abuse very very seriously.

However, most child abuse still takes place within the family or the extended family: boyfriends, de-factos, uncles, stepfathers, grandfathers (or their female equivalents) and is another casualty of the sad freer world we have created by our society's more relaxed attitude to the marital state.

Rather than seeking to let the government know “how serious the community is about prevention, services and education” to quote Hetty Johnston, we should acknowledge and address this “family” issue.

Parents need to spend more time with their children, exercising their duty of care more vigilantly. This is where the state of denial and ignorance really lies and it is no use parent(s) seeking to blame the government or society—often with statements

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bordering upon hysteria—in an attempt to assuage their own guilt for failure to be responsible for and to their children.

Thank you again for the invitation and the opportunity to comment.

Hopefully, that will put it into a little better perspective than what was put forward in the *Canberra Times*.

I would like to refer to a couple of matters in a little more detail than I already have in that letter. The first question that needs to be addressed is whether we are looking at child abuse as a general problem or whether we are looking at a specific part of that problem, which is child sexual abuse. If we are looking at child abuse, then it covers mental, physical and sexual abuse, and it also covers neglect, although I would stand corrected by my lawyers here. I thought the word “neglect” had been removed from the lexicon and replaced by “children at risk”, but I may be wrong. Nevertheless, four areas are covered.

Unfortunately, the figures from the Kids First Foundation are very tragic, but I think they need to be recorded in *Hansard*. One in 170 Australian children under nine years of age is a proven victim of abuse and neglect. Of these children, 93 per cent are harmed by someone they know and trust and 71 per cent are harmed by their natural parent. We are talking about broad child abuse. We are talking about mental and physical abuse and neglect.

More damning is that research completed in June 2001 showed that over 60 per cent of children counselled in services supported by the Kids First Foundation had experienced domestic violence and almost 60 per cent had experienced more than one form of abuse. In addition, 18 per cent of those who had been sexually abused were under the age of four. An additional 50 per cent of those who had been sexually abused were between five and 10 years of age.

Mr Speaker, that shows that 68 per cent of those children were no older than 10 years of age. With 68 per cent of those children no older than 10 years of age, we simply cannot blame the majority of cases on institutions. We cannot say that the children were in choirs, in church or at boarding school. The fact of the matter is that the majority of these children must have been at home, whatever that home was.

The problem is that we have seen too much evidence already. I have some more details here from the *Daily Telegraph* of 26 September. It is not just one of their stories on the front page. It is headed “Modern perils in a lucky country”. It talks about the state of the nation. It was a general article. It says that there were many things that had improved in this country, but then they come to another point and say:

So, in reviewing our nation’s progress, there are many positive stories. But there are also trends that do not bode well for the future. At the heart of these are crime, drug use and the wellbeing of children.

Taking the last of these first, statistics on child abuse and neglect show that children in non-intact families, that is living apart from one of the natural parents, are at statistically eight to ten times greater risk of child abuse and neglect than children living with both of their natural parents.

That is a statement you may wish to challenge. I repeat that 68 per cent of children up to the age of 10 who have been sexually abused were abused in a home environment. The point I am making is that we need to address this question at the family level. I do not argue with the fact that governments have a role to play, but might I suggest to you that the government role will always be after the event. Prevention is better than cure. That is why I am anxious to address child abuse of any description at the family level. I talked about it being a family problem. I want parents, irrespective of whether they are together or not, to be aware of this problem, to be alert to it, to be vigilant.

Mr Quinlan: What about a good march to give profile to the problem?

MR CORNWELL: I do not mind. If they want to have a march, that is fine. I will not be there, because I do not want it to turn into a protest. I hope it does not.

Ms Gallagher: It is not a protest.

MR CORNWELL: We will have to see about that. But these things have a habit of working out that way. I believe that we have to address the issue at the coalface, which is at home. We have to make parents aware, alert and vigilant to these problems. These shocking statistics cannot be ignored. They must not be ignored. It is absolutely crucial that we try to move away from what unfortunately has been an attempt over the years to ignore a lot of these problems. We cannot afford to do that. We must recognise that these things do go on. It is obvious from the statistics that they are more at a family level. Let us address the problem there. Let us highlight it.

If you want to have your march, that is fine. I do not have a difficulty with it. By all means, have the march. I will not be there. I hope it is not a protest. My comments on this were not made in a negative, critical fashion. I believe that I was seriously misinterpreted—not misquoted but seriously misinterpreted. We are on the same side on this matter.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.53): Mr Speaker, the ACT government commends the National March for Children in Canberra, to be held on 14 April this year. Indeed, the government and I as a responsible minister commend any action that draws attention to the serious community problem of child abuse and neglect. It is through efforts such as the National March for Children that we are able to remind the community of its responsibility to report suspected abuse to Family Services and the importance of protecting and caring for our children.

I join with Ms Gallagher in vehemently and strongly rejecting the comments made by Mr Cornwell. He says he did not make them as the opposition spokesman. I am not sure how he achieved that, seeing that he is the opposition spokesperson on community and family services. Nevertheless, his comments are fundamentally flawed.

Child abuse is not something that should be kept quiet; that should be hidden away and treated as private family business, as seems to be the tenor of the comments made by Mr Cornwell. The Stanhope government has a firm commitment to the support of children and young people at risk of abuse.

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Within the ACT the statutory child welfare authority Family Services operates in partnership with other agencies and the broader community to enhance the wellbeing of families and protect children from abuse and neglect. Family Services operates within the legislative framework provided by the Children and Young People Act 1999. This act makes it clear that the government and community together share a responsibility for ensuring that children are kept safe.

The spirit of the act encourages partnerships with families, foster carers and other professionals who work with children and families. The act recognises that the best interests of children are met when the people who know them best work together in a cooperative partnership. The act also recognises that professionals in the community who work with families and children on a daily basis—such as doctors, teachers, nurses, child-care workers—provide the most reliable information about child abuse and harm to children.

While Family Services cannot do its job without the assistance of its community partners, it does not minimise the government's legal and ethical responsibility to protect society's most vulnerable members—children at risk of harm or abuse. In all actions and decisions made by Family Services, the best interests of the child are the paramount consideration.

The past two years have seen the introduction to the ACT of several new initiatives that have improved service to ACT children and families. The introduction of the family group conferencing and the looking after children system for all children and young people in out-of-home care are extremely positive steps, and steps this government has welcomed. The government has a firm belief in the importance of early intervention and prevention strategies to reduce the incidence of child abuse and neglect.

The multimedia ParentLink campaign is an excellent example of increasing community education and supporting parents in the parenting role. Similarly, the Schools as Communities program also provides support through primary schools, high schools and preschools to families directly.

Contemporary thinking on child support and child abuse prevention will, I am confident, support my opinion and the opinion of the government that keeping child abuse as a family matter, hidden, is one of those things that have led to a great deal of additional heartbreak for children and their families. I believe that this is one of the problems that have arisen in the past. Child abuse was seen as a family responsibility. It was essentially hidden. It was a secret, and somehow there was some blame to be attached to the innocent victims—the children.

The government does not see child abuse as a family issue. Child abuse is a community concern which can be addressed only through better and more timely provision of support to families.

The government is currently embarking upon a new children's strategy which will ensure that ACT families receive holistic family support through collaboration between the health, education and welfare sectors. I believe that the implementation of this new

strategy will see the ACT referred to nationally as an example of best practice in child abuse prevention. I commend the motion to the Assembly.

MRS CROSS (5.58): Mr Speaker, I agree that this motion has been a result of misinformed comments. However, the misinformed comments have not come from my colleague Mr Cornwell. Ms Tucker and others have read a newspaper article in which Mr Cornwell was misquoted and became outraged, and rightly so—had the report in the *Canberra Times* about Mr Cornwell's letter been accurate.

Unfortunately, members of this Assembly have rushed into print instead of checking with Mr Cornwell first. This disturbs me greatly, given the sensitivity of this issue. To cast aspersions on a member of this Assembly on such a sensitive topic is a very dangerous thing to do.

I have read the letter Mr Cornwell wrote to Ms Johnston regarding the proposed march for children. I strongly encourage all members who intend to support paragraph (3) of this motion to read the letter before they vote. At no point in his letter does Mr Cornwell indicate that there is any denial in official circles regarding either the incidence or the seriousness of child abuse. Nor did he write, as reported, that there is no need to again bring child abuse to the government's attention. In fact, Mr Cornwell said exactly the opposite. He wrote in part:

I am not aware of any denial in official circles ... our institutions, particularly our religious faiths, now take the matter of child abuse very very seriously.

The letter does not give any credence to the notion that child sexual abuse should be covered up or, as Ms Tucker put it, put back into the box of family business.

Mr Cornwell draws attention in his letter to the great awareness that Australians have of child protection issues and applicable laws. He mentions that the ACT has mandatory reporting of child abuse, a measure introduced by the former Liberal government, and he indicates his support for further steps that may yet be necessary to improve protection of children. Mr Speaker, how all that can be interpreted as wanting to sweep child abuse under the mat is beyond me.

Mr Cornwell's letter does make a number of direct and indirect references to family. The instance that has attracted criticism refers to child abuse as a family issue. In this occurrence Mr Cornwell was not using his own phrase. Rather, he was quoting Ms Johnston, who referred to child abuse as a family issue. Mr Cornwell's letter clearly indicates that.

Mr Cornwell does, however, go to some length in his letter to place the responsibility for child abuse squarely where it belongs—with the perpetrators, who in most cases are family members. That is where the ultimate responsibility lies and where any residue of community ignorance resides.

Mr Speaker, I consider this motion to be, at best, uninformed. In other lights, it could be construed as merely a cheap shot at an Assembly colleague, and this is greatly disturbing to me as a new member of this Assembly. To suggest that any member of this Assembly has a flippant attitude towards child abuse is just nonsense, and I am sure the same could

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be said for all Australian parliaments. Of course, it is serious and all members, including Mr Cornwell, have always taken it seriously.

I appreciate the personal statements made by Ms Tucker in her article yesterday. It takes great courage to speak publicly about such personal experience, and I truly feel deeply for her. I agree with her comment that people need to discuss sexual abuse and violence openly. I believe that Mr Cornwell's letter endorses that belief.

The assumptions made by this motion are simply unfounded and, as such, the motion is unworthy of support.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (6.03): I did not intend to inject myself into this debate, but I want to pick up on a couple of things that have been said. It may well be unfortunate that the article in the paper cast Mr Cornwell in a light that is consistent with the Right, conservative image that is his—an image that he acknowledges from time to time and in fact exhibits in his pride in the Greg awards.

The only question I would ask this place and ask Mr Cornwell through you, Mr Speaker, is: where is the public denial? Where is the application for correction? Where is the written qualification? It was only when this motion hit the notice paper that quite tortuous qualifications were made by Mr Cornwell and Mrs Cross.

MS DUNDAS (6.04): I rise to add the support of the Australian Democrats for this motion. The protection of children and young people from abuse and neglect is one issue I stand up and support. In fact, in my first speech in this place I stated that one of my goals would be to establish a commissioner for children and young people. Both New South Wales and Queensland have commissioners for children and young people, as do other jurisdictions worldwide, particularly the United Kingdom and other countries of Europe. A commission would reject the old notion that children should be seen but not heard. In stark contrast to this old notion, I believe that children should be seen and heard and believed.

For far too long in our society the crime of child abuse and neglect has gone on within families and community organisations, hidden from the public eye. Victims have been too ashamed to speak up. Governments and government departments have been too slow to act on the cries of help from our children. Many people do not want to believe that it could happen in their family and to their children, and this denial denies the children the protection they deserve.

If a child called 000 to report a fire, one would hope that the fire brigade would respond and not wait for the second call. But that is often not the case when a child reports abuse. They wait for the second call, or the third, or the fourth.

It is only by believing children when they speak, by arming them with the tools to speak up and by teaching them protective behaviours that we will start to curb the problem that is child abuse. The scourge of child abuse would be stopped by tackling the problem in a threefold process: education, cure and legislation.

Education should include education of children, young people and adults on the value of human rights. The United Nations Convention on the Rights of the Child attempts to list the universal rights of children. Australia became a signatory to this convention in 1990. The convention states that every child has the right to protection from abuse and neglect by parents and care givers and a regular review of any placements that might be necessary for care, protection or treatment. I do not think this is big ask—a right to protection from abuse. It is children whose individual development and social contribution shape the world's future as well as being part of the now.

Secondly, the cure element of a solution would be treatment programs for offenders and support for all families and children that need it. Keeping families together in harmonious environments must be a goal.

Finally, legislation is required to protect the rights of children, young people and their families—legislation to ensure that convicted offenders do not have access to children in unsupervised settings and legislation to ensure participation of children and young people in the decision-making processes that affect their lives.

Protection of children is no longer a question of what is possible; it is a question of what is given priority. Those who have the responsibility and resources to act must decide whether child protection is one of their top priorities. It is certainly a priority of mine.

This motion adds its support to the National March for Children that is going to occur in every state and territory this Sunday. I welcome the chance to put on the record the Assembly's support for this march. I understand that both Ms Tucker and I will be speaking, and I hope that we will not be the only MLAs in support of our children.

This march is not a protest but a way of letting government, both territory and federal, know how serious the community is about prevention, services and education. We know too much about the effects of child abuse to continue to live in a state of denial and ignorance. Continuing to deny that there is a problem only promotes more silence and in turn more abuse.

That is why I am happy, on behalf of the Democrats, to support this motion and to attend the march on Sunday. I am not into political point scoring as a rule, but I am into speaking out on the problem and the ways of solving the problem. That being said, I do believe that Mr Cornwell's comments are such that I should support this Assembly in rejecting them, and I will continue fighting for children and the young people of the ACT. That is why I am here.

MS TUCKER (6.08): I have read Mr Cornwell's letter, and I would like to respond to some of the points that are made, on my reading of this letter. On the question of what is the march is to achieve, Mr Cornwell in his letter says:

There can be few people in Australia who are unaware of child protection issues. There are laws governing abuses, there is mandatory reporting and there will be further steps taken to improve protection of children—what is the march to achieve?

Further, to claim the march is not a protest is at best naive, at worst a state of denial and ignorance and I am not prepared to involve myself in such a charade.

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Apart from anything else, it is quite rude, but I guess that is Mr Cornwell's right. I do not have a fear of protests, but I respect Mr Cornwell's right not to like protests or be involved in protests, if that is his bent. The idea of the march is to raise awareness about child sexual abuse. It could be seen as a protest, I guess, about the lack of appropriate accommodation of the victims of sexual abuse of children. It can be seen to be about raising awareness. What is a protest and what is raising awareness is an academic point. You can have that discussion. To be honest, I do not think it is an important point whether it is a protest or it is awareness raising.

We have a long way to go. If people are aware of child sexual abuse, it is because people have chosen to take actions to try to raise awareness about the issues. That is what this march will do. It will further raise awareness. Mr Cornwell appears to be saying that we already know about it and that there are few people who are unaware of child protection issues. He said that most of us already know about it.

Mr Cornwell says there are laws and mandatory reporting and that we will do more. I could talk about sexual assault law. There has been a Law Reform Commission report and a discussion paper on how victims of sexual abuse are treated in the court, how they are re-victimised through the court process, how the police processes, although much better with a sexual assault team, still re-victimise victims of abuse in the legal system. The Law Reform Commission pointed to a lot of problems.

What else will the march achieve? It will show that this issue is a high priority. People in the community who support this march will be saying to policy-makers, decision-makers and the broader community, "This matter is a big issue for our society, and we have chosen in this democracy to walk together saying we need to do more; that we need to condemn abuse of children."

There is plenty more to be done. Mr Cornwell referred to further steps to improve protection of children. This march is about getting those steps to happen. This march is about asking when. This march is about saying that there is not enough. We have had support in all sorts of ways. I have a list of reports that have come up with recommendations. *Many Paths for Healing* was one, and there are others. We have done the work in the ACT over the last few years since I have been involved in this Assembly. We have looked at how we can improve support and services in the area of child abuse and sexual abuse.

We need to continue to work on opening up the culture and allowing abuse to be spoken of. This week I spoke about my own childhood abuse. I appreciate people offering me support for doing that. I sincerely appreciate it. I felt vulnerable after doing it. The very fact that that is how I feel and that people had to acknowledge that it was an issue to do it, not just for me but for my family also, shows that we have a long way to go in opening up how we can speak about abuse. If only all of us would walk in this march; if only all of us as leaders in the community made statements; if only all the football teams walked with us. I talked to Mal Meninga today, because we are looking for a man to speak at this rally. He was very supportive in principle but he is not around. He is a great guy. He is a role model of a different kind.

We need to get lots of people talking about this so that it is not so incredibly difficult for people to talk about it. It is difficult for adults to talk about it, but for children, who are just so much more powerless—it is totally about lacking power when children are abused—it is incredibly difficult to find a safe place to talk about what is happening to them and to feel that it is acceptable to talk about it.

That is why we need to look at things such as the SafeCare program that we had a briefing on today. It is another attempt to try to find a way to enable people to deal with this issue, instead of being afraid to deal with it. I am not saying it is the solution, and I am sure we will have more discussions about it, but it is another attempt to provide an environment in which victims of abuse can deal with it, taking into account all the other pressures on them in their living situation.

We still do not have enough counselling support for people who have been abused as children or as adults. Long-term counselling is almost impossible unless you are wealthy. For children, access to counselling is difficult and not always appropriate.

Working on ways to break the cycle of abuse involves recognising the lives of abusers. They often have their own childhood abuse, so we have to have programs that take into account the abusers. While they have to take responsibility for their actions, most of them, according to the SafeCare people, need a lot of help themselves, because they have had their own abuse situations in childhood.

We need to ensure much more cleverly and rigorously that institutions which have care of children are not going to allow abuse to occur within those institutions. We have failed in that area. In foster care, I can remember two reports over the last six years about system abuse. When we take children out of their birth family situation, they are put into situations where they are abused. There is so much work to be done. That is why, in my view, people will be marching on Sunday. That is what this march is to achieve, to answer to Mr Cornwell's letter.

This is an issue that families have to take responsibility for. Mr Cornwell says that that is what he is saying. To a point, that is true. Mrs Cross said that Mr Cornwell blames perpetrators, not the family structure. But this letter says:

Parents need to spend more time with their children, exercising their duty of care more vigilantly.

What that says to me is that parents are to blame on some occasions. Why otherwise are you saying that they need to spend more time with the children? The obvious implication is that the families are responsible. To a degree that is correct, but not all the family is responsible. Sometimes it is within a family. It can also be the fact that there is an incredibly vigilant, loving parent or family member who has no idea that a child or children are being abused. There can be two or three such vigilant, caring, loving parents or family members who would have no idea.

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That has upset people. Maybe it was unclear in the way it was put or maybe Mr Cornwell still supports the way he stated that. I think it is an unfortunate thing to have said. I know it has upset parents whose children have been abused, and it has upset other family members who have contacted my office over the last couple of days. Mr Cornwell says:

This is where the state of denial and ignorance really lies and it is no use parent(s) seeking to blame the government or society—

I do not know that parents are seeking to blame the government or society—

often with statements bordering upon hysteria ...

(Extension of time granted.) It is also incredibly disrespectful to say that when you are talking about abuse of children and their families and how they deal with this trauma in their lives. It is an offensive thing to say. Even if people are hysterical, maybe they have a reason. I do not think that is a helpful thing to say. It does not understand or acknowledge the depth of the trauma that is experienced around these issues, not only by those who are abused but all those around them who love them.

The letter goes on:

... in an attempt to assuage their own guilt for failure to be responsible for and to their children.

That is blame, and I do not think that is a good thing to have said. I am not going to back away from my condemnation of the words in this letter, although not all of them. As I said, there are some points there that are reasonable. The letter has not been well thought out. Maybe Mr Cornwell did not mean it in the way he said it; maybe he did. Maybe he sincerely believes that the freer family is the problem.

My understanding of the research is that many more people are disclosing that they have been abused or are being abused, although not nearly enough who are being abused are doing so. More people are prepared to speak about abuse having happened. Very often their abuse happened within nuclear, so-called safe families or extended families. The definition of family has to be broad here.

People are disclosing more now, and that is one of the important factors to be taken into account. It does not necessarily mean that abuse is happening more often. It is just that we are understanding how often it happens and the consequences of that. That is a good thing. That is part of the opening up of the whole discussion.

I have quite a lot of quotes here from the ACT Law Reform Commission, but I have already asked for an extension of time, so I would just refer members to the 2001 ACT Law Reform Commission report and other reports they will find through this Assembly. I am happy to give people other references if they are interested in finding out more about this issue. It is an important discussion. I am sorry it has had to come up in this context, but it is a good thing that it is in our Assembly again. It is an opportunity for us to talk about it.

I hope the march is well attended and that we continue to see increased awareness and discussion here as well as in the broader community about child sexual abuse and general abuse, as Mr Cornwell points out. If we wanted to talk about general abuse and poverty, we could get right into lots of policy issues around the federal government and poverty and gender issues related to welfare, et cetera, but we cannot do that tonight, obviously.

MR CORNWELL: I seek leave to table a letter I wrote to the *Canberra Times*. Mr Quinlan challenged me to make some qualification. This is partly that qualification.

Leave granted.

MR CORNWELL: I present the following paper:

Child abuse—National Rally—Copy of facsimile from Mr Greg Cornwell MLA to The Editor, The Canberra Times, dated 9 April 2002.

MS GALLAGHER (6.23), in reply: I thank members for their contribution on this motion. For the record, I never doubted Mr Cornwell's commitment to combating child abuse or his abhorrence of it. Nothing in my original address indicated that at all.

I think it is unfortunate that the *Canberra Times* did not give Mr Cornwell the opportunity to contribute to the article they published, other than by publishing excerpts from his emailed letter and drawing editorial from it. However, Mr Cornwell was not misquoted in the article, as he himself has agreed. I have read the letter, and I think it contains unfortunate statements which I do not agree with and which other members have referred to. I agree with the comments by Ms Tucker on that.

I say again that I do not question Mr Cornwell's concern over the prevalence of child abuse or his abhorrence of it.

When I was elected to the Assembly, a good friend said to me, "Never put anything in an email that you do not want to see appear on the front page of the *Canberra Times*." This is an example of why that is good advice.

This motion asks the Assembly to reaffirm its commitment to government action to protect children from abuse. As elected members of this community, we must be united in our approach—and I think we are—to address solutions to a social problem like child abuse. As community leaders, we have both a legislative and a moral obligation to deal with the serious issue of child abuse in a thoughtful, responsible and comprehensive manner.

The National March for Children is to be held this Sunday at 1 pm at Regatta Point, to march to Parliament House. It is being held across the country, but they are the details of the ACT march. I urge all members to attend this event to ensure the continuation of the pressure on all of those with a duty of care to our children.

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MR STEFANIAK (6.25): Mr Speaker, I move:

That the question be divided.

The Liberal Party, as Mr Cornwell indicated, would be very keen to support paragraphs (1) and (2) but obviously not (3). I think the paragraphs stand alone. There are three distinct parts to the motion. That is why we feel it is best for the question to be divided. I understand that the mover has no problem with that.

Question resolved in the affirmative.

Paragraph (1) agreed to.

Paragraph (2) agreed to.

Paragraph (3) agreed to.

Motion agreed to.

Personal explanation

MR CORNWELL: Mr Speaker, could I make a statement under standing order 46?

MR SPEAKER: Sure.

MR CORNWELL: Minister Corbell stated that I had suggested that child abuse in or out of the family should be hidden away. I totally reject that statement. I did not say it. I did not even imply it. I want the record put straight.

Container deposit legislation

MS TUCKER (6.28): I move:

That this Assembly calls on the Government to:

- (1) take note of the independent report on container deposit legislation prepared by the Institute of Sustainable Futures at the University of Technology Sydney which was recently released by the NSW Minister for Environment, Mr Bob Debus; and
- (2) support the establishment of a national container deposit scheme at the National Environment Protection Council.

The idea of putting deposits on drink bottles and other containers has been around for many decades. Since last century soft drink manufacturers and brewers used refillable glass bottles and have often paid deposits for the return of those bottles, which have then been cleaned and reused.

In the 1970s, however, drink manufacturers found it more economic, at least from their perspective, to use disposable containers such as PET and HDPE bottles, liquid paper board cartons and aluminium cans. They could then let local governments pick up the cost of collecting the litter generated and for the dumping or recycling of containers. Even the glass bottles that in the past were refilled were just dumped or recycled into new glass bottles.

In response, the South Australian government implemented a mandatory container deposit scheme on beverage containers in 1977. Similar schemes have been established in some states in the United States and in some European countries. This move was opposed by the beverage industry, which has continued to oppose the introduction of any other container deposit legislation scheme in Australia.

The problem of litter from drink containers and the problems of disposing of this waste have not, however, gone away, thus leading to regular calls for the introduction of container deposit legislation in various states. For example, the organisers of Clean Up Australia Day have called for the introduction of CDL, because they have found that 15 per cent of the waste collected on Clean Up Australia Day, some 2.1 million items of rubbish, consists of beverage containers. Such litter is not a problem in South Australia.

This Assembly has even considered container deposit legislation itself. In 1994, the then Standing Committee on Conservation, Heritage and Environment released a discussion paper on container deposits called "Many Happy Returns". It noted that the South Australian container deposit legislation had been very successful in achieving high recycling rates, much higher than recycling targets set in other states in negotiation with the packaging industry. The committee hoped that the issue would be revisited after the 1995 election. Unfortunately, this issue has not progressed, mainly because the previous government made a commitment to focus on the household collection of recyclable waste as an alternative to container deposits.

Another reason is that the committee concluded that the costs of introducing CDL in the ACT would be much reduced if there was an integrated deposit refund scheme between New South Wales and the ACT. The committee believed that the ACT should delay making any decisions on CDL until a decision had been made in New South Wales. That time has now come.

As part of a review of the New South Wales Waste Minimisation and Management Act the New South Wales Minister for the Environment, Bob Debus, commissioned an independent review of container deposit legislation. This review was conducted by the Institute of Sustainable Futures at the University of Technology in Sydney and was released in February this year. This report found that CDL was a good example of an increasingly important environmental management principle known as extended producer responsibility—that is, that manufacturers should take responsibility for the quality of their products throughout their whole life cycle, including how the products are disposed of when they reach the end of their useful life.

The review found that only 45 per cent of beverage containers used in New South Wales are currently being recycled, and that this could increase up to 95 per cent with CDL. The review found potential benefits in introducing CDL, taking into account that the

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financial and environmental impacts on a whole-of-society basis were significantly in excess of costs. It found that the environmental cost of disposing a single average beverage container to landfill was 8c to 9c, whereas the cost of recovering that container through combined CDL and kerbside recycling was approximately 2c to 3c. It suggested that a deposit of 10c would be an appropriate level.

While the beverage industry, retailers and consumers of particular beverages would incur net costs from the implementation of CDL, local government would receive a financial benefit through reduced costs of kerbside collection and landfill.

The review also concluded that there would be a net employment increase from the implementation of CDL. The review undertook surveys of stakeholders and found that there was significant support for CDL from the public and that consumers would be willing to bear some of the costs of implementing CDL.

The review concluded that CDL should be implemented in addition to kerbside recycling rather than as a replacement, as there other waste streams such as paper that can be still effectively collected by kerbside recycling.

Given that the ACT is effectively an island within New South Wales, the benefits projected from the implementation of CDL in New South Wales would be sure to flow through to the ACT.

One complication that the review did highlight, however, was a legal impediment to introducing CDL in one state, in that it could be argued that the introduction of CDL was a restriction on interstate trade, which is not allowed under the Australian Constitution. The South Australian legislation was challenged in the High Court in 1990, but the court found that the restriction was justified in that case.

However, since that time the federal government has introduced the Mutual Recognition Act, which establishes a framework for dealing with situations where states want to impose restrictions on interstate trade. Such restrictions can now be allowed only if all states in the Commonwealth agree to them. Some members will recall that the Assembly's law to ban the sale of battery cage eggs in the ACT came unstuck because other states would not agree to the restriction on the sale in the ACT of eggs produced elsewhere.

The New South Wales Minister for the Environment has accepted the conclusions of this review but has said that the issue of CDL needs to be dealt with at a national level. He has said publicly that he will take up this issue in the relevant ministerial councils, mainly the National Environment Protection Council, which has responsibility for developing waste reduction measures. I understand that a meeting of NFPC is scheduled for early May. That is why we need to have this debate tomorrow. Hopefully we will.

This Assembly should give the New South Wales government its support on this issue. The ACT has in the past expressed a strong desire not just to reduce waste but to eliminate it through the establishment of the target of no waste to landfill by 2010. A container deposit scheme would be complementary to and significantly boost other recycling efforts.

When you look at the facts on this and look at the review, it is crazy. We live in a totally crazy world if all the Australian states and territories do not agree to this. It saves money. Consumers are behind it. It saves litter. It is a really good idea. I understand it is the pressure of multinationals.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Adjournment

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

That the Assembly do now adjourn.

Abortion rally

MRS DUNNE (6.36): Mr Speaker, I rise to speak briefly about the rally organised by the pro-choice groups yesterday. I noticed in the paper and on radio and television that there was a fair amount of hyperbole about the number of attendees. My staff at one stage did a head count and came up with 82 and later in the day did a head count of 120. I ask myself: is this the best the pro-abortion groups can do after three months preparation for this rally? It seems to me, Mr Speaker, that the success of your bill is considerably fraught.

I received a letter this morning and perhaps other members received it . I would like to read some of it into the record. I have sought the permission of the writer to do so. The writer signs her name as Katherine. She has written to me before and I know she has written to other members. She wrote:

Dear Mrs Dunne,

The pro-choice lobby organising today's rally supporting Mr Berry's abortion bills claimed to be speaking for all women. But they were not speaking for me.

I went to the rally to hear what they were saying. But I felt that they didn't care for women like me whose lives have been scarred in ways we could never imagine. I heard them saying abortion is a woman's right. But isn't it also our right to know what might happen to us when we have an abortion?

This is the most tragic bit:

The rally ended with the song "Girls Just Wanna Have Fun". This trivialised the whole issue. Abortion was not fun for me. Abortion is not fun for anyone.

There is an increasing body of material showing that abortion is not fun for women. It shows an increased risk of breast cancer. Previously in this place I have quoted—

Ms Dundas: I raise a point of order, Mr Speaker. Mrs Dunne has referred to some bills that are on the notice paper. Hence speaking about them in the adjournment debate is out of order.

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MR SPEAKER: It does anticipate debate on something that is on the notice paper. Mrs Dunne, I draw your attention to standing order 59:

A Member may not anticipate the discussion of any subject which appears on the Notice Paper: Provided that in determining whether a discussion is out of order on the ground of anticipation, regard should be had by the Speaker to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

I have to be careful about how I regard this matter, as it is a bill of my own. I just warn you about anticipating debate on the bills which are before the place. I ask you to refrain. I will be watching you closely.

MRS DUNNE: Thank you, Mr Speaker. Well spotted, Ms Dundas. In the spirit of things, I will not digress on to something I was going to quote. Rather I go back to Katherine's letter. It said:

Last year I wrote to all MLA's about my experience urging them to retain the informed consent provisions.

This is not about the bills. Katherine said she received only four responses, and she attached the most recent response, one she had received from Mr Stanhope.

MR SPEAKER: Mrs Dunne, this is the sort of thing I wanted you to avoid.

MRS DUNNE: I am not talking about the debate. I am talking about the letters she received.

MR SPEAKER: Yes, I know, but you were also talking about the informed consent provisions of the bills. This goes to the issue of the debate.

MRS DUNNE: I promise not to talk about the informed consent provisions of the bill.

MR SPEAKER: I ask you to refrain. Ms Dundas raised an legitimate point of order.

MRS DUNNE: I am trying to be as careful as I can. The point Katherine makes is that most MLAs have not responded to her letter. She draws particular attention to the letters she has received. Although she has raised a number of issues with members, she has received form letters and raises particularly what she received from Mr Stanhope. She says that he does not seem to have fully understood her concern. She writes:

He did not address any of the points I outlined in my original letter. I then replied to his response in an attempt to further explain. He responded to this letter with almost exactly the same wording. I assume it was a basic form letter. Is this the best we can expect from our Chief Minister?

I will not go on, Mr Speaker, because that would contravene the standing orders.

Police numbers

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (6.41): Mr Speaker, I rise to do a little grovelling in relation to police numbers. I am glad that Mrs Dunne and Mr Stefaniak are here. I have in front of me "Labor's Making Canberra Safer Again", which says under "Police Numbers":

Labor will progressively increase police numbers by 20 over the next three years.

I have in front of me also Labor's financial statement, also published, which says:

The Liberal Government has allowed the ratio of police officers per head of population to slide to unacceptably low levels. Labor will progressively increase police numbers by 20 over the next three years.

This is in addition to the 2001-02 ACT Budget funding for 10 additional police officers in Gungahlin.

Twenty plus 10 is 30. It ain't rocket science, as I said before. But the thing that I did get wrong is that you have an additional 10 in your forward promises. I was not aware of that 10. I have done my homework and apologise. I did enjoy opening the Gungahlin police station, where the first of our 30, the 10 for this year, have taken up duty.

Question resolved in the affirmative.

The Assembly adjourned at 6.43 pm.