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OF THE  
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FOR THE  
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## **Wednesday, 17 August 2005**

**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.

## **Civil Law (Wrongs) Amendment Bill 2005**

**Mrs Dunne**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MRS DUNNE** (Ginninderra) (10.32): I move:

That this bill be agreed to principle.

The aim of the Civil Law (Wrongs) Amendment Bill 2005 is to clarify the position of the law of negligence as it relates to so-called cases of wrongful birth. It would remove the potential under the current law of negligence to cause immense, long-term psychological damage to children. It would also assert and have entrenched in ACT law the inherent dignity of all children, no matter what the circumstances or personal preferences of their parents. Put another way, it would reassert parents' moral responsibility to look after their own children. Not coincidentally, it would bring ACT legislation into line with the Labor governments of Queensland, New South Wales and South Australia.

In order to understand the details and rationale of the bill, it is necessary to first explain what exactly putative wrongful birth cases involve, and to provide some background to the issue in Australian courts. In plain language, the legal principles underpinning the concept of wrongful birth hold that the law will recognise and classify unwanted healthy children born as a result of medical negligence as a "loss" or "damage". This could cover a negligently performed sterilisation procedure, a negligently performed abortion, a negligently performed medical procedure that would have resulted in a foetus being terminated but for the negligence or an act of innocent misrepresentation resulting in the unintended conception of a child or the birth of a child that would have been aborted but for the innocent misrepresentation.

In all cases, the concept of wrongful birth entails that the unwanted but healthy child, by his or her very existence, constitutes a damage or loss. This is a notion we reject completely. It must be remembered that in tort actions the mere fact that a respondent has acted negligently is not in and of itself sufficient to justify an award of damages. Damages can only flow if the respondent's negligence has caused the plaintiff damage or loss. What this boils down to in the case of alleged wrongful birth is the simple question of whether a child who is born healthy but happens to be unwanted be considered as a loss or damage. That is the question—moral as well as legal—that members of the Legislative Assembly must answer one way or another.

The issue has come to a head in Australia as the result of the divided High Court decision in 2003 in *Cattanach v Melchior*. This was on appeal from a judgment in the Queensland courts. The facts of the case are, briefly, as follows: the plaintiff was a woman who had earlier been involved in a motor vehicle accident in which she received abdominal

injuries. Some time later she had a procedure to tie her fallopian tubes. Because of the earlier accident, the doctor who performed the procedure wrongly assumed that one of the tubes was dysfunctional and did not need to be tied. In fact, the tube was totally functional and the woman later became pregnant, subsequently giving birth to a child she did not want. The doctor was held to be clearly negligent. The argument revolved around the rationale and the extent of the damages to be awarded. The doctor's insurance company contended that the damages should only be awarded for the mother's medical expense, and pain and suffering.

The mother's lawyers argued, as the child was unwanted, she would be out of pocket until he was 18. His very existence was damaging her financially. In this sense, the child itself was to be seen as damage or loss. Accordingly, they requested damages for the full cost of raising the child. The insurance company contended that to do so would cause immense psychological damage to the child. He would know he was unwanted and that his parents considered him as their loss. The Queensland court found for the insurance company. On appeal, the High Court divided 4-3 to agree with the mother, overturning the ruling and awarding her \$150,000 for the cost of raising the child between birth and the age of 18.

We do not accept and do not think the law should endorse the opinion that a healthy child is somehow a loss or damage. Just think what that means: we are saying to that child—that innocent human being—“Your mother and father never wanted you.” “You were an accident: they are worse off for having you and the law agrees that they are worse off for having for you.” The real damage in this instance is that done to the child, to know they were unwanted, that their parents considered their very existence to be damaging. This is hardly the mark of a civilised society.

Certainly, the Labor governments of Queensland, New South Wales and South Australia took this view when they subsequently introduced statutes to change the common law and bring their legislation into line with community standards. This is precisely what is proposed by this amendment bill. As clause 99A states:

This part applies to all claims for damages for the birth of a child whether brought in tort, in contract, or under statute or otherwise.

Section 99B(1) provides:

In a proceeding involving a claim for damages for the birth of a child, damages must not be awarded for economic loss for the costs associated with rearing and maintaining the child.

It is relevant to note this very same issue was considered by Britain's highest court, the House of Lords, in *McFarlane v Tayside Health Board* 2000. The House of Lords judgment was the exact opposite of the High Court judgment. It said that, “for the purpose of public policy, a healthy child cannot be considered a loss.” The Lords then refined this principle in *Parkinson v St James University Hospital* 2002 when it held that, where an unwanted disabled child was born as a result of medical negligence, the parents were entitled to damages for the difference between the costs of raising a disabled child and the costs of raising a healthy child. We agree with this exception, which is reflected in section 99B(2) of our amendment bill, which provides:

... if the child has a mental or physical disability this section does not prevent the recovery of any additional costs associated with rearing or maintaining the child that arise because of the disability.

We move amendments to the common law with great care. Common law, especially the law of torts, has served society well over hundreds of years. We are nonetheless satisfied that this is a public policy imperative, and that we should amend the common law on this occasion. A healthy child is not a commodity; it is a human being. It is, I suggest, a serious indictment of our society that people can even think of healthy children as being in some sense damage or loss. No matter what medical negligence may have been involved in an unwanted birth, no matter how inconvenient parents may consider their own children, there is a profound moral and legal principle at stake here. Once we start allowing the law to entrench the notion that some human beings, just by existence, are an unnecessary burden, we are on a slippery slope.

Mr Speaker, I ask members of the Assembly to follow the lead of the governments of Queensland, New South Wales and South Australia to rectify what I trust all present will agree is a serious anomaly and accept our proposed amendments.

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

## Canberra plan

**MR GENTLEMAN** (Brindabella) (10.41): I move:

That this Assembly:

(1) notes the Government's:

- (a) commitment to the future of Canberra through the introduction of the Canberra Plan; and
- (b) progress with implementation of the Plan; and

(2) commends the Government for its demonstrated commitment to the future of Canberra.

On 17 February this year I asked the Assembly to note the government's commitment to the future of Canberra through the introduction of the Canberra plan, as well as the progress made to date in implementing key initiatives. I also asked the Assembly to commend the government for its demonstrated commitment to Canberra's future.

In the Assembly today, I am pleased to be able to draw members' attention to the significant progress made towards the major Canberra plan initiatives since its release in March 2003. The purpose of developing the Canberra plan was to guide the growth of the ACT in this generation and beyond, incrementally implementing services and programs to realise the plan's overall vision that:

Canberra will be recognised throughout the world—not only as a beautiful city, uniquely designed in harmony with its environment, the seat of Australia's

government and the home of its pre-eminent national institutions—but also as a place that represents the best in Australian creativity, community living and sustainable development.

As the government's framework for the ongoing development of this city, the Canberra plan sets the strategic direction for the government and the community, and has been shaped and given direction by Canberrans themselves. Underpinned by the concept of sustainability, it is an integrated strategy to strengthen Canberra's economy and its capacity to deliver services for Canberrans, while managing urban growth and change. While many important milestones have already been achieved, the positive effects of the Canberra plan will carry on well beyond this term of government and, indeed, this budget cycle.

Significant progress has already been made in implementing the plan since its release in March 2003. Some of the key themes within the Canberra plan refer to the need to harness the region's many assets and become more strategic in the way we work together. The three key themes relating to the territory's economic development are investing in Canberra's knowledge future, forging partnerships for growth and developing a dynamic heart. These areas have been significantly progressed over the past year. During 2004-05 solid partnerships were forged and new markets opened up in support of a more dynamic and innovative economy.

Many of the objects in the Canberra plan regarding the improvement of Canberra's economy have been advanced, and I highlight the following initiatives to the Assembly:

- a department of economic development was established to improve delivery of key services and programs to the business community and develop strategies relating to major businesses and economic issues facing the territory over the coming years;
- the Canberra partnership board has brought together business, researchers and government to identify opportunities for growth and export;
- a \$30 million super venture capital partnership was initiated to take great local ideas and turn them into commercial realities and jobs;
- the Canberra-California bridge program has opened the door to global markets and global finance;
- screenACTion, the ACT's office of film, media and digital contact, opened for business; and
- a one-stop business shopfront was established on Northbourne Avenue and is now home to BusinessACT, the Canberra Business Advisory Service, Austrade, screenACTion, and the brand new Small Business Commissioner.

The government also invested \$10 million in a new school of health science at the University of Canberra, and supported a new construction industry training centre, turning ideas and knowledge into assets for the territory, and building upon its strength as a well-educated community.

The 2005-06 budget continues to meet the needs of our community and deliver on the commitments to innovative and sustainable economic development contained within the Canberra plan. This year's budget clearly took a balanced view of economic growth in the territory, providing \$232,000, increasing to \$392,000 by 2008-09, to support a range

of development activities across key industry sectors identified in the government's economic white paper.

In capitalising on the territory's research and innovation strengths, the government has extended outyear funding for the knowledge fund by a further \$3 million in 2008-09. This will make total funding of \$21.5 million since the government came into office. The fund assists institutions and innovation based firms to commercialise their ideas and develop new partnering approaches, and has already supported over 200 new knowledge economy jobs in the ACT. In 2005-06 further alliances will be formed through a range of cluster development activities, including enterprise capability, development and critical mass building of firms across the nine priority industry sectors identified in the economic white paper.

An amount of \$232,000 has been allocated to the priority industry sector support program, which encourages government, community, business leaders and academia to work together to build competitive strength and achieve sustainable growth and development in the ACT. The National Information and Communication Technology Australia Centre of Excellence, NICTA, is renowned as the premier information and communications technology research institute in Australia. The centre was recently welcomed to its new home in the Canberra City West precinct, as part of the revitalisation of the area as a smart zone. The centre will provide 100 new NICTA positions and 100 PhD student places, as well as an estimated 280 new jobs during the construction phase, increasing employment in this new economy industry.

The government recognises that there is an increasing skills shortage in the ACT. To remedy this, we are cultivating stronger links between schools and industry, allocating \$1.5 million to vocational education and training in 2005-06. This will lead to an increase in the number of traineeship and apprenticeship places in the territory. Canberra's tourism also stands to benefit from stronger partnerships and innovative ideas. The government remains committed to Australian Capital Tourism and will continue to support programs to strengthen tourism in the capital, as well as developing new attractions and enhancing existing ones.

The Canberra plan has already resulted in significant economic investments, with both short and long term benefits for the Canberra community. By fostering greater economic opportunity and increasing support for commercial, educational and research activities, Canberra is fast becoming the heart of the region—a city renowned for its dynamic, innovative and growth oriented economy.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.48): I thank Mr Gentleman for moving this particular motion, a motion that notes the government's commitment to the future of Canberra through the introduction of the Canberra plan and the progress with that plan. It is an important plan and a very important motion.

Much of what the government does and much of our policy direction is determined by the Canberra plan. The government did this major piece of strategic work through the term of the last Assembly, not at times without significant criticism—that we were taking the time to be strategic planning our future. We were prepared to bring together, for the first time, a major strategic plan, through the economic white paper, covering the

fundamental areas of development, planning and policy within our city areas, across the full spectrum of community activity, covering our economic wellbeing and potential for growth through the social life of the city, as reflected through the Canberra social plan. Of course the look and feel for the planning of the city, and our determination to make the city one of the modern age and a city that is truly sustainable, were reflected through the major work undertaken in the spatial plan and the spatial planning process. That very much represented the first major piece of planning that had been undertaken in a spatial sense in the city for nigh on 20 years. The spatial plan is a plan that will not only stand the test of time but also will ensure that the ACT, in its decisions, maintains its reputation as the pre-eminent planned sustainable living city of the world. Of course, that is what all the disparate parts of the Canberra plan are designed to achieve.

I will devote the majority of my comment today to that part of the plan that I had specific oversight of, namely, the Canberra social plan. Almost 15 months ago, we released *Building our community: the Canberra social plan*. That document is a significant part of the Canberra plan and it incorporates our thinking. While acknowledging our successes in many areas, *Building our community: the Canberra social plan* is about ensuring that we keep doing the things we do so well, that we continue to enjoy Canberra's diversity, its cultural facilities, and its open spaces, and that we raise and educate our children in the best environment possible—a safe, healthy cohesive community.

The building our community document articulates the longer-term key strategic social objectives of the ACT government. It is intended as a long-term blueprint and establishes seven priority areas to guide policy makers over the next 10 to 15 years. The priorities and goals of the Canberra social plan emphasise the importance of helping Canberrans in need—and we are genuine about this—so that we all reach our potential, make a contribution, and share the benefits of the community. I am very pleased that a record of the significant progress in addressing the seven social priorities of the building our community plan has been prepared, and will be released publicly very shortly. It is important that we measure our progress regularly, as these priorities are helping to guide our decision making over a minimum of the next decade, and perhaps as long as, I would expect, up to the next 15 years.

The report that we will be delivering in relation to the implementation of the Canberra social plan will outline progress in some detail and will provide a signpost to the future of how the ACT government intends to continue to meet its commitments and confront the challenges presented in understanding and addressing the social disparities present in our community. There are some actions described that I am particularly proud the government has achieved as part of the first year and a half of the building our community plan. These include the opening of the Gungahlin Child and Family Centre, and the commencement of services on exactly the same model in Tuggeranong, the activities of the community inclusion board, under the leadership of Hugh Mackay, to develop and promote community inclusion, and a wide variety of celebratory events for all Canberrans to enjoy at Christmas and New Year, and on Australia Day and Canberra Day.

I was pleased that the ACT government was a significant supporter of the Victory in the Pacific celebrations, which were held just this last weekend. We were a partner with the commonwealth government in the funding of those celebrations. I am particularly

pleased that the celebration was an outstanding success, not just in acknowledging the enormous debt that we as a community and Australia as a whole owe to those Australian men and women who were part of the defence of Australia—indeed, of freedom and liberty throughout the world—during the Second World War, but also the opportunity for Canberra to come together as a community, which it certainly did, to an extent that we perhaps have never before seen in the ACT.

On Sunday, up to 100,000 people, the vast majority being Canberrans, joined together as a community on the shores of Lake Burley Griffin to celebrate Victory in the Pacific. There were aspects of that celebration, namely, the coming together of the Canberra community, where I perceived the joyousness within the community. An enormous number of Canberrans—one-third of our entire population—gathered together on the shores of Lake Burley Griffin for a fantastic celebration of our community. It was a wonderful feeling, and a wonderful time. That expresses at one level, and goes to the heart of the sort of community that we are seeking to achieve through our dedication to planning, as evidenced by the Canberra plan and the Canberra social plan, a community that is inclusive and a community where everybody has an opportunity to participate, and where we share the great benefits of that sense of spirit of community. I think Sunday at Lake Burley Griffin was a great reflection of the strength of our community—a strength that we seek to support through the Canberra plan and the Canberra social plan.

Other actions that the government has taken that I am particularly proud of, and that are very significant in terms of the sort of community we want, as was expressed this last weekend, is the implementation of the Human Rights Act—the enshrining in legislation a statement of the rights that are fundamental to every Canberran and, indeed, to every human being—and the release of important visionary plans to improve services to people with a disability. It is very important that the momentum we have generated since the building our community document was launched be maintained and strengthened; that everyone regard it as a living and breathing operational document that helps underpin the collective consciousness of government and the community in reaching the goals we have sought to achieve.

The Canberra plan's vision underpins the collective consciousness of the government and the community to create a place in which all people reach their potential, make a contribution and have the opportunity to share in a fair and just society. The government is committed to creating a community that lives, works and socialises together; a community that is safe, prosperous and fair-minded; and a community that supports Canberra's greatest asset—that is, the people who live here. The Canberra plan theme is about investing in our people, and it is indicative of the government's commitment to develop a place where we do not stop learning, where quality education and training is a priority, and where the health and wellbeing of our community is of the utmost importance.

One of the major achievements, as I indicated earlier, in the first year of the Canberra plan was the successful establishment of the Gungahlin Child and Family Centre. This is a prime example of the government's commitment to supporting Canberra's children and focussing on early childhood development. Over 1,000 families have to date access to services through the Gungahlin Centre, including a range of developmental programs, health and education services and parenting and family support programs. Due to the success of the centre, the government has now committed additional funds in this year's

budget to extend the program to Tuggeranong in this current year. I am more than hopeful that, as we continue to develop the programs and the philosophy and the model of care that is delivered through our child and family centres, we will be able to take the next step and look at the extension of the child and family centre methodology and program to Belconnen.

It is a fantastic new, innovative and, I believe, leading method of delivery of support to families and children. It is a classic case of a government that is committed to early intervention, of finding a model that allows us to intervene very early in the lives of children and to assist and support families at a stage when perhaps there are issues that are developing within a family that lead to breakdown, stress or some level of dysfunction which then impacts on children and which is then part of the cycle that we know leads to so many undesirable outcomes for children, in particular, and families. That is at the heart of the philosophy supporting the child and family centre model. It has been developed in the ACT. It is innovative: nowhere else in Australia is the model of care and service delivery that we have initiated through the child and family centres pursued.

The government is also providing funding for a range of other programs aimed at supporting the needs of our young people. The kids at play program, which provides opportunities for children to be involved in active play, has been expanded and pre-school hours for eligible 4-year-olds has been increased from 10.5 hours to 12 hours. Through progressing the Canberra plan goals, the government is working with the community to build upon what the community has emphasised to us, in all our consultations, as important, and what we as Canberrans know is important. One thing I can say about this government is that we are very much part of the community that we seek to serve. We promote social justice principles and principles of access, equity and participation, with particular emphasis, as I have maintained through this particular presentation, on inclusion and social cohesion.

The Canberra plan recognises the importance of social cohesion and the need to build stronger communities. Over the past year and a half, Canberra and its community have celebrated significant events, in addition to the major celebration that we have just enjoyed, including Christmas and New Year in the city in 2004. Also this year tens of thousands of Canberrans joined together to celebrate both Australia Day and Canberra's birthday party, the celebrate in the park event, which included a wide range of events for all ages. I acknowledge the fantastic sponsorship we had from ACTTAB. I believe the celebrate in the park event in March revitalised a day of significant community celebration that many of us remember from times past but which fell on some hard times. We have now reinvigorated and reinvented our Canberra birthday celebration and it is something I look forward to again next year.

Similarly, the Canberra gold awards, which I introduced this year as part of our Canberra celebrations, recognise Canberra citizens who have been making valuable contributions to our community for 50 years. We do sometimes underestimate that contribution that is made simply by the day-to-day activity of citizens dedicated to their community—whether it be through sporting organisations or the P&C or simply building and establishing suburbs. There is fantastic community building that goes on and 50 years of that sort of community building warrants specific and special recognition particularly in a young city such as ours. It was fantastic and wonderful to see so many Canberrans who

have lived in and devoted more than 50 years of their life to our community—indeed, over 1,000 were nominated for a Canberra gold award as an acknowledgment of their great contribution to our city. That of course reflects our commitment and determination that Canberra be a city for all ages and that we acknowledge our older people.

I would also like to highlight the important work of the community inclusion board, under the leadership Hugh McKay, which has overseen the allocation of the government's community inclusion fund. The fund is supporting 15 community organisations already, working in partnership with government agencies to improve the social and economic circumstances of the most vulnerable members of the ACT. The board has established a pilot household debt project, very innovative once again, looking to break the debilitating cycle of consumer debt. Funding for energy, water and sewerage concessions have been extended to individuals and families on low incomes who are adversely affected by utility prices. That is just a glimpse of some of the issues that we have dealt with through the Canberra plan and that reflect our vision. I thank the member for bringing this to the attention of the Assembly today.

**DR FOSKEY** (Molonglo) (11.03): I would like to thank Mr Gentleman for providing an opportunity for the Assembly to assess the Canberra plan. Of course the assessment of the Canberra plan against its goals should be a constant process, and there is absolutely no doubt that the Canberra plan is a good initiative, one that the Greens have been calling for since we first entered the Assembly. It is inevitable, of course, that the document prepared by the government has its deficiencies, but we acknowledge that it is a start.

In responding to Mr Gentleman's motion today, I would like to draw on two key areas in which the ACT government needs to do a lot of work if it is going to meet the objectives of the Canberra plan. The first area for improvement is the government's willingness to involve the community in debates about planning and community projects, and the second is sustainability measures.

First of all, in the area of community involvement, the OECD study related to the Canberra plan states that the real source of the problems faced by cities at the beginning of the 21st century is that strategies for solving problems have broken down. It states, "There is not so much a shortage of investment as there is a shortage of imagination and an excess of caution." One wonders where the shortage of imagination lies and where the excess of caution lies. Perhaps that will become clearer as I speak. I have got another take on this 21st century problem. I actually do not think there is a shortage of imagination, not in the community at least. But there is an increase in the division between community and government. So perhaps there is no shortage of imagination in the community, but too much caution in relation to taking it on from the government.

Governments at all levels in Australia are building the dividers between themselves and the community higher and, as such, government has less access to what the community is thinking and saying. The government has made a commitment through the Canberra plan to ensure stronger relationships with the community via the community engagement strategy. But, unfortunately for the community, in the last three months the government has failed to implement the principles of community engagement on a number of issues. Sometimes I wonder if the government is in fact afraid of the community and, to be safe, it prefers to do its consultation after it has made its decisions.

We have had a number of instances of this in the very near past. The first example of the breakdown is the government's decision to close down a number of schools in the Ginninderra region in order to justify the formation of a new super school, after which the government decided to conduct community consultation. Next is a lack of clear and concise communication with community organisations currently located at the Griffin Centre over their future housing and fitout, as well as the government's renegeing on promises the community sector believed had been negotiated in good faith. We know there are some attempts at the moment, some running around to repair that damage, but the fact is that that damage has been done.

There is also the disbandment of the Ministerial Advisory Council on Multicultural Affairs. The minister said that he could be more efficient in talking to people one-on-one. I fear that his efficiency measures could involve not talking at all or only talking to some people and not talking to other people. There are many, many dangers in this kind of process.

There have been ongoing negotiations between the ACT government and the ANU over the Civic West area, with minimal consultation with the community and arts organisations involved over the future housing. The community and arts organisations have not been allowed to join the precinct committee. We see the outcome of that attached to one of Mr Corbell's call-in justifications yesterday. What we will have is a less than desirable building, a major building, the first major building in that precinct that will far from meet the government's own objectives of a lively, innovative city. So, disappointment!

My final example is the central Canberra task force. It is looking at the future of City Hill and Civic. I wonder if the government realises that the only way that the community can submit ideas on the future of these sites is via a Terry Snow and *Canberra Times* competition.

The worthiness of a community engagement strategy is nil if the government is unwilling to implement it. Where the government does actually engage with the community before making the decisions, it often fails to follow through or recognise what the community has asked for. It is time to remind the government that it was elected by the community to hear and facilitate community opinions and ideas. To say, as one government adviser did, "We will listen to the community, but we will not be dictated by them," is not good enough. Listening and acting usually come together. For it is a community that has the expertise in what is affecting their lives. Government cannot make a show of listening to the community and then decide to ignore what it has said just because it thinks it knows better than the community. I must say there is quite a degree of cynicism in the community about the government's consultation processes. I think there is a lot of work to be done here to regain any faith.

Evidence of the government's conduct in these areas can well be seen in the advice and recommendations presented to them by constituents, community organisations, commissioners, fellow members and their own backbench. For some reason the government's reluctance to take on good ideas from other people is very evident. It operates on the assumption that, if the policy idea comes from within their ranks, it might be considered, but if it comes from someone else they will refuse it outright. There is no

shortage of imagination within our community. There is simply a shortage of government willingness to listen to and implement our community's ideas. Therein lies the caution.

I want to deal now with sustainability. The Canberra plan states that the government will strive to see Canberra recognised as a city that successfully faces the challenges of sustainability, that uses minimum natural resources and makes the best of them. Its own work on sustainability shows that Canberra people have the highest per capita ecological footprint in Australia; hence we are among the highest consumers in the world. There is much to say on this. I have already said a lot of it and I will say a lot more in the Assembly in the future.

But today let me perhaps begin with the government's incorporation of sustainability principles into the 2005-06 budget. I have congratulated the government on attempting to include sustainability measures in the budget because it is a difficult initiative. There is much work to be done before we can safely say, however, that this initiative is a success. Not surprisingly, the point was made in the estimates report that the onus is now on government to embark on a broad and deliberate consultation on the incorporation of sustainability principles in the budget.

This is a complex issue, but there is expertise in the Canberra community that could be harnessed with the right approach. There is also some good work being done in other states and municipalities. It is also interesting to note that the current government was elected on a strong environmental platform. Since then there have been a number of staff losses, broken promises and few new initiatives through the 2005-06 budget. For instance, we can see the proliferation of building without targets and benchmarks for energy efficiency. There is very, very slow process towards perhaps introducing BASIX, a building sustainability index.

The Stromlo village redevelopment seems to be turning out to be a greenwash. It looks like a green initiative, but when you look at the details, they are not very green at all. It was first thought it was going to be a world-class example of sustainability, energy and water efficiency. Now we are having "sustainability principles of a high standard". The government has failed even to orientate the houses and blocks in a way that would make them solar efficient. Apparently the government is not talking to architects and builders with expertise in sustainable housing. It had the potential to be world class, good enough for our Canberra plan, but for some reason or other, it is not going to happen.

Finally, I want to deal with demography. The Canberra plan is based on the assumption that there will be hundreds of thousands of people living in Canberra. That is not the way we are going at the moment. In fact, our demographic trends are that we are going to have lots and lots of smaller households and that, if we are going to build any social sustainability, we are going to have to really rethink the way we do our planning. We need to plan for communities. The Canberra plan is only a piece of paper if it does not look at who is in our community, what they need, listen to their ideas and then implement them.

**MR SPEAKER:** Order! The member's time has expired.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (11.14): I thank Mr Gentleman for raising this issue today. Perhaps just very quickly in rebuttal of some of the comments that Dr Foskey made, she criticised the government for not listening to consultation, but then has the gall to say that the government needs to work harder on its sustainability measures in the budget. Well, where was Dr Foskey's submission on those proposals? When the Treasurer wrote to every single member in this place and said, "Tell us what you think is the best possible way of reporting on sustainability in triple bottom line accounting in the budget papers?" where was Dr Foskey's submission? She did not make one. She is very happy to criticise failure, but is not prepared to engage in a constructive dialogue. She cannot have it both ways.

The other issue that of course needs to be raised is Dr Foskey's misrepresentation of the population issues in the Canberra plan. The Canberra plan does not set a population target. It does not say, "By X date we will achieve X level of population." What the Canberra plan says is that there are a range of growth scenarios in terms of our population, from a very low growth scenario to a very high growth scenario, and it is prudent and appropriate planning to take all those into account in choosing and making decisions about the future urban form, the future economic base, the future social base of our community. I am sure Dr Foskey would criticise the government if we failed to take those issues into account. So that is a misrepresentation on her part.

The issues I want to raise today relate primarily to the spatial plan, which is a very important component of the Canberra plan. The Canberra plan is the first time any state or territory government has put together a comprehensive document that looks at social, economic and fiscal planning in terms of the future growth and development of an area. We have done that here in the city, and it is a very strong, powerful and compelling document. It is compelling because it is informing every element of government decision making around budget initiatives, around infrastructure development, around social service provision and around economic development activity. It is informing and driving that agenda. No more ad hoc decisions, no more, "That sounds good. We'll give it a go." It is driven by the philosophies, the policies and the objectives outlined in the plan. One of the key commitments Labor made before we came to office was to say, "No more ad hoc decision making. No more policy on the run. Have a framework. Have a policy. Have objectives. Work towards them. Stick to them. That is how you get the best possible outcomes."

In the spatial plan a range of issues are, even now, being actioned. The first is issues around the urban footprint of Canberra. This government has said that development in Canberra and the region should not be beyond 15 kilometres of the city centre. We are putting in place policies to make that happen. We are working with New South Wales on developing a regional settlement strategy that reflects these principles so that journeys, energy use associated with journeys and sustainable patterns of development are built into the statutory planning frameworks both here in the ACT and in New South Wales.

An example of this is the work we are doing in the Molonglo Valley. Molonglo has been identified as urban suitable, a potential future urban development front for the city. The government has not just said that could be used and left it at that. We have moved ahead with the detailed planning work to show exactly how that can happen so that future governments, probably not this government, but future governments have the capacity to

move on Molonglo, to deliver that land, to create that community as and when it is needed. The work that the ACT Planning and Land Authority has done, along with the National Capital Authority, has identified that, in one instance, the eastern area of Molonglo within 7.5 kilometres of the city centre, a very sustainable outcome, close to all facilities and amenities within the existing urban area, will not need to expand out in the way that we are going in other parts of the city.

The National Capital Authority has endorsed the planning work that shows that this area is potentially urban capable. It has agreed to further planning work happening, and that is under way right now. So we are looking at a range of issues to do with infrastructure, to do with potential settlement areas, to do with environmental issues in the Molonglo Valley. It is not just words; it is actions, actions to follow up on the outcome. It is probably worth reminding members that right now public consultation is under way on issues to do with the potential development of the Molonglo Valley. It is under way right now.

Equally, the spatial plan, and indeed the economic white paper, recognised that our city centre had to remain strong, vibrant and dynamic to be a driver not only of economic activity, but also a variety of cultural and other aspects that are beneficial for the health of our community. We have made the investment to focus on the revitalisation of the city centre. Right now there is over half a billion dollars worth of development activity happening in the city centre. That is an unprecedented level of development activity in the past six to seven years, and certainly since the very early days of self-government. It has been able to be achieved because the government has a clear policy of supporting development in the city centre so that more people can live in the city centre, reducing the need for journeys and increasing the sustainability of our city.

We have also focused on keeping jobs in the city centre and supporting developments that make that happen. We are focused on reforming the planning system in the city centre so that we can allow development that meets the community's objectives in terms of sustainability, economic development and social vibrancy to proceed. Removing the requirement for preliminary assessments in the city centre is just one example of that. We have a comprehensive program in place in relation to the city centre.

The other important issue that I would like to quickly touch on is the issue of transport. Transport is a major user of energy in our city. It is the second largest energy consuming area after heating and cooling the buildings that we live and work in. Reducing the need for transport by private motor vehicle, or at least capping that growth, is important. This government is the first government to put in place targets, motor-split targets, to reduce or contain the growth in journeys by private motor vehicle and increase the number of journeys that happen by public transport, by walking and by cycling. We are spending the money to make that happen. Again, this is consistent with the Canberra plan framework. For example, we are investing in a new bus fleet, making our bus fleet more attractive, reducing the fares so that it is more economical as well and certainly competitive with the motor vehicle, but also improving the reliability, frequency and availability of services by public transport.

The real-time information system, which the government announced in the budget with funding of \$7.5 million, is not just about improving frequency and reliability, but also about improving patronage. The very clear data is that using real-time information can

boost patronage on the routes where it is used. That is an important value for money investment. That applies equally to the work we are doing on the Belconnen to city busway project and the Gungahlin to city busway project. Dedicated, high speed, rapid transit links between our town centres into the city centre are vital.

These investments can potentially save commuters significant amounts of time. For example, from Higgins into the city centre, with the Belconnen to city busway, there will be a 15-minute saving in journey time. That makes using the bus from Belconnen to the city competitive with a car in terms of the travel time, but, of course, it is without the hassle of parking. So that is a good example of the government following through on the key objectives, outcomes and priorities identified in the Canberra plan and its subset of plans, the spatial plan and the sustainable transport plan. So the government has a comprehensive program in place.

Now, I imagine that Mr Smyth is going to get up shortly and say that it was the Carnell government that delivered the first strategic plan for the city. If he is referring to the capital future document, he is really going to have to have another look because, quite frankly, it was nothing more than 50 or 60-page document that talked about what a great place Canberra was and how it could be a great place. It contained no objectives; no strategies; certainly no funding; certainly no implementation framework; certainly no looking up where the future urban growth and development of the city should occur; certainly no identifying in a comprehensive way how economic development should occur in the city and certainly no looking at human services, social service provision, equity and justice in our community. This government has delivered the first comprehensive strategic plan for our city. It is one that informs every action the government undertakes.

**MR SMYTH** (Brindabella—Leader of the Opposition) (11.24): For once Mr Corbell is right. I am going to refer to the Canberra: a capital future document. It is a strategic plan, but it is one of the plans that have been written about Canberra in the last 30 or so years. I am sure there are former workers of the NCDC who would be riled by the notion that they had never done the sort of work that Mr Corbell talks about. Of course all governments build on the works of the governments that come before them, but this government are the masters of rewriting history. Apparently nothing happened before this government appeared. All the grandeur that is Canberra suddenly appears out of the ground.

It was obvious from the motion on the notice paper that we were going to have all this commending and noting of what the government has done, but it is interesting that the mover of the motion could only take eight of the 15 minutes allotted to him to actually espouse his view of what has occurred. So most of the time we are begging. Then we had the dull delivery from the Chief Minister reciting the litany of his achievements. But what happens if you question them? Let us just question the necessity for the human rights legislation. It is lauded as the great achievement. Mr Stanhope wants to be the man who did everything first. One hundred and twenty people turned up to five or six consultations across the territory, and most of them were agin it. The point that Dr Foskey makes about this government's sham of consultation is borne out by the fact that, when people speak against something, they are just ignored because "we know better".

We really do have to go back to the 1996 Canberra: a capital future plan. Contrary to what Mr Corbell says, there are objectives in it and there are things that are to be achieved. But let us look at one page, page 57, *Revitalising the Heart of the City*. We hear all this talk from the government that “We are the first ones to put a comprehensive plan together for the city.” Mr Corbell, shamed into doing something, put out a flimsy little document a couple of weeks before Mr Snow put his document out so that he could say, “I got there first.” But the genesis of all that Mr Corbell is doing and what has taken four years is, of course, the OECD report that the former government, indeed that I as the former planning minister, commissioned. That report said, “We’ve got to this point in time. Where do we go to from here?”

So the revisionists and the rewriters of history, and those opposite are very good at it, need to actually sit down and take into account all the work that has gone before them. The Chief Minister again said that it is the first time we have had this comprehensive plan. Whether you like it or not, there it is: *Canberra: a capital future—ACT strategic plan*. What does it cover: the shape we are in; the economy; strategies for a viable sustainable future; sustainability objectives; principles and actions. It then talks about managing the city’s growth and change; the town centres; retail policy and Canberra’s landscape. Gee, Mr Corbell, there is even a section on roads; public transport; the airport; high-speed rail, and so it goes on. So this notion, this rewriting, this ignoring of the truth has to be challenged on every occasion, and of course we will challenge it.

The Chief Minister talks about how he brought all these elements together and how it is working. I just remind the Chief Minister of something he said in the radio the other day. He said, “Canberra is not on the radar internationally.” So if we have done all this good work and built up this image of Canberra as the city of the future, the city with the plan, then why are we not on the radar? We are not on the radar because the government has really ignored some of the key things that they need to do to promote the sustainable future of this city.

The Chief Minister stood up and talked about how we have got all these events coming. That is good. The events are good and congratulations to the government for having events. You are not the first government to run events and you will not be the last. But we did have this dearth of events for three years where the government cancelled everything. There were no fireworks celebrations. There was nothing for New Year’s Eve. There was a lackadaisical approach to the multicultural festival, a lackadaisical approach to the Canberra festival. Basically, it all went away. The celebration of the city all went away. So in its own social plan, the government said, “We are going to have events.” Why did we have to put that in that plan? It is because we had forgotten to have them for almost three years.

The interesting thing with all of this is that so much of it was built on the achievements of the former government. Mr Gentleman said, “We have built NICTA.” We started to bid for NICTA. We did the groundwork that helped get NICTA to the ACT. We started the groundwork for the medical school. We did the work that got the medical school here. Mr Gentleman said, “We are fast becoming the heart of the region.” When we were in office, we were the heart of the region because we had regional leaders forums that were ignored by this government when they came to office. We were actually working with the region years and years and years ago. So do not say “We discovered the region.”

My goodness me! I did not realise it was lost. It was not lost under the previous government because we talked and worked with the region. We put words into action. We made the connection. We were working to improve the entire region.

It is interesting that today's motion has no objective analysis of what has been done. We have heard lots of words. We have said lots of things. We have patted ourselves on the back constantly throughout debate on the motion so far. But where is the objective, the quantitative analysis? Apparently it is coming. If there is a progress report, why are we doing this today? Why do we not have that progress report today so that we can objectively judge this government against what it has said? It is because the government did not say very much.

The reason the government did not say very much is that it has piled up a massive amount of reports and paperwork and bits and pieces that went into the plan. Now we have their version, published in the *Canberra Times*, where the ACT water strategy feeds into the ACT lowland-woodland conservation strategy, into the five-year recreation strategy, into the ACT Forests business case, into the non-urban study, into the urban edge, into the Stromlo option, which, of course, feeds into the Canberra spatial plan, which connects with the economic white paper and the social plan into the Canberra plan.

**Mr Stefaniak:** The knee bone is connected to the thighbone.

**MR SMYTH:** It is. The knee bone is connected to the thighbone. There it is. Why do we not have an objective analysis of all this supposed good work that has been done? It is because there is nothing to analyse. Mr Quinlan is holding up the economic white paper, the white paper that really has no targets, no timelines and no implementation plan in it, the same as most of these plans. The only targets that appear in these documents in the main are about 2013. They are not going to be judged in 2013. It will be impossible to measure them over those 13 years, not that anybody would remember them. They will simply disappear, just as the memory of this government will disappear.

The interesting thing about this motion is it is yet again a time-filler on private members day, a bit of self-congratulatory work by the backbench of the government in an attempt to fill up time. That is all it is. It is just a time-filler. If Mr Gentleman were serious about the progress of the implementation of the Canberra plan, he would have given us analysis, quantitative analysis, qualitative analysis of what had been achieved. The fact that he cannot produce any of that analysis indicates that there is nothing in this plan. This plan is a series of words that state the bleeding obvious, to quote the Treasurer, about where this city is going.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (11.32): Talk about rewriting history! Mr Smyth, I think, amongst other things, accused us of potentially standing up and saying nothing happened before. Well, I will not say that. What I will say happened before was a Fujitsu deal that we are still paying for; an FAI deal; an Ansett call centre deal; the Waldorf Apartments deal; Capital Plastics, who actually just took the money and walked out of town and did not do a thing; TotalCare, which was an economic disaster; Williamsdale quarry, which cost us

money; Can Deliver, which cost us money; Impulse Airlines, which cost us money, and the Bruce Stadium, which cost us money.

That collection of disasters that was the hallmark of the previous government was not part of any structured plan. There was no structure. There was, to borrow the title, impulse. Things were done on impulse, and that was the sum total. I do not blame Mr Smyth. I do not blame any members of the current Liberal Party because they were not part of the government. The government was Kate Carnell, John whatever his name is, and Mick Lilley. That is who ran the city. They did not run it according to a plan at all.

In my time in opposition, knowing that the probability was that we would be elected in 2001 and that we would have to assume responsibility and give direction, we actually said as part of our pre-election policy that we would put together an economic white paper; we would in fact take up that challenge. You do not do that without taking a certain amount of risk. We did a lot of study and it has now been condensed into a cohesive plan, which is called the Canberra plan. Cohesion, I think, is now the operative word and certainly is the word of contrast when we refer to what went before. That is the history.

The history is a litany of disasters that bought very little to this territory. Even with Bruce Stadium, you say it is a grand stadium, and people have said it is a grand stadium, but go back and read the audit report on it. Go back and read the assessment of what the punter who goes to the football gets out of it. It was a stadium that was built for the corporates at something like an assessed cost of \$80 million-plus to the ACT taxpayer. The average ACT taxpayer does not get access to the facilities that cost that \$40 million or \$60 million or \$80 million, depending on the assessments of the overall future cost. The average punter did not gain much from it at all.

This government could see the potential of the territory, and I will refer particularly to the economic white paper and its role within the Canberra plan. We could see that we needed to mark out our territory and, in order to develop this economy, we needed to understand it and we needed to know our strengths and our weaknesses and our opportunities. So we took that step. We consulted, and a lot has been said in this debate already about consultation. We did consult. We put out the draft. We challenged all of the stakeholders to criticise, to examine, to input into the final paper. In fact, the level of criticism was absolutely minimal.

If you take out the normal carping you get from Mr Smyth, it was virtually zero because people had had a role in it. I think that Mr Smyth has from time to time paid it the compliment of pinching little bits of it to try and embroider the impression at least that they had a policy before the last election. Of course, as is now a matter of history, their policy was a failure. Mr Smyth has led the Liberals to the bottom in terms of first preference voting across Australia. Mr Smyth made some claims about what he had done in terms of the medical school. The great deficiency that we found in 2001 when we came to government was that even those things that the Liberals talked about doing and had committed to were not funded. There was no funding. The incoming government had to pick up and do those things.

This government has picked up and has funded the development of NICTA, tortuous though it has been trying to get the NICTA campus in Canberra off the ground. It is now starting to come out of the ground. We have invested in a commercialisation fund that can now offer \$30 million with the addition of external funding that has been attracted by the government's investment. We have a genuine and substantial venture capital fund to operate in the ACT, a fundamental in trying to develop our economy.

We have invested in the University of Canberra in the area of allied health professional development. We have actually made decisions and invested so that there will be a continuing ongoing benefit, not some photo opportunity of the signing of a deal that was costing the ACT taxpayer some money to the benefit of a multinational with whom we have been hobnobbing in recent times.

Mr Smyth made something of there being no targets or timelines in the economic white paper. I have, and will continue to, come to this place from time to time to report on the achievement of the actions that have been laid out in the economic white paper so that this Assembly is informed that those actions have been taken. The majority of them have been implemented now. So it is not a case of 2013 or promise. Much of it is in place, has been done and exists now. We will continue to do that. We will continue to report to this Assembly on the overall plan. For the first time what the overall plan has been able to do is say to the world, "Hardcopy. Challenge it; examine it if you like"—and certainly I expect our opposition to pore over it and examine it; I am sure they have tried to do that—"This territory, through its government, does have a vision. That vision has been articulated and the structure behind that vision has been articulated."

Let me say that we have in place a social plan, a spatial plan and an economic plan through the economic white paper, none of which have been the subject of any substantial criticism. There has only been the usual carping at the fringe. Speak of the devil, Mrs Burke! That carping really amounts to negativity. That is what we got. We do expect a degree of negativity from the opposition but we do also expect to see an alternate vision, and we have seen absolutely nothing.

**MR SPEAKER:** Order! The member's time has expired.

**MR GENTLEMAN** (Brindabella) (11.42), in reply: I feel very lucky to be a Canberran. I was born here in the original Canberra community hospital and grew up in the leafy suburb of Reid. I have seen and been part of Canberra's history and I have watched this city grow into the vibrant, exciting capital we enjoy now. I have watched the creation of Lake Burley Griffin and indeed spent many weekends as a youngster fishing for yabbies on its shores. I have watched the creation of the Monaro Mall and I have played on almost all of our sporting ovals as a youngster. I remember fondly our union picnic days being held at the Cotter Reserve and the wonderful camaraderie that Canberrans enjoyed in their own community space. I have been part of the new suburbs creation and enjoyed taking part in the construction of my own home in Calwell just as the suburb started off. I have seen how my own electorate has grown, both with construction and with a sense of community.

But with all of this growth and community activity, there has been no instrument to coalesce our community and bring it into the future, until the Canberra plan. As we have

heard, the Canberra plan sets a strategic direction for government and the community. It has been shaped by Canberrans. It is underpinned by a concept of sustainability. It is strengthening Canberra's economy whilst delivering services to Canberrans and managing urban growth and change.

Mr Smyth said that I provided no indicators on how the plan has progressed. But we have heard already about the initiatives created, and I will repeat those in case Mr Smyth did not hear them. The Department of Economic Development was established to improve delivery of key services and programs to the business community and develop strategies relating to major business and economic issues facing the territory over the coming years. The Canberra Partnership Board has brought together businesses, researchers and government to identify opportunities for growth and export.

A \$30 million super venture capital partnership was initiated to take great local ideas and turn them into commercial realities and jobs. The Canberra-California bridge program has opened the door to global markets and global finance. ScreenACTion, and we have talked about it before, the ACT office of film, media and digital content, is open for business. The one stop business shopfront was established on Northbourne Avenue and is now home for BusinessACT, the Canberra Business Advisory Service, Austrade, ScreenACTion and the brand new Small Business Commissioner. The government also, as we said, invested \$10 million in the new School of Health Science at the University of Canberra. So there have been some indicators for Mr Smyth to look at.

I would like to thank members for their contributions to this debate today. I feel a great passion in moving this motion this month as I celebrate living in this wonderful city for 50 years. The Canberra plan has been a wonderful initiative and I have been pleased to see the introduction of some of these significant partnerships with our community. This is the continuation of Canberra's future development and sustainability.

The commitment of the government to build on the success of the Gungahlin centre and extend this program to the Tuggeranong community is just another reason to support this motion. I ask you all to consider supporting this motion as the Canberra plan recognises the importance of social cohesion and the need to build a stronger community. The Canberra plan builds a relationship between the community and the government to help shape the future of the ACT. I urge members to support the motion.

Motion agreed to.

## **Bushfires—coronial inquest**

**MR STEFANIAK:** (Ginninderra) (11.46) I move:

That this Assembly calls on the Attorney-General to rule out:

- (1) initiating or joining any further appeals against the Coronial Inquest into the 2003 bushfires; and
- (2) the Territory funding the legal costs of any further appeals against the Coronial Inquest into the 2003 bushfires that may be taken by individuals.

**MR SPEAKER:** I remind you of my comments yesterday in relation to this matter.

**MR STEFANIAK:** Thank you, Mr Speaker. This motion calls on the Attorney-General to rule out two things: firstly, initiating or joining any further appeals against the coronial inquest into the 2003 fires; and, secondly, the territory funding the legal costs of any further appeals against the coronial inquest into the 2003 bushfires that may be taken by individuals.

This coronial inquest offered the people most affected by the fires a means of understanding why they were injured or why they lost everything they possessed. People affected want to know why the fire was not stopped when it first started and then, fundamentally, why they got no warning until it was too late. The talk amongst people who are not particularly politically affiliated is that there is a smell emanating from this government. It is not yet a stench, but people have their suspicions. They talk of cover-ups. And who can blame them! The Chief Minister does have an opportunity now to ensure that this coronial inquest continues and continues through to its fruition so that answers to the questions people want answered are actually given.

I would think the Chief Minister would not have too much of a problem with the first part of this motion, given what he has said. He said yesterday that the ACT government would not appeal against the Supreme Court's ruling on its application to have the coroner disqualified. I quote from his media release:

I look forward to the speedy resumption of the inquest and the finalisation of the Coroner's hearing ... I indicated on the day the decision was handed down that it was extremely unlikely that the Territory would exercise its right to appeal. I can now announce that no appeal will be lodged.

I hope that he will continue with that in terms of the remainder of this inquest. I would hope that there would be no difficulty in Mr Stanhope's at least accepting the first part of this motion. I am happy to have this motion divided if there are any problems in relation to that. I would certainly expect that he would also support the second part of this motion. I will come to that later.

Mr Stanhope still seems to be unable to accept the Supreme Court's decision. He still talks about some legal advice he has got saying, "No, it's wrong; you can appeal further." Yet he has stated that he has decided that it would not be in the interests of Canberra's citizens to have the process drawn out any further. Hopefully, he will support at least part of this motion.

It may be of concern—he might support the second part—that he stressed the decision not to appeal applied only to the territory and that the other plaintiffs could reach their own decisions based on their own independent legal advice. That is fine as far as it goes. Of course that is the situation. The question is, though: should the government rule out the need to fund anyone else's appeals? Remember, any further appeals go to the High Court. We are calling on him to rule that out. There is very good reason why he should do so.

The *Canberra Times* editorial of today—and I thought it was a pretty fair editorial—seems to gauge pretty well the mood out in the community. It starts by saying:

The ACT Chief Minister, Jon Stanhope, is amazingly confident that his management of the bushfire inquiry has not hurt him politically, and that it cannot do so. It has—even if it did not affect the Labor vote at the 2004 election, because people were withholding judgment not so much about the management of the aftermath but about the fires themselves. Nearly a year later, and with no further progress to report, the ACT Government's attempts to undermine the inquiry process, limit the scope of the inquiry and insulate Jon Stanhope and nine of his senior bureaucrats from a critical examination of their roles, is causing considerable concern, and raising doubts about his political management.

One would think the Chief Minister would start seeing the writing on the wall and start seeing that people want answers. He should indeed see and appreciate that his role of Attorney-General is, as I have said on a number of occasions but it bears repeating, to back the coroner. Fingleton and other experts have said that. It is to back the coroner, even if the government might end up being criticised for doing something, even if some government servants might be criticised, which happens with coronial inquests. Governments are meant to take it on the chin, get on with the job and improve the position so that those situations, hopefully, never arise again and we learn from mistakes made.

Mr Stanhope, we are all human: you are human; I am human; the opposition is human; the government is human; the nine public servants are human; the people affected by the fires are all human. We all make mistakes. Past coronial inquests, very rigorous in Australia and certainly rigorous in the ACT, have benefited the community through that rigour and through the decisions taken by coroners and recommendations made, sometimes not popular recommendations with governments but things governments wear.

I remind Mr Stanhope again of precedents in the ACT such as *R v Michael Somes ex parte Francis Woods* in 1998 where Mr Erskine, who appeared for the ACT government, backed the coroner's right to continue in an appeal which was taken by some public servants—one public servant, at least—in terms of apprehended bias. What Mr Stanhope did as Attorney-General was unprecedented. I think that is all the more telling reason for him now to back this motion by the opposition.

Paragraph (2) of the motion deals with not funding any further legal appeals. The Attorney-General said some amazing things yesterday. He reverted to his usual attack on the opposition in terms of saying that it is attacking public servants. He made some absolutely spurious, idiotic claims to try to turn it back on the opposition, in terms of claims the opposition has made on the public purse. The same probably applied in 1995, if you care to look, Chief Minister. Those things occurred. But you showed, by going off on a complete tangent and attacking the opposition about attacking public servants, it is an absolute nonsense. Might I tell you, attorney, I know some of those nine; I probably know some of them better than you do.

I go back to what I said earlier: people can make mistakes. People do make mistakes. You do; I do; we all do. We need a rigorous coronial process, if need be. I have never,

and the opposition has never, challenged their right to appeal. We have not done so. We perhaps query, after what Mr Beattie did, the right of Mr Stanhope to fund them in the appeal. Let us say that the jury is out on that one.

You can answer one question for me, Mr Stanhope. I would be interested to see whether, in *R v Michael Somes ex parte Francis Woods*, the public servants there had their costs of the appeal paid. But what is quite clear now, what is absolutely clear, is that the government has appealed. It has lost its appeal. It has paid out money for its legal representation. It has funded the nine individuals. It has obviously funded the DPP involvement in the appeal. That has cost \$1.8 million. You say we will get that back from insurance. I hope so. You can tell me—I would like to find out—how much we will get back. Also I would like to see, in terms of I think the \$8.4 million as at 30 April that has been spent on this inquest, how much we are actually going to get back from insurance and what effect that will have on the premiums. We are not talking chickenfeed here; we are talking about quite a significant amount of money.

In terms of any further appeals, which you seem to be ruling out for the government—and that is good—we would obviously be talking about more money if the government were involved in any way. What we are calling on you to do today is to rule out funding any further appeals by any other individuals. We are talking about a second round of appeals, Mr Stanhope; we are not talking about the appeals they took when you both took action—the nine individuals and you—back in October last year against the coroner; we are talking about further appeals. That is something we want you to rule out.

Premier Beattie took a very different approach. I know you probably do not particularly like that, but that is a fact. He did. He stated, in terms of the Patel inquiry:

We set up this inquiry and are not going to let it be sabotaged.

The report in the *Canberra Times* said that the Queensland Premier said the hospital managers had no right to government support. He continued:

When it comes to rights, the most important rights here are those of the people who suffered.

Those are the most important rights, no matter what you might think. You have a duty, as a government; you have a duty, as Attorney-General and Chief Minister; you all have duties, in your various roles in government, to ensure that the most important rights are those that you uphold, that there is a thorough inquiry and that the truth will be found, even if it might be in some instances unpalatable. I suspect in many instances it may not be. That is the way coronial inquests go. But you have a duty, when it comes to rights, to realise, as your counterpart in Queensland does, that the most important rights are those of the people who actually suffered as a result of the events leading up to the inquiry.

Another little furphy—and I did not have a chance, because you shut the debate down again yesterday, to reply and close the debate—and one of the points you raised yesterday, which I will comment on now, is this: you talked about how I and the opposition have never queried Mr Eastman's case and the government funding of that. Let me tell you that the opposition does not want you to fund Mr Eastman any more. It has gone on for long enough.

I might also point out to you that, when we were last in government, we, along with the DPP, opposed the inquiry that is occurring now. We ceased to be the government. You then, I understand, supported this inquiry, which has still to be concluded, in relation to that matter. So do not try to use that one either, Mr Stanhope.

**Mr Quinlan:** So only some people have rights under your rules.

**MR STEFANIAK:** I think fair is fair, Ted; and I think you have to look at the main right here, which is the right of the people in this particular coronial inquest who have suffered. These are the 500 or so people whose houses were burnt. That is what we are concerned about. People want answers in relation to that. You have a duty to ensure that that occurs.

I do not think this motion is at all unreasonable. You have said, effectively, that you are not going to do anything further yourself. I think you have said you have a grave reluctance to look at funding any further appeals these nine individuals might make. There is clear angst out there in the community amongst fire victims that you still might take action that causes further delay. Any individual, of course, has a right, if they are involved in a court action, to appeal. But the question is: should they be funded by government? I would like you to show me any other precedents where anything like this has occurred and the government continued to fund actions taken.

**Mr Quinlan:** I think he did yesterday.

**MR STEFANIAK:** I do not think he has. You, Chief Minister, have indicated you are unlikely to fund any further actions by any other individuals. Here is a chance to categorically say today that you will not do so. That is something that the opposition wants you to say.

The *Canberra Times* also, in its balanced editorial today, made some other very good points. I will read them out:

After the fire, there was a natural call for a searching inquiry into what occurred. The demand was not, generally at least, actuated by any desire for a witch-hunt but for answers to legitimate questions people had—particularly in relation to warnings to the public—and a desire that this city never face such a nightmare again.

It went on to say:

Mr Stanhope did not resist such an inquiry; perhaps, indeed, he was somewhat restrained by the insistence of some of our coroners that additional inquiries could in some manner be in contempt of the inquest. In any event, it became settled that the public's search for answers would be focused on the inquiry. Despite the bruised feelings of some of the bureaucrats and the paranoia of the Chief Minister, there has been no evidence that the inquisition has gone off track, jumped to judgment, or formed any unreasonable prejudices about witnesses. There are searching questions waiting to be asked.

What the public wants is that the inquest recommence, that it continues steadily, and that it comes down with a report. It has been slow enough in any event, even

without the interruptions and delays caused by Mr Stanhope. Perhaps he believes that he has thrown enough mud at the inquest and that any findings it makes will be discredited, at least amongst his loyal supporters, in advance.

He should contemplate another risk altogether; that the obstructions put in the way of the inquest may create a feeling in the minds of voters that he, and the ACT administration, have something to hide.

Surely, Chief Minister, if that does not tell you something, nothing probably will. You have made, as I said, a couple of noises that are along the right track as to the government not taking any further action. You have seemed to indicate that you are highly unlikely to further fund. You have already funded, quite properly, representation for the nine before the coronial inquest; you have funded their appeal. You have indicated that you would be very reluctant to further fund any appeal. I cannot think of any precedent where a government would take that step, and we are calling on you now not to do so. We are also calling on you now to live up to the words you have been saying in the last couple of days about ensuring that this coronial inquest does go ahead, that people do get answers to the questions they want to know about and that they can get on with their lives and have closure on this.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.01): As I indicated yesterday, the government has announced that it will not be appealing against the Supreme Court ruling on the application on which it ruled just recently in relation to the potential disqualification of the coroner for perceived bias. That is a decision that I took after taking into account a number of considerations, including, of course, the significant issue around the time the inquest has taken to date, the delays that have occurred, and the fact that it is now almost three years since the fire.

Indeed, I am very mindful of the very significant cost of the inquest to date—in excess of \$8 million, moving towards \$10 million—and the delays that have occurred. I am sensitive to those and I am enormously regretful of the extent to which the delay in the finalisation of the inquest does continue as a burden for some, in particular, within the community. I am aware of that; I am sensitive to it; I am empathetic to those that suffered so grievously as a result of the fire. I took those issues into consideration when I made the decision I did.

I made the decision, too, as I have indicated, in light of legal advice provided to the territory by the territory's counsel in the matter. I indicated yesterday that that advice was that the Supreme Court had in some respects misunderstood, misapplied, the law; that there were reasonable ground for pursuing the appeal. The advice of the adviser to the territory was that an appeal, if launched, would have had very good prospects of success. Those are the facts. That is the advice. That is written advice. That is precisely what it says.

I indicated yesterday the reasons that I will not be releasing that advice; it may go to a position that all governments in this place—indeed, around Australia—adopt in relation to the privilege that attaches to legal advice. Of course it would be to my political benefit and in my political interests to release that advice because it proves absolutely the truth of what I say. But I will not be releasing it, for the very good policy reasons that all governments, including governments in this place, have taken in relation

to the privilege that attaches to legal advice. Those are the facts. It would be easier for me, of course, and perhaps to my great advantage, to release it, but I will not be doing so.

I have announced, as everybody here is aware, that the territory will not be appealing. I think we can look at this motion by the opposition essentially in light of that statement, which was made clearly and unequivocally by me yesterday, that there will be no appeal. The Liberals do not want to lose the opportunity for another debate or attempt to further politicise the inquest and an opportunity perhaps to gain some further political traction. Irrespective of the fact that I made that undertaking and made that statement yesterday, the Liberals are in here today moving a motion asking me not to do what I said yesterday we would not be doing.

To that extent, of course, it is a simple nonsense, and the motion can be exposed for what it is: tawdry politics. I have made a decision, and I have announced that the territory will not be appealing. I have also announced that the territory will cooperate fully with the inquest and with the coroner, as we have from the outset, and that we will work with the coroner and with the court to ensure that the matter is now concluded in as timely a fashion as possible.

In relation to the second point, that territory funding for further appeals by individuals be resisted, I think it is important in the context of the motion and the situation in which we find ourselves to acknowledge again and state again that I have received no representations from any of the individuals that are currently represented before the inquiry, or indeed anybody else that may be represented before the inquiry at any time, seeking funding. I have received no representations from any of those people in relation to their feelings or their advice, or whether they have received legal advice or whether they are seeking legal advice. I have received no representations consequently, obviously, from any of them for funding. I have also indicated, consistent with the position that the government has adopted, that I would require some very significant convincing, or some heavy convincing, to support a further appeal by anybody.

But, in the context of the motion, I think it represents a dangerous precedent for the legislature, for the Assembly, to be seeking to direct a minister, the executive, in the execution or the undertaking of a discretion. I have already indicated that the territory will not be appealing. I have already indicated that it would not be my intention to automatically accept an application for funding. In fact, I have indicated the reverse, that it would be my inclination not to support it. But for the Assembly, for the legislature, to come in and put on the table a motion which says, "Minister, you are not to exercise your discretion; you are not to take account of any representations; this is how you are to do your duty," raises issues in relation to the separation in the first place of the legislature and the executive. It raises, as well, significant issues around the role and responsibility of a minister in relation to the execution of that minister's duty.

So, as a principle, the motion should not be accepted and will not be accepted in its form. To that extent, Mr Speaker, I have circulated an amendment to the motion. I move:

Omit all words after "That this Assembly", substitute "notes:

- (1) that yesterday (16 August 2005) the Attorney-General publicly announced that the Government would not appeal against the Supreme Court ruling on its application to have the coroner disqualified from the bushfire inquest;

- (2) that the Government has not received any request from individuals who were parties to that application for funding an appeal; and
- (3) the long held principle under which the ACT government has provided financial support for those of its officers who have become involved in legal action by virtue of their employment.”.

I have spoken to the first two points in my amendment and indeed to the opposition’s motion. I think the issue that I will concentrate on before closing does go to the third of the points which I make in the amendment, that is, the long-held principle under which the ACT government, indeed all governments around Australia, have provided financial support for officers who have become involved in legal proceedings or legal action by virtue of their employment.

I think we are all aware of the essential principle and the importance of it. It is important not just for those employees who find themselves in that difficult position but also for governments, as employers, in the context, too, of the role of an employer in relation to employees and issues around vicarious responsibility and the responsibility of government for the actions of employees. That is why, traditionally, governments and employers have taken an interest in legal action involving their employees in relation to issues that arose through, or as an incident of, their employment.

These are time-honoured obligations. I think it is fair to say that they are consistent across all jurisdictions in Australia, including the commonwealth. Of course, they go to the relationship between employers and employees. It is expected that an employer would ordinarily provide legal support to an employee involved in legal action in the course of employment.

As I say, there are a number of reasons for that. Firstly, a failure by an employer to provide legal support to an employee may be a breach of the contractual relationship between them. An employee acting in the ordinary course of his or her employment in good faith will generally be indemnified in respect of liability arising from that employment. That is not always the case, but if the employee has acted reasonably in pursuance of their duty the employee may have a legitimate expectation that the employer will provide its support. That applies generally across the board in both the public and the private sectors.

I think it also needs to be noted that a failure by an employer to provide legal support to an employee may result, ultimately, in the employer meeting the cost of any resulting adverse outcome of any litigation through, as I said earlier, the principles of vicarious liability. Under the ordinary principles of vicarious liability, the territory, as an employer, will generally be liable in respect of the actions or omissions of its employees, unless there is a fraudulent, criminal or malicious nature to the conduct that is complained of. Pragmatically, it is sensible for an employer to ensure that there is legal support for employees to ensure that the legal position of both the employee and, of course, through the rules of vicarious liability or responsibility, the employer are at least protected or understood.

The ACT is in no different position from any other employer in relation to that. The territory represents and defends its employees just about every day. It is an incident of

government; we do it constantly, whether they are cases that involve the Commissioner for Fair Trading in tribunals or whether it is defending nurses, doctors and other employees in the hospital in civil actions that are taken regularly against the territory. As anybody that has been in this place or follows public life knows, our doctors, our nurses, employees in hospitals, employees involved in motor vehicle accidents whilst on duty, employees involved in providing care within the disability sector, and our corrections officials are regularly involved in legal action and the government defends them. We defend them, and we support and pay for their defence. We do not pick and choose along the way when we start and stop.

Here, all of a sudden, it is suggested that there is a group of employees here that we should as a rule, through a motion of the Assembly, just determine something that we have never done in relation to a doctor, a nurse, a disability employee, a policeman or a corrections officer. We never say, "We will support you to this point and then we will stop." No government does.

There is one precedent—and it is extraordinary—and that is the precedent that the Liberal Party has seized on in relation to Bundaberg hospital. But that is the exception; that is not the rule. The rule is that a government, as a good and modern employer, will support its employees. At the end of the day, through the system, it is fundamentally important that the rule of law, of natural justice, due process, apply to our employees, just as we expect it to apply to everybody else in any other situation or circumstance involved with the judicial system or the court system in our community.

That is the basis on which I acted and it is the basis on which the government has continued to act. In the decision I have taken in relation to the appeal, I have said, "Right, issues of concern were raised. They were serious, genuine issues of concern. They were agitated. The application was unsuccessful." I have said, "Despite my continuing advice that the judgment essentially was wrong, it is time to draw a line in the sand, in recognition of another public interest, namely, the public interest that this matter be concluded."

There is no great conspiracy here; there is no cover-up; there is no nobbling; there is no desire to avoid scrutiny. There never was or never could be. If the application had been successful, another coroner would have been appointed. The evidence was on the table. Another coroner would have continued to call those witnesses they desired; they could have recalled any witness they wished; and they would have produced to the court in any event. This suggestion that this was about undermining, cutting off or nobbling is just nonsense. It is an attack essentially on the independence of the judiciary.

This matter would have concluded, will conclude, always was going to and will, and the government supports that process. This is a recognition of due process, the operation of the court and the independence of the judiciary and the separation of powers. I commend my amendment.

**MR SPEAKER:** The Chief Minister's time has expired.

**DR FOSKEY** (Molonglo) (12.16): I have come along at the end of this discussion. Therefore, I feel slightly at a distance from it, not having been involved in probably the early passionate and difficult days when people were deciding what to do after the fires.

My sympathies are with everybody affected by the fires. I come from the bush. I know the impact of fire. I was here at that time. I, like everyone else, cried with the people of Canberra. That is where I come from. I have to say that there have been times when the debate in this house has troubled me deeply, because I have seen it more as a point-scoring exercise, us against them, than an attempt to represent the concerns of the people hurt by the fire.

I have to say that parts of today's debate have, I believe, transcended that. I want to acknowledge that in the house. I do not know whether it is because of the debate or for other reasons that somehow or other we do seem to be edging—and I use that word in its slowest sense—towards some sort of closure. The word “closure” is so often misused, but at least we seem to be edging to a political closure on this matter. I just want to acknowledge that. I also would like to hope that any future discussion we have in this house on this matter will be a much more constructive, tripartisan affair.

It is fairly clear from Mr Stanhope's speech today, and was already clear yesterday from his media release, that the Chief Minister and Attorney-General has given an undertaking not to take further legal action against the coronial inquest. That, I assume, is the kind of commitment that Mr Stefaniak is looking for with his motion. I believe that the ACT government could and should take the line that it would not fund any appeal of the Supreme Court's recent decision against the claimed perceived bias. However, I am not so certain about calling on the Attorney-General to refuse to fund any further appeal by individuals because it is undoubtedly possible that something new and unexpected could pop up which could result in legal action.

I do believe it is in the nature of government that there is a responsibility for one's officers generally when they are carrying out the policy and their role description as they believe it to be. I think it would be very difficult for any government to stand up and say that they were not going to support their employees. It may be difficult, as it is in the Bundaberg hospital case, and it has been over these fires. But it is one of the perhaps more onerous responsibilities of being in government.

I found the past several months of fairly abstract legal argument, both about the question of perceived bias and in regard to the coroner's jurisdiction, unfortunate. I would much prefer us to use our time and recourses constructively; but, regrettably, this is not always possible. The really basic questions such as why people were not advised of the danger of the fires much earlier than they were and what was the analysis of the possible impact of the fires prior to their descent on Canberra—apart from the fact people tell us that anyone would have known it was going to happen—are of much more significance to most of us than whether the coroner had expressed a perceived bias. Whether the action was a metaphor for something else, what the community had was deeper and more burning questions. “Burning” was not meant to be a pun.

I will take this opportunity to put on the record my particular disappointment that we had to go down the path of questioning the jurisdiction of the coroner. Once the question was opened up, however, and in the context of an existing appeal to the Supreme Court, it was probably a mark of efficiency that the issue was dealt with when it was. I cannot imagine the frustration and hostility if that matter was only being dealt with now, after the court had looked at the question of perceived bias.

Nonetheless, it was clear in the eyes of the Assembly and across Canberra's wider community that we understood and in general accepted that it was the role of the coroner to investigate the broader causes and impacts of the fire. It would have been very difficult and not at all constructive if the court had found that the coroner was exceeding her responsibility in conducting such an inquiry. We are very lucky that we have the decision that we have, I believe.

I would like to suggest that the government or perhaps the legal affairs committee of the Assembly look at this matter once the inquiry has been completed and recommend either a confirmation or a rejection of the convention of considering the coroner as the rightful authority of such wide-ranging inquiries into fires or disasters in the future. That is just laying that on the table. I hope that we will have more discussion about that so that, when the legal affairs committee does have an inquiry, it is the right inquiry.

In regard to the question of perceived bias, I have to say that there is an onus on the coroner and staff in a situation such as this to be particularly vigilant that they appear to be open-minded and impartial and that they are open-minded and impartial. Even injustice ends up by being in part about appearances, and people who are under intense public scrutiny would want to know that their actions are being investigated and judged by people beyond reproach. In that sense then, the ACT Supreme Court has been unequivocal in its finding that there is no basis for dismissing the coroner for bias or perceived bias, whatever the actions and comments that might have given rise to the accusations.

Finally, just to reiterate a little of what I said in the debate yesterday: we have all learnt considerably about the limitations of the systems we had in place prior to the 2003 fires. Never having been tested, we failed to take the potential for disaster seriously enough. This is an area where the bush has something to teach the city. I believe that the government, through its rejigged emergency services structure, has shown that it has learnt some of the lessons.

Similarly, the legal system in the ACT appears not to have been up to the task of initiating and pursuing an inquiry into such a large-scale disaster as efficiently or as promptly as needed. That does reflect on the Attorney-General, among others. Those people who have borne the brunt of the fires are also bearing the brunt of that inadequacy. The onus is upon the ACT government and its legal system to do its utmost to bring these matters to an appropriate and speedy conclusion. In that respect, I will be opposing Mr Stefaniak's motion, and I am inclined to support Mr Stanhope's amendment.

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

**Sitting suspended from 12.25 to 2.30 pm.**

## **Visitor**

**MR SPEAKER:** I would like to acknowledge the presence in the gallery today of a former Clerk of the Senate, Mr Alan Cumming Thom. Welcome.

**Members:** Hear, hear!

## **Questions without notice**

### **Executive contracts**

**MR SMYTH:** Mr Speaker, my question to the Chief Minister is in relation to the administration of executive contracts. Under the Public Sector Management Act, a contract employing an executive cannot be varied to increase the rate of the executive's remuneration. However, section 76 of the act provides for the temporary reassignment of executives, including to higher level positions. These reassignments are known as schedule D variations but may only be for a maximum of nine months. An analysis of the contracts tabled in the Assembly over the last year showed that at least three executives in temporary positions had exceeded the nine-month statutory limitation and that there was no evidence of any merit selection process having taken place.

Minister, why is the government breaching the Public Sector Management Act and merit protection principles in this way?

**MR STANHOPE:** Thank you, Mr Smyth, for the question. I will have to take advice. I was not aware of the circumstances that are alleged. I will have the allegations that have been made investigated and will be happy to report back to the Assembly on them.

**MR SMYTH:** Is the bill you tabled yesterday an attempt to cover this up?

**MR STANHOPE:** Certainly not. As I have just indicated, I am not aware of the allegations or the basis of the allegations. I have absolutely no idea of who or what circumstance it is that the Leader of the Opposition is alluding to, or the individuals he has referred to in his question. I have absolutely no understanding of the basis of his question. In that circumstance, it certainly is not fair to suggest that, through a bill that was introduced yesterday, I am seeking to cover up something that I know absolutely nothing about. So the answer is quite categorically no.

### **Bushfires—coronial inquest**

**MR STEFANIAK:** My question is directed to the Attorney General. Had Mr Lasry, the counsel assisting the coroner, sent copies of any suggested recommendations for adverse findings to counsel representing the ACT government before you undertook your failed appeal to have the coroner stand down?

**MR STANHOPE:** I have no memory of any such happening. I will have to take advice on whether the counsel assisting had provided draft copy of adverse findings—

**Mr Stefaniak:** Any suggested recommendations of adverse findings.

**MR STANHOPE:** Any suggested recommendations of adverse findings. I have absolutely no recollection of any such happening. I am not involved in the day-to-day management, of course, of matters before the courts. Those are entirely matters for the court. I am very conscious and respectful of the separation of powers: I do not involve myself in matters being litigated.

I have no recollection of any such matter. I will take advice and report back to the Assembly.

**MR STEFANIAK:** Mr Speaker, I have a supplementary question. I thank the attorney for that; he might take this on notice too. Was your decision to seek legal advice on having the coroner stood down taken after counsel for the ACT government may have received any such recommendations?

**MR STANHOPE:** I will have to take that on notice, consistent with the previous answer. I will take the question on notice.

### **National Convention Centre**

**MR GENTLEMAN:** My question is to the Minister for Economic Development. Today the minister announced that the ACT government has successfully concluded negotiations with the Intercontinental Hotels Group over the future of the National Convention Centre. Will the Minister inform the Assembly of the deal that the territory has struck with the IHG?

**MR QUINLAN:** It is with great relief that I advise the Assembly that we are getting somewhere. It has been a long and hard road. It has not been assisted at all by those who did not really want to understand the elements of the problem but just wanted to make politics out of it. Had we moved at the time our opposition was recommending that we move, the government and the ACT taxpayer would probably have paid quite dearly. I spent some time this morning talking about the general catalogue of fiascos that were the hallmark of the previous government. Its approach to this issue, if its public utterings had been the case, would have been of the same genre.

For most of this debate people forgot that the National Convention Centre was not the property of the ACT. It was privately owned property operated only by a hotel group, yet there was the insistence that we would just slavishly throw money at it without protecting the taxpayers' interests. We have made damned sure that we have protected the taxpayer from a deal that would have had some similarities to deals that a previous government involved itself in. We have now arrived at an arrangement whereby the lease for that property will transfer to the ACT for the nominal fee of \$1 plus GST—\$1.10.

**Mr Smyth:** Are you going to take the counter-offer of \$1.50?

**MR QUINLAN:** I am still considering Hamish's offer. Under the interim agreement that we have so far struck, the property will become the property of the territory. It is agreed that up to \$30 million will be spent on refurbishment. Priorities have been set in relation to that expenditure. Fees for architects and surveyors, et cetera, will take precedence. Then there will be engineering inspections and assurance that the building is structurally sound. If any remedial works are required on a structural basis, they will then take precedence. There will be the establishment of a risk fund, a contingency amount to cover any unexpected and necessary changes to the works as they progress, and then money will be expended on the peripheries and the appointments of the convention centre.

They will fit into two classifications. On the one hand, there will be the modernising of the services that the place provides and the various technical facilities that would be expected in a modern convention centre. Then there will be the decor and the presentation of the convention centre. We have reached an agreement with stakeholders, in particular the Tourism Industry Council, that they will be involved in the process of refurbishment because we are interested in ensuring that the day we re-open the refurbished convention centre, all those who are involved and will be using the place are satisfied to the extent that they can be with an upgraded facility.

Although it has been a long and tortuous road, what we have now is a deal that protects the investment of the ACT taxpayer and does not take us down a road that will mean that we will be handing a great wad of money into the hands of a hotel group, which could have and might have simply sold the place six months after we spent \$30 million, as we were encouraged to do.

**MR SPEAKER:** Order! The minister's time has expired.

**MR GENTLEMAN:** I wish to ask the minister a supplementary question. Will the minister clarify how the ownership of the lease will work over a period of time?

**MR QUINLAN:** The lease will transfer to the territory but we will provide a management agreement with the hotel group for up to 15 years. That takes it beyond the lease it held. On the other hand, legal advice I have is that it could have exercised an option at any time, and been granted, under the prevailing conditions, a 99-year lease. The property would have then remained, effectively in perpetuity, in the ownership of the hotel group, with still an expectation amongst the community, and in particular stakeholders, that the government would spend a large amount of money refurbishing a building that it does not own. So what we have here is a better deal. It will still take a long time before the territory has discretion over what happens with the property, but I expect that there will changes and movements within the period we are talking about.

At this stage we have provided the maximum degree of protection possible to accrue to the taxpayer while still ensuring that we have what I think can best be described as a reasonably modern convention centre. The investment in that convention centre by government is consistent with the evaluation that we had conducted by ACIL Tasman on the real worth of conventions and the convention business in the territory. During the public debate all sorts of wild assertions have been made about the value of the convention business in the territory, and some of the numbers that have been promulgated publicly have clearly been arrant nonsense. We are now making an investment that is in the order of the true value of the business to the territory. I am sure there is value to other stakeholders beyond that, but we had an assessment done of the value to the taxpayers of the ACT and that limit was set at about \$40 million and we determined we would not spend more than that and we do not intend to waste taxpayers' money.

### **Budget—operating result**

**MR MULCAHY:** My question is to the Treasurer. In the June quarterly management report, which you tabled yesterday, the table on page 6 has the budgeted operating result

for 2004-05 at \$2.189 million. However, budget paper No 3 for 2004-05, the same year, shows a budgeted operating result of \$8 million. The difference of \$6 million appears to be due to differences in budgeted expenses.

I appreciate, of course, that budgets are revised and updated as time goes by, but the starting point for an annual budget should remain fixed. Can you explain why there is a difference of \$6 million between the 2004-05 budgeted operating result in budget paper No 3 and what purports to be the same budgeted operating result in the table on page 6 of the June quarterly management report?

**MR QUINLAN:** I am sure I can, and I will.

**Mr Mulcahy:** Would you care to?

**MR QUINLAN:** Not at the moment, no. I will just check the numbers. If we are going to fiddle around at the margin with those numbers, I will confess to this Assembly that I have not memorised every number in our budget and I do not intend to start now. If there is some discrepancy in figures, then we will have a cool look at it and reconcile those numbers for you.

**MR MULCAHY:** I am happy to give you the numbers, if you wish. My supplementary question is: can the Assembly be sure that the rest of the June quarterly management report is accurate and does not contain what appear to be errors like this one?

**MR QUINLAN:** I guess you would have to say that nobody on either side of this house could say, when you have a bundle of figures that thick, that there is not the possibility of an error. But let me say that in my time in this Assembly and in my time working directly with our Treasury, I have a very high degree of confidence in them and a great respect for the work that they have done. I am sure that, politics aside, the rest of the house would share that respect for the work that they do.

### **Water—Googong catchment**

**MRS DUNNE:** My question is to the Minister for the Environment. Minister, yesterday in question time you spoke about the poor rainfall in the Googong catchment and how the latest policy of Actew was to use the Googong Dam, effectively, as a holding tank and you spoke about the capacity to pump 150 megalitres of water a day from the Cotter catchment to the Googong catchment. If, as you say—and all the current evidence supports it—the Googong Dam is so unproductive, why does your water resources management plan, called “Think water, act water”, state that the resource of the combined Googong catchments is 40 per cent higher than it was in the original, 1998, water resources management plan? How do you account for the 40 per cent increase on paper of the resource when the Googong is so obviously underperforming?

**MR STANHOPE:** As I did indicate yesterday, the Googong catchment is not performing nearly as well as the Cotter catchment. That is a result of a number of factors: firstly, the amount or level of rain that is falling and, secondly, though it has not been categorically or scientifically determined, some significant concerns about a lack of performance within the Googong catchment as a result of urban or rural residential development within the catchment. The catchment is managed by New South Wales and

there has been very significant development within that catchment in recent years. I think that, at least anecdotally or informally, there is a feeling or a concern that the number of dams and bores that have been constructed to serve the large numbers of residents that have moved into that catchment in the last decade really is impacting on the catchment.

But the fact remains, and it is a stark fact, that the Googong Dam, which, when full, has the capacity to provide two-thirds of our total resource—because of the size of the dam, obviously—is currently on 37 per cent. That is the situation at a time when, as I indicated yesterday, the dams in the Cotter catchment have been increasing significantly as the inflow of the past few weeks continues, and continues at a fairly great rate, to the point where our overall supply has increased from about 42 per cent a couple of months ago to 55 per cent today. The same cannot be said for an increase of flows into the Googong Dam. I understand that the Googong Dam, whilst filling slowly, and it is a large dam, has struggled up from, I think, 34 or 35 per cent to 37 per cent and remains today at 37 per cent of its capacity. The Cotter is full, Bendora is at 87 or 88 per cent and Corin is at 79 or 80 per cent.

Those are the facts in relation to the performance of the different dams and the different catchments and it has been in response to that that Actew, with great lateral thinking, innovation and, of course, its usual engineering finesse, has very cleverly created, through existing infrastructure, essentially, with some finetuning, a capacity to move water from a high-performing catchment to a low-performing catchment. I think that it is wonderful—

**Mrs Dunne:** I take a point of order, Mr Speaker. The question I asked was: how does the minister account for the disparity between the 1998 resource as it was recorded and how it is currently recorded in this government's document? That question is not being answered.

**MR SPEAKER:** There is no point of order. Resume your seat, Mrs Dunne.

**MR STANHOPE:** ActewAGL and their staff, particularly their engineers, are to be congratulated that, through the application of some lateral thinking, through their capacity to think laterally and innovatively, and because of their engineering capacity and skills, they are as of today transferring 20 megalitres a day—

**Mr Smyth:** I take a point of order, Mr Speaker. Under standing order 118 (b), he cannot argue the subject and he is arguing about what Actew is doing. The question, if I can refresh your mind, was: why does your water resources management plan—

**MR SPEAKER:** There is no point of order. I have already ruled on that, Mr Smyth. You are attempting to follow the same line. The fact of the matter is that a question has been asked and the minister has five minutes to answer and he can continue with his answer to the question.

**Mr Smyth:** But the minister is talking about what Actew is doing. He was asked a question about the think water, act water strategy.

**MR SPEAKER:** The minister can answer the question in the way that he wishes. You cannot put—

**Mr Smyth:** He has to be at least relevant, Mr Speaker.

**MR SPEAKER:** Order! Resume your seat. There is no point of order.

**MR STANHOPE:** What the innovation, the lateral thinking, the engineering skill of Actew confirm, other than the extent to which it is on top of its brief, is the extent to which Mrs Dunne and the Liberals are so hopelessly marooned on the question of a dam. I think we all recall, we all well remember, the Liberals' promise prior to the last election that if they won the election they would start the construction of a dam in a day. I still remember the speech: "The day after the election we will start work on a Tennent dam."

**MR SPEAKER:** Order! The minister's time has expired.

**MRS DUNNE:** I have a supplementary question. What steps are you taking to address the sudden fall in the productivity of the Googong catchment, or do you believe that you are just a victim of nature and can do nothing about it? Will you amend the water resources management plan to reflect the actual state of the Googong catchment?

**MR STANHOPE:** In other words: minister, what are you going to do to make it rain? We are not going to engage in cloud seeding. We have actually considered that. We are not going to engage in cloud seeding. I am not going to order Actew, ActewAGL and my colleagues out for a rain dance. We are not going to do that. I know that around the nation from time to time there are prayer meetings. I know that prayer meetings are instituted from time to time for rain. I must say that I respect that as a possibility, but I believe in the separation of the state and the church. I will not be asking my colleagues or the Assembly to begin to pray for rain. We will not cloud seed, we will not rain dance and I will not, out of respect for the separation of the church and the state, actually ask ActewAGL to begin to pray.

**Mr Quinlan:** Legislate.

**MR STANHOPE:** We might legislate for rain! We will legislate for rain! I would welcome any other suggestion on how we might induce more rain to fall into the catchment. We can go through other options. This is a time for lateral thinking. This is a time for us to think long and hard about what I, the Minister for the Environment, can do to get more water to fall into the catchment.

One thing we can do is fully support ActewAGL in the very sensible, innovative, practical and workable solution of transferring excess water from one catchment to the next. That is what we are doing, at the moment to the tune of 20 megalitres a day and in eight weeks time to the tune of 150 megalitres a day. That is outside Actew's preferred option in its study of our future water potential of the need for a pipeline and a pump from Angle Crossing to Googong.

That is over and above the recommendation that came in the report that the government is yet to respond to, an opportunity or a capacity to double the daily movement of water, in the one instance from the catchment to the dam and in the other from the river system to the dam, with suggestions by Actew that even with just the reticulation option the transfer of water from the Cotter, excess water, water well below or beneath our

environmental needs, we can in the course of three years, at 150 megalitres a day at times when there is the capacity to take that amount of water, top up Googong to at least 85 per cent; in other words, actually provide a dam at Googong with 100 gigalitres or thereabouts of water within three years on a permanent basis. I think that is a fantastic response to the issues we face.

As to what I am going to do about the lack of water in Googong, I am going to support ActewAGL initially in the reticulation process that is currently under way, the engineering work that it is doing at Googong to increase the capacity from 20 to 150 megalitres a day, and the government will, with due consideration, look at Actew's report on our future water needs and options for meeting them and will make a measured decision on the basis of the scientific work that has been done.

We will not do what the Liberal Party said it would do without any study, without any investigation, without any scientific background or knowledge. The day after the last election they were going to start work on a dam with no identification of the money, just go out there and build a dam. We have seen that, through just a bit of simple scientific, considered work, we can avoid the need for a dam for at least 20 years and perhaps forever. But we know the Liberals' approach to these issues. We saw it out at the old Bruce Stadium: crash or crash through; do not think; do not work out the consequences; just charge ahead; promise to build something for \$12 million and a year or two later turn up and pay the \$100 million that the project cost.

**Mr Quinlan:** On impulse.

**MR STANHOPE:** On impulse: "We will do it." No investigation, no study, no scientific basis and no background: just do it. This is the new approach, having learnt nothing: "We will just build a dam. Where will we build it? We will just build it at Tennent. With luck, it will fill. We are going to do it. We are going to do it in the hope that it is going to rain and that it is going to fill." Let me tell you that it is not.

### **Families—violence**

**DR FOSKEY:** My question is to the Minister for Children, Youth and Family Support. I understand the Australian government has committed \$37.3 million to the family violence partnership program, and that this funding has been available to state and territory governments to provide programs aimed at preventing family violence in indigenous communities, but that the deadline is about to run out. Could the minister advise whether the ACT government will be receiving a proportion of this funding and where the negotiations with the Australian government are up to?

**MS GALLAGHER:** I thank Dr Foskey for the question. I will check with the Office for Children, Youth and Family Support. I do recall a letter on this subject so I will check the status of that and get back to the Assembly as soon as I can. Of course, the ACT government has responded to issues of family violence and support for children from indigenous backgrounds requiring extra support a number of times. Recently, in the second appropriation in the last budget, we funded Isabella House, a new housing option for young indigenous males to receive extra support, should they require it. We also provided for the establishment of the ATSI unit within the Office for Children, Youth

and Family Support to provide a focussed response to some of the issues faced by indigenous children in the ACT.

It is true to say that, on a percentage basis, there are more children of indigenous backgrounds in the care of the territory. At times, there are unacceptable levels of indigenous young people in Quamby detention centre and, without a doubt, indigenous young people seem to face a lot more challenges than their non-indigenous peers. Certainly there is a requirement there for extra support and extra social services. Some of that originates from the experiences they have within their family environment, should that be their close family or their extended family.

We are responding at the ACT level to meet the needs of young indigenous people. In fact, it is my understanding that we now have, for the first time within the ACT public service, a senior executive officer of indigenous background to take up the role of managing indigenous services within the Office for Children, Youth and Family Support and provide that targeted response to the issues facing children. In response to the partnerships program, I will get back to you and see whether the ACT is to receive any of that grant money from the commonwealth.

**DR FOSKEY:** I have a supplementary. Does this apparent low level of awareness about this funding indicate broader problems in the ACT government's capacity to respond to opportunities to secure Australian government funding or does the minister not see this funding as important to the ACT?

**MS GALLAGHER:** No, I think your question is about how much we will get, whether it is a grants process that we have applied for, which is conditional on meeting requirements, or whether it is a process of the commonwealth, on a pro rata basis, providing some money to the states and territories. On that, I think it is advisable that I respond to you with accurate information. I would reject any allegation that the government is not interested or not out there seeking as many resources as possible to support indigenous young people in the territory. In recent years, we have taken it upon ourselves to finance that support. If you look back at previous budgets, you will see money going into indigenous education, into establishing an indigenous foster care service, into establishing an ATSI unit within the Office for Children, Youth and Family Support, into recruiting a senior executive of an indigenous background to support us in that work, into the establishment of Isabella House and into the opening of an indigenous garden within the Quamby detention centre.

The support for indigenous programs would indicate that this government has taken an extremely proactive stand in meeting the needs of indigenous young people and in responding to the issues that they face in the territory in relation to education. For the first time in any jurisdiction we have seen some of our young indigenous students in year 3 achieving the same level of educational outcome as their non-indigenous peers. That is not something that has been achieved anywhere else in the country. While we have some hesitation about crowing about that, because of the small numbers within each age cohort, I think it shows this government's commitment to dealing with the issues, to accepting that there are a number of challenges facing indigenous children and young people. We are responding to them not only with resources but also with better policy approaches, and we will continue to do that with or without the help of the commonwealth government.

## **Housing—Ainslie Village**

**MRS BURKE:** Mr Speaker, my question, through you, is to the Minister for Disability, Housing and Community Services. What consultation has been held between the residents at Ainslie Village, stakeholder organisations, particularly Centacare, and the wider key social housing sector organisations concerning changes to the way Ainslie Village operates its tenancy management?

**MR HARGREAVES:** I thank Mrs Burke for the question and the opportunity to congratulate the Department of Disability, Housing and Community Services on the consultation process that they have undertaken in relation to proposals for a change in direction between the management and the providers of services at Ainslie Village. The consultation process, to my understanding, has involved extensive conversations between Centacare and the department. It has involved extensive conversations with the residents and the tenants. My understanding is that, contrary to the way in which the former Liberal government conducted its affairs, the consultations were held in the contemplative stage. I am content with and encouraged by the nature of the consultation process.

**MRS BURKE:** What model of tenancy management are you considering for Ainslie Village? Who will be eligible to tender for any new tenancy management at Ainslie Village?

**MR HARGREAVES:** The conversations regarding the future of Ainslie Village are with the people who live there and with the people who currently manage it. I have no intention of pre-empting the conclusion of those conversations.

## **Surveillance cameras**

**MR PRATT:** My question is directed to the Chief Minister. Given your announcement of an audit of the functionality and placement of CCTV cameras in the ACT, is it your intention to increase the number and usage of these cameras to both improve coverage and enhance public safety? If not, why not?

**MR STANHOPE:** This is indeed an important and topical issue. I asked for an audit, a study, an investigation, into CCTV cameras—security cameras—in the ACT for a number of reasons, one of which was the realisation that there are a number of agencies with some responsibility for a number of CCTV cameras currently in place in the community. For instance, my understanding is—I need to confirm this—that JACS, the ACT Police, ACTION, and the Department of Urban Services all have some role and some responsibility in the management and operation of different cameras, depending on their location.

One of the issues that led me to seek the audit, study or investigation into CCTVs was the arrangements in relation to their management. Similarly, many of the cameras operated by the ACT government in Civic were placed essentially as a response to criminal behaviour, most essentially concerns about the sale of drugs in certain parts of the central part of the city.

Our concern now continues to be with antisocial and criminal behaviour, including criminal behaviour associated potentially with terrorism. This is a different order of issue than trading drugs on the street. That of course was a motivation, a reason, for looking again at the placement, the use, the management and the operation of CCTV cameras.

Similarly, as the member would be aware, 20 per cent or thereabouts of ACTION buses currently contain CCTV cameras. They are our newer buses. All of our new buses on purchase are fitted with a CCTV camera. That raises questions or issues about those buses that do not have CCTV cameras. I wish to have that issue investigated and pursued.

That is some of the background in the context of the audit, the review, the study I have sought. It involves four ACT government agencies. The investigation is being led by the head of the cabinet and policy group in the Chief Minister's Department. At this stage I cannot pre-empt what it might find or recommend to me. But yes, I am expecting, as a result of the investigation, that there will be an increase in the numbers of CCTV cameras. There will be a rationalisation of their placement. We are consulting with the commonwealth on this. We want to cooperate with them in relation to some of their views on how CCTV cameras might be better utilised throughout the city.

In addition, I hope that we get a far better feel, because the vast majority of CCTV cameras in the ACT—indeed anywhere in Australia, perhaps in the world—are owned and operated by the private sector. That is very much the case here in the city. There is a network of CCTV cameras throughout the city within the private sector. Yet, we, as a community or a government, have no way of tracking or knowing where they are, how they are utilised, what the network is and how government owned and operated CCTV cameras might better link with the network of CCTV cameras in private operation.

We will be looking at that range of issues. I expect an outcome to be an increase in the number of CCTV cameras, and a far more rigorous and strategic networking of cameras currently in existence as well as future cameras.

### **Sustainable transport plan**

**MS PORTER:** Mr Speaker, my question is to the Minister for Planning. The government has announced it will soon be calling tenders for the real-time information system for the ACT's bus network. Would you please tell the Assembly how real-time information is another demonstration of the government's commitment to the sustainable transport plan?

**MR CORBELL:** I thank Ms Porter for the question. It is an important question because the government is putting its money where its mouth is when it comes to the improvement of public transport in the ACT. Of course, we always hear criticism from those opposite. How much money did they spend on public transport when they were in office? I think they actually reduced funding to public transport, not increased it. They put fares up and reduced funding.

This initiative is designed to significantly improve public transport in the ACT. The budget has allocated just over \$6 million for the introduction of a real-time passenger

information system for Canberra's bus network. It is a major initiative of the sustainable transport plan and is designed to assist in encouraging Canberrans to choose public transport, while walking or cycling for at least some of their journeys.

Real-time information systems have a number of benefits. I would like to provide members with some information on this. First of all, obviously they minimise the uncertainty of catching a bus, by providing passengers with up-to-date information on display screens at interchanges and at key bus stops. The arrival time will be displayed as close to real time as possible. One of the specifications that the government is focusing on is that the accuracy of the system will, on average, at each stage and at each location, predict bus arrival or departure time to within one minute.

The system will also need to integrate with ACTION's Hastus system, which is our existing scheduling system for timetables and for drivers, and its existing ticketing system and be capable of being integrated into future ticketing systems without any need for hardware changes. The system will also provide ACTION with information about the progress of each bus service, to allow ACTION to provide real-time information for ACTION customers through its SMS technology, another initiative implemented by the government, or through a website timetable. It will also—and this is a very important element of real-time information—allow buses to have priority at traffic intersections. The same technology that is used for real time is the technology that is used to allow buses priority at traffic lights.

There is a range of benefits. On completion, we anticipate that this system will have the capacity to provide real-time information and traffic priority to support a minimum of 500 buses, 300 traffic signal intersections and 3½ thousand passenger information displays.

Stage 1 of the roll-out of real-time information will be the delivery of an operational corridor, which is proposed in the Gungahlin area. Services will need to operate in that corridor without any hiccups for a one-month trial period. Stage 2 of the implementation will involve the fitting out of the entire ACTION fleet with the relevant technology, installation of the remaining passenger information display systems and configuration of the system to give priority at relevant traffic signal intersections.

The Liberal Party has been quite critical of this initiative but has overlooked one really important fact: it is that those routes that have real-time information will see increases in patronage. That is the experience around the world. Indeed, world-wide experience—

*Mrs Dunne interjecting—*

**MR CORBELL:** It is just opposition for opposition's sake; they just cannot help themselves. They cannot acknowledge it as a positive; they cannot acknowledge any implementation that makes a difference and improves public transport in Canberra. All they can do is criticise. Worldwide experience shows that patronage on routes serviced by real time increase by up to 20 per cent.

**Mrs Dunne:** If you have decent transport.

**MR SPEAKER:** Mrs Dunne, I warn you. You have been a constant interjector. Please desist. You are on a warning.

**MR CORBELL:** That helps to build confidence in the passengers about the reliability of the service and boosts patronage. I would have thought that everyone in this Assembly was interested in boosting patronage on public transport. Unfortunately, that does not seem to be the case from the opposition.

This is a good initiative, one that will make a real and practical difference for Canberrans using our public transport service and certainly encourage more people to see it as a reliable, timely service and one that can grow patronage to help us become a more sustainable city.

**MS PORTER:** Minister, could you please inform the Assembly of other public transport initiatives that the government has undertaken to create sustainable transport?

**MR CORBELL:** Again, I thank Ms Porter for the question. Of course, real-time information is just one of the initiatives. The government has a strong record on public transport investment and public transport infrastructure. By the end of this financial year, it is worth noting, this government will have purchased an additional 53 ACTION buses to replace older buses in the ACTION fleet—53 compressed natural gas buses. These buses have been really well received by the Canberra community; people like them; they are using them; and they like the signal it sends that public transport is a priority for the government and is a priority for people who use it and that we want to encourage more people to use it.

There is an additional \$3 million available this financial year for the detailed assessment of the environmental, heritage, economic, social and operational impacts of the proposed Belconnen to Civic busway. This will allow the government to make an informed decision about any future investment in this piece of infrastructure. It is really worth highlighting the benefits that this busway could deliver. For example, it will improve travel times from, say, a suburb like Higgins into the city by 15 minutes. The use of a public transport system, the use of the busway, makes the journey comparative and competitive with a private motor vehicle. That is a really strong signal to send. If you are using public transport, you get the same journey times as using your car.

Of course the government's commitment doesn't stop there. There are a range of other initiatives. The bustext process, which is an SMS trial for ACTION bus passengers, has been strongly welcomed by bus users, in particular those who are hearing impaired. The ability to access information in that way has been strongly welcomed by that community.

In addition, there has been the introduction of the new flexibus arrangements—the first in the country, a flexibus on demand, public transport on the phone, delivering you pretty much to your door. That flexibus service is working well. It has been well received by the Canberra community. Again, it is an example of good innovation that this government is bringing to public transport services.

I heard the cries from the opposition about frequency. The government has increased frequency. I don't know whether they know this, but the Xpresso bus services are

designed to do that—more buses during the peak times, direct to the places where people work. They are the main reason why ACTION is now regularly getting over 20,000 boardings a day. We have increased frequency and the directness of service and have got rid of the stupid, crazy three-zone system that Brendan Smyth introduced that meant if you lived in Tuggeranong, Belconnen or Gungahlin you had to pay twice to get to the city. That was a great mechanism to encourage people to use public transport. It was cheaper to pay for parking than it was to catch the bus. That was the initiative the Liberals brought us. In contrast, we have a comprehensive program in place. It is delivering results. We will continue to focus on this very important area.

### **Bushfires—coronial inquest**

**MR SESELJA:** My question is to the Attorney-General. Mr Stanhope, in your capacity as the first law officer of the ACT, does Coroner Maria Doogan still have your full confidence?

**MR STANHOPE:** I have full confidence in the courts of the ACT. As Attorney-General and first law officer, I take my responsibility for the administration of justice very seriously. It was as a result of my commitment to my duties as first law officer and Attorney-General that I have at all times in relation to every aspect of the coronial inquest taken the decisions that I have taken in furtherance of my duty as I see it consistent with the principles by which I operate as a politician and as a minister. At every stage of my period as Attorney-General I have always sought to support the courts and the administration of justice to maintain public confidence in the administration of justice. Yes, I support all of our courts and all of our judicial officers.

**MR SESELJA:** I ask a supplementary question. Given that you supported an action alleging bias against the coroner, at what point did you regain confidence in Coroner Doogan?

**MR STANHOPE:** I at no stage lost confidence in the coroner. Indeed, I have at no stage lost confidence in any of the courts or any court official. That is unlike, of course, the loss of confidence that three members of the opposition have in their leader. When we get to the question of confidence—

*Opposition members interjecting—*

**MR STANHOPE:** Reflecting on the extent to which Mrs Dunne has marooned herself on the dam, I was moved to think that Mrs Dunne honestly believes that when Richard Mulcahy finds the bottle to launch the challenge, Mrs Dunne wants to take on Bill Stefaniak and be the deputy. Talk about loyalty!

*Members interjecting—*

**MR SPEAKER:** Order, Chief Minister! Order, members! Come to the subject matter of the question.

**MR STANHOPE:** I have full confidence in all the courts and tribunals of the ACT. I have full confidence in each of the judicial officers in each of the courts and tribunals

within the ACT. At no stage has my confidence been challenged. At no stage have I lost confidence that needs to be regained.

It is worth dwelling on the question of confidence in leadership and in leaders in the context of the absolute mess that the Liberal Party finds itself in. Three members of the opposition, when asked directly by the media, “Do you support your leader”—

**MR SPEAKER:** Order! Come to the subject, Chief Minister.

**MR STANHOPE:** It is relevant that Mr Mulcahy, Mrs Dunne and Mr Seselja refuse to answer, point blank refuse to answer. I answered. They point blank refuse to answer the question.

*Opposition members interjecting—*

**MR SPEAKER:** Chief Minister, resume your seat!

### **Bushfires—recovery**

**MS MacDONALD:** My question is to the Chief Minister. Will the minister provide a report on the progress of bushfire recovery works at Stromlo Forest Park?

**MR STANHOPE:** Ms MacDonald’s question is an important one. As members are aware, prior to the 2001 and 2003 bushfires the Stromlo area, particularly the Stromlo pine forest, was a very important—perhaps the most important—recreation area for urban Canberra. I know that at that time the Department of Urban Services had estimated that up to one million visitations a year occurred to that area that we refer to broadly as the Stromlo Forest area. That is a very significant recreational asset that has been lost, albeit we hope temporarily. Bearing in mind that enormous usage and the extent to which the people of Canberra so enjoy the Stromlo pine forest area, the government has, as a central part of its bushfire recovery process that we have instituted, supported and worked very hard to re-establish a recreational forest park with a whole range of enhanced facilities within the Mount Stromlo area.

We have consulted very broadly on this with a whole range of stakeholder groups through displays at major shopping centres, and specific consultation with, for instance, orienteering groups, Canberra athletics, the cross-country club, off-road cyclists, equestrian groups and tourism as well as the community broadly. We have determined on a range of facilities to be reintroduced and enhanced at Mount Stromlo. The Mount Stromlo master plan now contains a comprehensive overview of recreational needs and possibilities within that area, taking account of the need for environmental site consideration and appropriate fire abatement measures.

The current program of plantings—and significant major plantings are proposed for Mount Stromlo to replace the pine forest destroyed—is occurring in two major areas. The first is an urban buffer area alongside Eucumbene Drive, Warragamba Avenue and Dixon Drive. Plantings commenced in June this year and have been substantially completed. They will be completed within the next few weeks. Eleven species of tree have been planted in that area, including a mix of eucalypts, conifers and deciduous trees. To date, 24,000 trees have been planted and there are still in the order of 5,000

trees to be planted. As I just indicated, it is expected that those additional 5,000 will be planted in the next few weeks.

The second area, and a major area, is the eastern side of Mount Stromlo. Those plantings commenced in the past two weeks. They will be completed towards the end of September or October. Approximately 180 hectares of Mount Stromlo will be planted, the entire eastern face, the side facing towards Canberra. In the order of 150,000 trees will be planted in that area. Over the past week or so, 3,000 have been planted. Pines are being planted along forest trail verges and along routes being developed within that area.

The plantings of pines are in strips, recognition of the need for fire abatement. The strips will be 12 metres wide and constitute about four rows of pines. In the order of about 40,000 pines trees will be planted in that way, essentially as shade trees for those who walk, run, jog or use the trails throughout the area. The remainder of that area will be planted to smooth-bark eucalypts. They were selected in consultation with the CSIRO. Because of bushfire considerations two species have been chosen, recommended by the CSIRO, and they will constitute more than 120,000 trees that will be planted on the east face.

The goal of the work being done is to provide a major recreational area for ACT residents. It will contain significant new facilities for the ACT in the form of a criterion track that has been designed by Stephen Hodge and a running track designed by Robert de Castella. There are plans for a significant upgrade of Holden's Creek, which is a small stream that runs through that part of Mount Stromlo. To date, heritage surveys have been completed and a land survey has been completed.

**MR SPEAKER:** Order! The minister's time has expired.

**MS MacDONALD:** I have a supplementary question. Will the minister further provide information on what progress has been made on the bushfire memorial being established within Stromlo Forest Park?

**MR STANHOPE:** Just to complete the answer I was previously giving, before I move on to that important issue of the bushfire memorial, development applications for many of the projects proposed for Mount Stromlo are currently being worked through with ACTPLA. As I was saying, those projects include a criterion track, a running track and other walking, riding and equestrian trails as well as the bushfire memorial itself and a design for the upgrade of Holden's Creek. So, work is well advanced in relation to a number of the projects.

Most specifically, going to the supplementary question, the development of the ACT bushfire memorial has commenced. As members will be aware, Mr Quinlan announced the winning design for a bushfire memorial. The design provides for significant contributions from the community, for instance in the supply of bricks for a commemorative wall, including inscribed bricks to record matters of importance to individuals, photos for inclusion in the glass sculptures to record people's memories of living in the areas before the fires and community involvement in the landscape plantings that will surround the key elements of the memorial's design.

Following their selection, the artists collected community contributions over two weekends in April, and there was a quite fantastic response in the provision of bricks and inscriptions and the contribution of photographs. Planning approval has been granted by ACTPLA. Work commenced on 1 August, and the earthworks will be completed this week. Work has commenced with the artists on site to ensure that their design work requirements are met. Of course, the artists will maintain an on-site presence for the next four months to put in place the detailed design elements. I think members are aware that the work is planned for completion so the memorial can be dedicated on 18 January 2006, the third anniversary of the fires.

The memorial will be an important site for the community and a contemplative place for the future. It has been specially located next to Cotter Road to be close to the community and to be somewhat separate from the main recreation areas of Mount Stromlo. Advanced casuarinas will be planted around the first part of the memorial. Around the contemplative area will be a mix of exotic and native plants, with some advanced trees closer to the memorial. I am particularly pleased with the progress that is being made. The project is very important for residents directly affected by the fires, but also, I think, a very important project and memorial for all the people of Canberra.

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

### **Supplementary answers to questions without notice Bushfires—recovery**

**MR STANHOPE:** Yesterday, the shadow Attorney-General asked me to give consideration to the tabling of an evacuation plan. I undertook to discuss the issue with the relevant minister, the Minister for Police and Emergency Services. The minister has advised me that his advice from the Commissioner for Emergency Services is that aspects of the planning work that the territory has done should not be made public for reasons of safety. However, I had previously arranged with the Leader of the Opposition for him and the shadow Minister for Police and Emergency Services to be fully briefed on all aspects of the disaster planning that has been undertaken by the territory.

I have arranged for all plans to be made available to the Leader of the Opposition and the shadow Minister for Police and Emergency Services for their perusal. The advice I have is that those plans should not be tabled, but that offer stands. It is a standing invitation to the Leader of the Opposition and the shadow Minister for Police and Emergency Services at any time at their request or any time that I think it appropriate for them to be fully apprised of the work that the territory is doing.

### **Bushfires—coronial inquest**

**MR STANHOPE:** Today, the shadow Attorney-General asked me a question about draft adverse findings or recommendations that may have been conveyed by counsel assisting the coroner to me or indeed to officials representing the territory. I am advised by the ACT Government Solicitor through the acting head of the department of justice that no draft adverse findings have ever been provided to any ACT government official at any time and they are not aware of the existence of any such draft adverse findings. On the

basis of advice from the department, the answers to both the question and the supplementary question are no and no.

### **Budget—operating result**

**MR QUINLAN:** Today, I took on notice a question from Mr Mulcahy in relation to the disparity between numbers in the consolidated financial management report. He referred to page 6 of that report and a figure of \$2 million and asked why it was not \$8 million. If Mr Mulcahy refers to page 9 he will see the answer to his question contained in the same report. The fact is that a year or so ago, when he was not in the Assembly, amendments were made during the budget debate in relation to child protection. An assessment was made that urgent work was needed, and these amendments were approved by the Assembly as a whole. He will see those numbers on page 9. So the report is entirely accurate and conveys that situation.

### **Forbes global CEO conference**

**MR QUINLAN:** Yesterday, I took on notice a question about the Forbes global CEO conference. I am advised that the conference has been sponsored by the Australian government and the New South Wales government. Other state governments have specifically not been invited. The only invitations sent out were to what are described as directors-general of industry portfolios in state and territory governments. Those invitations were not transferable. Participants are to be what is described as “paying guests”, at \$US5,000 each. The conference goes for a day and a half. One would have the privilege of hearing the Prime Minister; the Premier of New South Wales; the federal Minister for Industry, Tourism and Resources; Rudolph Giuliani, a well-known US Republican; Nicole Kidman and a few others—all of this in a conference that effectively runs for a day and a half. It has an opening social function that has a degree of structure to it which would inhibit circulating and networking time. I am sure that Mr Mulcahy would fit right in networking with some of those luminaries. That is it. It starts and it goes for a day and a half.

As I said, I was specifically not invited and it is nothing personal. One can probably understand that the New South Wales government, having invested in obtaining this conference, does not want to share this bounty of networking with other states and territories if it thinks there is some great value in it. So I could not be represented. Maybe one of our administrators might have been, but I have major doubts whether it would be the best investment we could make—something in the order of \$8,000 or \$9,000 by the time we paid airfares and accommodation—for a day and a half of a fleeting opportunity for coat tugging or whatever one likes to call the networking.

A year or so ago I was invited by the Forbes organisation to a dinner with quite a number of leaders of American industry. I thought that was a worthwhile function to attend, but there is some limitation on exactly what one can communicate in the space of two hours and on whether one can excite interest in the generality of investment in the ACT. I rather prefer the approach that we are taking: going out of our way to take specifics and to meet with people.

**Mr Mulcahy:** You go to conferences in Philadelphia but you do not go to Sydney.

**MR QUINLAN:** I thought the second part of your question yesterday, Mr Mulcahy, would be: can I go too, please? The answer would have been no; so I am sorry.

### **Families—violence**

**MS GALLAGHER:** Earlier today, Dr Foskey asked me a question about the family violence partnership program. I have had advice that the Office for Children, Youth and Family Support is aware of the funding under the family violence partnership program and the office has been in negotiations about accessing that funding.

### **Education—preschools**

**MS GALLAGHER:** Yesterday, I took on notice a question from Mrs Dunne in relation to whether a directive had or had not been issued from the Department of Education and Training in relation to information being put on notice boards in preschools—specifically a preschool—and whether staff had been reprimanded for displaying information. The written advice I had from the Department of Education and Training last Thursday, 11 August, was that there has been no directive from the department asking preschools to remove any material.

Following up on some extra information Mrs Dunne gave me yesterday, I sought further advice from the department. The department has no knowledge of any staff member being reprimanded for displaying non-government school information. However, it has been drawn to my attention that, in informal newsletters to preschools in southern and northern districts—newsletters which, I am advised, are emailed through to preschool staff—there is advice about advertising independent schools and visits of non-government schools to speak at parent meetings in preschools. The advice was not a formal directive and not cleared by senior executives of the department. This information has just come to my attention and I am following up the matter. It needs further investigation and advice to me.

### **Planning—Gungahlin**

**MR CORBELL:** In question time yesterday, Mr Seselja asked me a question in relation to the possible relocation of the site proposed for a sport and recreation facility in Gungahlin, including a 50-metre swimming pool. He asked if the site had been deemed not suitable. I inform Mr Seselja and the Assembly that the advice I have from the Land Development Agency this morning is that the relevant studies have been undertaken as to the suitability of the site and have confirmed that the proposed site is suitable. There is no intention to change the site.

### **Personal explanations**

**MR PRATT (Brindabella):** Mr Speaker, I wish to make a personal explanation under standing order 46.

**MR SPEAKER:** Please proceed.

**MR PRATT:** I rise to make a personal explanation clarifying a number of media reports, including one in the *Canberra Times* run over 2 and 3 August, based on claims made by Mr Peter Wallace against Care Australia and naming me as a—

**MR SPEAKER:** Order! Mr Pratt, these matters are now before the courts. I have seen the documents as to where the matters have been placed before the courts. I am very cautious about anything being said in relation to these matters that might impinge on the deliberations of the court. So I caution you that, if I sense that you are touching on a matter that might come before the courts, I am going to ask you to sit down.

**MR PRATT:** I am sure that will not be the case, because this statement does not go to the detail of what may be before the courts at all. It simply goes to the detail of what was reported in the media, in itself not necessarily a reflection of what is before the courts.

**MR SPEAKER:** The difficulty is that, if something is entered into proceedings in this place, it might then become inadmissible in the courts. I am not going to permit that to happen. That would be a gross interference in the operation of the judiciary. For you to proceed on this matter and to make comments in relation to matters that have appeared in the papers runs the risk of having the matter incorporated in proceedings in this place. Therefore, it runs the risk of interfering with the ability of the courts to deal with the matter. You can proceed. Who am I to judge what might come before the courts? That is the difficulty for me. I have seen several newspaper reports about this matter. You have also raised the issue with the Clerk, which has made me very sensitive to it. You were sounding a warning, I think, to let me know that you would be asking me to rule things as sub judice if they were to touch on matters that might go to the courts. I am saying that the same rule applies to you in relation to a personal explanation.

**MR PRATT:** I will take further advice then from the Clerk. At this stage, I will leave the matter on the table. I will review this matter and consider revisiting it tomorrow.

**MR SPEAKER:** I would prefer that you do that, thank you.

**MR PRATT:** Although I do not think that this matter would have rebounded on anything before the courts.

## **Bushfires—coronial inquest**

Debate resumed.

**MR SESELJA:** (Molonglo) (3.45): I will be supporting Mr Stefaniak's motion and opposing Mr Stanhope's amendment. I flag that I will be moving an amendment to Mr Stanhope's amendment that calls on the Attorney-General to table all the relevant legal advice. I will get to that later. This motion is about closure. It is about closure for those who have lost loved ones, for those who have lost their homes, for those who have been injured and for all those affected by the 2003 bushfires and who want answers. Mr Stanhope keeps saying how he empathises with those who have suffered, but everything he has done since the fires suggests that this is merely lip service. Who can forget "Blame me"? Ever since Mr Stanhope said "Blame me" he has been looking to

blame everyone else. If Mr Stanhope really cared, he would not have tried to cause such significant delay in the finalisation of the process.

Mr Stanhope spoke at length in his speech today about the need to give support to public servants, although yesterday on the radio I think he was referring to them as nine firefighters. So I am not sure exactly what their status is. I certainly do not have any quarrel with supporting public servants, protecting them in legal action and giving them reasonable support. The question becomes: how far does that extend? Is every public servant who is involved with legal proceedings entitled to appeal all the way to the High Court? I would say no.

It seems that that is what Mr Quinlan was suggesting yesterday. So the new principle according to Mr Quinlan is that whenever public servants are involved in legal proceedings they should always be able to go to the High Court and that we should give the fullest support always. We have to draw the line somewhere, and I would suggest that, after a full bench hearing of the Supreme Court comprehensively rejected the arguments put forward, that would be a good place for the public purse to draw the line, to allow closure and for the public interest of bushfire victims getting closure to be put ahead of other considerations.

Another point made by the Attorney-General in his speech is the issue of releasing legal advice. As I flagged, my amendment relates to this. On radio yesterday the Attorney-General was asked by Ross Solly whether he would be tabling his legal advice. He said that he would not because legal advice is privileged, and he repeated this in the chamber today. I will come back to that later. One needs to be very wary of this government when it attempts to hide behind legal and parliamentary conventions, or when it attempts to put its spin on legal principles.

In the recent past we have seen a few examples. The government hid behind the sub judice rule to avoid scrutiny in its attempts to shut down the coronial inquest. The opposition argued that this presented a conflict of interest, and it was comprehensively rejected by the Supreme Court. Without getting into detail on that debate on sub judice, it is still our contention that the use of the sub judice rule in recent times in this place has been unwarranted. It has been used by the government in quite an inappropriate way to avoid scrutiny.

**MR SPEAKER:** Order! You are reflecting on my ruling. That is just not permitted. You are entitled at any time once I have made a ruling to move dissent, but it is disorderly to reflect continually on it. So discontinue, please.

**MR SESELJA:** The issue that stood out was not in relation to your ruling but in relation to the apparent misunderstanding. This goes to my point about being very careful when the government talks about legal principles. We should not necessarily accept it at face value. When we were having that debate Mr Stanhope said that Mr Smyth had breached the sub judice rule on radio. He said, "He breached the sub judice rule on radio." As everyone knows and as has subsequently been pointed out, one cannot breach the sub judice rule on radio. Sub judice is a principle that exists within the chamber, within houses of parliament, and it cannot be breached on radio. That is one area where I think the Attorney-General has displayed a misunderstanding of the law. So, when he spouts a

legal principle, we should remember to be careful not to accept it on face value. I will come to the issue of privilege in just a second.

During estimates as well, in relation to the rule of law, the Chief Minister tried to claim the breach of the Human Rights Act was defending the law. That was an interesting take. He said that the previous government had breached the law because there were some international conventions, but it was pointed out to the Attorney-General at that time that an international convention has no effect in Australia until it is incorporated into domestic law. That is another example of where the Attorney-General has claimed to be hiding behind a legal principle or claimed to be following the rule of law and has got it wrong.

That brings me to client legal privilege, which is what Mr Stanhope is claiming now in relation to the release of documents. As I said on radio yesterday and again today, the Attorney-General said that he would not be releasing the advice because of privilege. Legal professional privilege, or client legal privilege as it is now known, applies to documents created for the dominant purpose of anticipated legislation. But the privilege, as the name would suggest, attaches to the client. I was speaking to my wife about that this morning and, just from watching *Boston Legal* and other programs, she realised that privilege attaches to the client. So the client in this case, being the ACT government, can release that advice at any time. No principle of legal privilege is preventing Mr Stanhope from tabling that advice today or from presenting it publicly so that we can all see what the advice says. He claims that he cannot as it is privileged. That is just wrong. The privilege attaches to the client. The Attorney-General on behalf of the government is the client and could release that at any time.

The attorney also said that no government tables its legal advice. I believe that is wrong as well. I am informed that Mr Humphries, as Attorney-General, released legal advice while in government. So that is another case of the Chief Minister saying something that is just not true. It is not true that he cannot release it because of privilege. He is the client and the privilege attaches to the client. The only convention here is that governments do not like to release documentation that might embarrass them. That is what is going on here. There is no legal principle. Mr Stanhope keeps saying he cannot do it because of privilege.

As we saw before with sub judice, as we have seen before with other areas of the law, he seeks to hide behind so-called conventions but the fact is—and I will be happy for Mr Stanhope to argue this point—the privilege attaches to the client. The client is the ACT government. The only reason for not releasing it is that it may be embarrassing to this government. Any attempts to spin it any other way, any other attempts to say we cannot do it because of privilege, are completely disingenuous and dishonest.

I seek to move my amendment now calling on the Attorney-General to table all of the legal advice in relation to this matter so that the people of Canberra and the ACT Assembly can see whether Mr Stanhope's legal advice really backs him up. I call upon the Attorney-General to do that.

**Mr Stanhope:** I raise a point of order. This amendment is in the same terms as a motion that was moved and defeated yesterday.

**MR SESELJA:** It is not, Mr Speaker. I have checked with the Clerk.

**Mr Stanhope:** I wonder whether it is consistent with standing orders for a motion that was moved, debated in the censure motion yesterday and defeated to be moved again today.

**MR SPEAKER:** Order! The matter certainly does go to an issue that was contained in part of the motion that was defeated yesterday, but it also has broader application in that it talks about any legal advice relevant to his decision to join an action to disqualify the coroner from her inquiry. So I think it is open to a member to move the amendment.

**MR SESELJA:** I move the following amendment to Mr Stanhope's proposed amendment:

Add "and calls on the Attorney-General to table, by the close of business on Thursday, 18 August 2005, any legal advice relevant to his decision to join action to disqualify the Coroner from her inquiry, taken in the Supreme Court, and any subsequent advice following the outcome of that action."

I can see why the Attorney-General would not want to discuss it again. It is embarrassing when he hides behind legal principles that do not exist in the way that he claims they do. I say again to the Attorney-General that there is nothing stopping him from releasing this legal advice. We will believe what he says when he shows us the advice. If he does not, the public has a right to think that he has something to hide.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister Arts, Heritage and Indigenous Affairs) (3.55): I wish to speak to the amendment. As I indicated in my point of order, this amendment is essentially the same as a motion that was put and defeated yesterday. One of the reasons I made the point was to highlight the extent—

**Mrs Dunne:** I take a point of order, Mr Speaker. Is the Chief Minister reflecting upon the ruling that you have just made?

**MR SPEAKER:** He ought not to, but I did not detect that. I will listen more closely, Mrs Dunne.

**MR STANHOPE:** I was not reflecting on your ruling, Mr Speaker. I was about to go on to indicate that I think that essentially the same motion has been moved in two days. A censure motion was moved yesterday calling on the government to table by close of business yesterday the legal advice relevant to its decision to join action to disqualify the coroner from her inquiry. That was the motion, essentially, yesterday that was defeated. The motion today is the same to that point and adds the words "or any subsequent advice". The motion that was moved yesterday was defeated. Today there is an additional motion with five or six words added to the end of it to give it that patina of some legitimacy.

I do take issue with Mr Seselja's legal advice and interpretation. He takes his legal advice from *Big Brother* or a variation of *Big Brother* and relies on *Boston Legal*, an American form of *Big Brother*. Mr Seselja, this bright young thing of a lawyer, is now

exposing us to the basis of his legal expertise, and the basis on which he has moved this amendment is that he saw on *Boston Legal—Big Brother* in the United States—how they do it there. So he thought he would come into the chamber and do the same here on the basis of this refined legal expertise, or the knowledge from these TV shows that we watch at home that this is how it is done over in America. That really does show the seriousness with which the opposition regards the issue. It shows the depth of its understanding of the issues of principle around decisions taken in relation to the coronial inquest and, indeed, the decision that I have taken in relation to legal advice.

One might say that there is some political advantage to be gained in this case. They can keep the debate going. They can seek to score the occasional political point or two on this issue by continuing to run essentially the same motions and see if they can get a little bit of traction in the public or in the media, because they are a divided mob. Mr Seselja himself will not declare loyalty to his leader. We know they are just waiting, so they desperately need to mend the fences and their credibility as an opposition.

**Mr Seselja:** He is in trouble, isn't he? He still will not argue the merits. Does it attach to the lawyer or the client?

**Mrs Dunne:** Who owns the privilege?

**Mr Seselja:** Who owns the privilege, you or the lawyer?

**MR SPEAKER:** Order, Mr Seselja!

**MR STANHOPE:** Mr Seselja and Mrs Dunne are two of the group that are leading the charge to unseat the leader. But there is a principle. It applies to cabinet documents as well. Someone here could say they want us to table a whole range of cabinet documents that they think might be of interest. They would mount exactly the same argument as has just been mounted in relation to legal documents and legal privilege. The privilege that applies to cabinet is essentially the same as the privilege that applies to legal advice. The issues are similar.

**Mr Seselja:** Exactly. You could table but—

**MR SPEAKER:** Order, Mr Seselja!

**MR STANHOPE:** We could. We could come in here every day and table every cabinet document in our possession. But we are not going to, and for very good reason. It would impinge on the quality of the administration of the territory. We could come in here every day and table every legal advice we get on every subject, but we are not going to because it would impinge on the quality of the administration of justice and the law in the territory. We are not going to do that. I indicated yesterday it is to my political benefit.

**Mr Seselja:** So you say.

**MR SPEAKER:** Mr Seselja, you are on a warning. You have been given notice now.

**MR STANHOPE:** It would be to my political advantage to release the document, because it says precisely what I have said it says. I would avoid the sorts of suggestions that are being made about me and my honesty if I simply released it, exposed it to the air, and said, “Look, I told you all along I was telling the truth.” I could do that for my own short-term political advantage but it would not be consistent with my duty. It would not be consistent with the good administration of the territory or administration of the law in the territory, and I will not do it. I will put my duty ahead of my personal, political need in relation to the attacks that are now being made on me about the legal advice.

That is my position and I will bear the brunt and pay the price for that. That is how I have essentially conducted myself since I have been in this business, and I will continue to do it. So we will not support the amendment to my amendment. The government will not release its legal advice on this issue or, as a matter of course, on other issues, just as it will not release cabinet documents just because you think they might be interesting. A privilege attaches to cabinet documents and it attaches for very good reason. Not to have it would substantially damage the capacity to govern, just as the unilateral release of legal documents and legal advice would similarly harm our capacity to manage the administration of justice and the law of the territory.

We will not do that, not for personal or crass political advantage, the sort of political advantage that the opposition is seeking to eke through this motion in the first place and through this amendment. Its actions are not in the interests of the territory, not in the interests of the good administration of the law or the justice system within the territory. The government will not release these documents just to ease it or me out of a prickly little political corner. I will not do it. I will pay the price.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.02): This is a day when we recognise that the gold standard within the place is *Boston Legal*, an American television show. That is something of a commentary on where we are now. It is a commentary on the boxed logic that is pervasive, not only what is coming from the other side of the house, but also what has been promulgated within our press. Bill Stefaniak mentioned the editorial in the *Canberra Times*. I think he used the term “balanced” in describing it. I am sure he had his tongue in his cheek. That is one of the most appalling, one-sided editorials that I have seen and it is a reflection on the standard of the *Canberra Times* that, fortunately, exhibits itself only from time to time.

Claims have been made here that the high moral position of the Liberal Party is to bring closure to the victims, but at the same time it recognises that nine people may be seriously affected by this inquiry. Somehow the stream of logic falls apart. First of all, within the argument that has been put forward by the opposition and supported by at least the *Canberra Times*, there is no recognition that this delay would have occurred whether or not the government enjoined the action, and that the government only enjoined the action after it knew that it was inevitable and therefore the government was not going to cause delay but could make the decision on the balance of the legal opinion that it had received in relation to the validity of the claim to be made.

That has not been recognised by that lot over there and it has not been recognised in editorials. The newspapers have editorialised to the point of saying, "Jon Stanhope held up the coroner's inquiry." That is untrue. It is a fundamental plank of what the opposition has put forward but it is untrue. Seeing the actions that flow from those on the other side, I have my doubts now on whether that reflects them or not. We have seen them as a group trying to have two bob each way on whether the public servants involved get financial support.

I counsel members to reflect, to try a little empathy, to try to put themselves in the place of those nine people and consider the tremendous pressure that is imposed upon them. One of the greatest causes of pressure, anxiety and depression amongst people is uncertainty. Here we have people that are uncertain as to what the outcome is going to be. They are genuinely uncertain about the process that is going on and is going to affect them, some of them severely, for the rest of their lives. The claim being made from the other side of the house is that they are doing this for the victims. That does not reconcile in my mind. Members opposite argue that they care about the public servants affected. If they accept, though they might not want to, that the delay would have occurred anyhow, their role and their duty to the victims would have been not to play on their concern but to assuage it to help them understand that there is a multilayered legal process and everybody has rights under that process.

Had there not been this focus and this deliberate process to use and play upon some very unfortunate people who are victims we might have got a recognition that the rights of those people in the long term and the rights of the nine people whose lives might be impacted forever by this inquiry are not mutually exclusive. Yes, there has been a delay. Mr Stanhope has assured the house that the delay was not anticipated. The delay would have occurred anyway before the government and the attorney enjoined the action.

So one cannot but draw the conclusion that the opposition is involved in tawdry politics and nothing more. Its logic does not hang together. Had the government not enjoined the action, the process would have taken place anyway. It might not have taken place if the government had not accepted that it would assist the nine officials who are under a cloud and who feel, and have been advised by experts, that they are not getting a fair go. In 2005, is it not fundamental to the Australian ethos that everybody gets a fair go?

We now see coming through this process a double standard of convenience. It is only political expediency. If members deny any of the fundamental facts I have enumerated, they have gone about it exactly the wrong way. They have used people. They have inflamed their concern for their benefit, when as public representatives they had a responsibility to involve themselves in exactly the opposite kind of action. In that regard, this is not the Assembly's finest hour and for some of the people across the house it is not their finest hour either.

**MR STEFANIAK** (Ginninderra) (4.13): I am not going to comment about Mr Quinlan's comments on the editorial. I would expect something like that when it does not go favourably for the government. I was talking to bushfire victims Ric Hingee and Laurie Buchanan at lunchtime about this debate. They want this issue raised. They want closure. Indeed, Mr Hingee said, if the government raised something like what Mr Quinlan said, for me to mention that they feel that arrogance is the mark of the responses they have

seen from the government to date. They do not appreciate some of the comments that have been made by the government. They want closure.

Mr Quinlan went to great lengths to say that this action would have occurred regardless and that what we were saying is incompatible with the rights of the nine individuals. No, it is not. The government has duties and an attorney has duties in how to deal with situations like this. These are not easy situations but fundamentally the government and the attorney have a duty to the whole community. They have a duty to ensure that there are answers to questions. The attorney has a duty as the first law officer to back his coroner, not to be involved in or initiate appeals against the coroner.

He has conceded that this is a first in any Australian jurisdiction. That should have guided him in what he did. The nine taking the first appeal would have delayed the action, but the proper, traditional response from the government, following the precedent set in the ACT in *R v Michael Somes ex parte Francis Woods*, was to back the coroner, even if the government did not like what might come out of a coronial inquest. The Chief Minister himself said that he had three choices: to back the coroner, to do nothing, or to go into the action. Even doing nothing probably would have been a preferable choice to what he has done considering what precedence dictates the role of a government and the role of an attorney should be.

Mr Quinlan talks about how much we are trying to make capital out of this issue. We are doing our job. It is sad that we have to be having this argument, but we are having it. The government has a fundamental, overriding duty to the community to ensure that answers are given. If someone has done the wrong thing, or if the government has done the wrong thing, you cop it on the chin and move on with it. That happens in life all the time. But the government has a duty to the people who own the 500 homes that were lost and to all the people who have suffered through the fires. It has a duty to the dead and the relatives of the dead and, of course, it has a duty to its own employees as well. But it has to balance its duties and its fundamental duty is to the community. It is not to try to hide and get away from a result that might be unfavourable to it. So what Mr Quinlan is talking about is absolute nonsense.

Mr Seselja indicated how far this government will go to support its public servants. All we are saying is that enough is enough. We are talking now about a High Court appeal. Surely the Chief Minister should have no problems with drawing the line here, especially as even he seems to be conceding that he wants this inquest to finish. He even seems to be accepting, perhaps reluctantly, that people want answers even though he seems to say that this magic legal advice indicates he has a very good case to go to the High Court.

That brings me to Mr Seselja's amendment. I do not watch those TV shows, but I think Mr Seselja is absolutely right when he says legal advice is privileged and he is right in saying it is client legal privilege. The client is the government. I recall—I think Mrs Dunne might have been working with him then—Mr Humphries releasing some legal advice when in government. I have not seen it very often but I do recall that. Normally there is very good reason not to. It just strikes me that when Mr Humphries released it there seemed to be quite a good reason for it, and the sky did not fall in.

**Mrs Dunne:** And the community wanted it.

**MR STEFANIAK:** And the community wanted it, as Mrs Dunne says. I cannot even recall what it was but it seemed sensible at the time. The sky did not fall in. There were no great problems, and I suspect that might well be the same here. So I cannot see what problem Mr Seselja's amendment cause. The amendment is different from the one we dealt with yesterday.

I thank Dr Foskey for her contribution to the debate. She made an interesting point. Coronial inquests in the territory are invariably wide ranging. Even when the court started going off on its own little tangent, the Attorney-General said he intended this coronial inquiry to be wide ranging. He said it in 2003, and I am very pleased to see he said it in February. I backed him on that because that is what we want to see, too. But Dr Foskey raises an interesting point. Probably that is something the legal affairs committee could take on and talk to her further about.

Our motion today is broader than what the government has and does effect closure. That is what people want. I do not think accepting it will cause any dangerous precedent. It is somewhat hypocritical of the government to suggest that, because I recall many motions it used when in opposition either calling on or directing the then government to do something. All our motion does is call on the government to ensure that we can move on and have closure; that there is no risk that this long-running coronial inquest is going to be further derailed and cause further angst to all the victims. I suspect even the nine individuals Mr Stanhope champions would want to see this matter over and done with as well.

The fundamental duty the government has is to the whole community, which wants answers, especially to the people who have suffered. There are certainly more than 500 of them and many of them are still suffering. They wanted a motion such as this so the government could rule out definitely any further action and any further funding of a High Court appeal by any individual who might want to go further. The community is saying that enough is enough. Let us get on with the job and hope the coronial inquest can finish soon. It is a pity the government's amendment will succeed. Of course, the government is rejecting the opposition's motion. That is something a number of victims would still be concerned about. But I hope that we will now see the coronial inquest come to a speedy end, that answers will be given to the people's questions and that closure will be effected.

Question put:

That **Mr Seselja's** amendment to **Mr Stanhope's** proposed amendment be agreed to.

The Assembly voted—

Ayes 8

Noes 9

Mrs Burke	Mr Seselja	Mr Berry	Ms MacDonald
Mrs Dunne	Mr Smyth	Mr Corbell	Ms Porter
Dr Foskey	Mr Stefaniak	Ms Gallagher	Mr Quinlan
Mr Mulcahy		Mr Gentleman	Mr Stanhope
Mr Pratt		Mr Hargreaves	

Question so resolved in the negative.

**Mr Seselja's amendment to Mr Stanhope's proposed amendment negated.**

Question put:

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

Ayes 10

Noes 7

Mr Berry	Mr Hargreaves	Mrs Burke	Mr Smyth
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Stefaniak
Dr Foskey	Ms Porter	Mr Mulcahy	
Ms Gallagher	Mr Quinlan	Mr Pratt	
Mr Gentleman	Mr Stanhope	Mr Seselja	

Question so resolved in the affirmative.

**Mr Stanhope's** amendment agreed to.

Motion, as amended, agreed to.

## **Civic centre development**

**DR FOSKEY** (Molonglo) (4.26): I move:

That, in regard to the future development of Civic Centre, including City Hill, this Assembly:

- (1) welcomes the enthusiasm and vision of the various frameworks for development that are now in the public arena;
- (2) calls for the public debate on the issue to encompass the broader plans of the National Capital Authority and existing agreements such as the City West Masterplan;
- (3) recognises the need to build in broad community and industry acceptance to any plans of this magnitude; and
- (4) calls on the ACT Government to ensure:
  - (a) the major planning decisions are informed by a community values exercise that incorporates the perspectives of the full range of stakeholders, consistent with the Chief Minister's Department consultation protocol; and
  - (b) any task force or development body set up to manage the process includes community, business, Territory and Federal Government representatives, and provides advice to the Government which is open and transparent.

There is no doubt that the opportunity to look again at Canberra's central business area is a great opportunity to remake Civic for the 21st century. That it is timely is evidenced by

the fact there are already a number of proposals in the public arena.

The present process began in 2002 when ACTPLA initiated the City Hill task force, made up of heads of ACT government agencies and the National Capital Authority. It was replaced by the Canberra central task force in late 2004, in response to several inquiries that identified the need to focus on this part of the city as a central element in the Canberra plan. The task force is to advise the ACT government on the most appropriate redevelopment options for the area, with a broad target of reporting by the centenary of the naming of Canberra on 12 March 1913.

So far as we know, three major proposals have been considered by the task force. ACTPLA's offering, entitled *City Hill: a concept for the future*, outlined conceptual goals for the planning of City Hill. This document, I believe, was intended to stimulate public discussion and lacked the detail of other proposals, and hence should not be considered as one.

Two proposals for the large-scale redevelopment of Civic have emerged in the process. The first is backed by Terry Snow, a prominent local businessman and owner and proponent of the airport where the ACT government has expressed concern about the increasing supply of commercial and office space, fearing that it may rival Civic and other town and retail centres. The second is characterised by the inclusion of a high-speed monorail, with international financial backing.

The *Griffin legacy*, produced by the National Capital Authority, is in the public domain, at \$75. It incorporates fairly concrete planning principles. It also appears that the NCA has made a detailed planning submission to the task force based on the Griffin legacy.

I understand that the NCA indicates in its more detailed planning submission that it opposes any development on City Hill. I have been advised that the chair of the Canberra central task force was asked not to publicise such information, which would appear to rule out much in the other proposals. It may be that the other proponents are aware of this conflict of ideas, but it does muddy the water for others in the community looking to engage with the ideas, and this is disappointing.

There is a high degree of difference, or of variability, between the amount of detail of each of the proposals. Terry Snow produced a CD-ROM with lovely pictures. The NCA produced the expensive and informative coffee-table book the *Griffin legacy*. *Moving our future* was two to three pages, with some maps. It is, therefore, impossible to realistically compare the proposals. However, perhaps there are pluses to this. It provides an opportunity to focus on establishing workable and sustainable planning consultation processes. It is a great pity that the planning objectives were not developed prior to the call for public submissions. As such, much of the information in the submissions may not meet the criteria.

We understand that the task force will present planning objectives to the ACT government at the end of August. We look forward to seeing them, but the horse is following the cart here, I fear. Nonetheless, it provides an opportunity for public consultation that may partly compensate for the neglect to do so earlier. The three planning proposals share a number of common elements:

- the importance of the Griffin plan as the blueprint, acknowledging that the city hasn't reached its full potential;
- the view that the city is currently unattractive and becoming run down;
- major tourist destinations are widely distributed and poorly accessible from the city area;
- concern that City Hill and the city centre is divided by a road system and that traffic dominates the central streets;
- the desire to open access to the lake from the city;
- concern that large areas of developable land are adversely affected by car parks and expressway ramps;
- the importance of establishing the main road access prior to undertaking other work; and
- the need for inner, middle and outer city road bypasses.

The main differences between the proposals relate to which roads are kept, widened or pedestrianised, whether development occurs on and under City Hill, where future commercial and residential development should occur, and public transport options.

Our concern is that the agenda to redevelop City Hill is being driven very fast—too fast—by a relatively small group of people with a relatively narrow focus. The Greens have already pointed out that the central Canberra task force lacks the voices of many groups with an interest in Civic. It is dominated by business and government, which perhaps may not matter in this early stage. However, we recommend that it must become broader if it wants to deliver a Civic plan that answers the needs of Canberra residents and visitors.

Some of the stakeholders whom we believe should be specifically invited to comment on the Civic project are: the Ngunnawal and visiting Aboriginal and Torres Strait Islander people; people living in the region who use Canberra as their centre; young people and children; parents; residents of Civic, which is a growing constituency; public transport users; car drivers; tourists; older people; small business owners who might like to be located in Civic and thus make it more diverse; people with a disability and their carers; people with a mental illness; police and security experts; community organisations currently providing services in Civic and those who may in the future; ANU and CIT students; the homeless; office workers, including government employees as office workers and not as government employees; artists and performers; sports people; people travelling through on their way to other places—why don't they stop at Civic; people for whom English is not the first language; and, of course, shoppers.

While this list is long, it is not exhaustive and indicates a diversity of people with an interest in Civic. Without their involvement we cannot be said to have broad community support for the expenditure of millions of dollars, making it very difficult for any successive government to progress the plans of the business people, the government and the bureaucrats—those who are currently inside the process. Furthermore, we need broad support in this Assembly, which has been elected to represent the views of the community. A tripartisan approach will facilitate a good outcome for Civic. But that is only the beginning.

How can the committee engage the community at this point? First off, once a task force has presented its report to government, it should call a meeting with representatives of peak bodies such as the conservation council, ACTCOSS and representatives from the disability, community and arts organisations, to explain those principles and devise strategies for involving the broader community in future planning.

Second, we suggest that a community-values exercise be set in progress, to engage the so-called mums and dads, the clubbers and the other ordinary people who do not usually bother to attend consultations but who do have an opinion on their city. Deliberations of the task force and its recommendations to government should be transparent and easily available. An interactive website would be an excellent start. So much work has been done on successful community engagement by this government and its predecessors that it would be a great shame not to use it in this process.

Third, it is important that we address the fragmentation of municipal administration. That must be addressed in the institutional arrangements that we arrive at for rebuilding and maintaining our city. Currently, management systems for land use planning, urban design, municipal repairs and maintenance, lease administration, road design and public transport services are poorly coordinated. This requires work on behalf of the two governments involved, federal and territory. For a successful outcome on Civic we need good cooperation between these bodies.

Finally, our motion calls on the government to ensure that key funding questions are dealt with transparently. Both the Snow and the Young-Wright plans suggest that the proposed developments could be self-funding. The Greens believe that, one way or another, the government will be paying for Civic development, if not directly with money then through putting up the land. Either way, the cost to the community in the medium to long term will be the same.

The Greens do not at this stage have a fully worked-through plan to offer, but we suggest that the following principles should underlie any changes to Civic:

- the approach to redesigning Civic should be holistic, taking into account social, ecological and economic aspects at all stages and look at all parts in relation to the whole of Civic;
- we should not look at Civic in isolation from the rest of the ACT;
- Civic should be connected to other parts of the city by excellent public transport;
- we should consider the entire city centre, including City West, the lake shores, City Hill and major roads;
- redevelopment should be based on a master plan, produced with community consultation;
- it should be built at the human scale;
- it should incorporate public open space;
- it should have a fair proportion of open space and buildings dedicated to community use;
- it should have a level of affordable housing amongst the residential development;
- it should consider the birds and other native fauna and ensure that there are areas of native vegetation to make them feel at home, because this is one thing that makes Canberra unique;

- it should require high-quality design where energy and water use are minimised in adaptable, pleasant buildings;
- it should provide incentives for existing buildings to be retrofitted for social and ecological sustainability; and
- while seeking a mixed-use approach, we should consider noise levels and good neighbours.

For instance, live, noisy venues should be sited at some distance from residential developments, otherwise we are going to have a problem and they will be banned altogether and young people will be excluded.

We will be submitting these and other ideas to the Terry Snow/*Canberra Times* living city competition, in the hope that there will be many more and more substantive opportunities to contribute to the design process for a Civic that we can all enjoy, one that is not a dinosaur to 20th century illusions about abundant energy and water and one which puts people first.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (4.38): The government will support this motion today because we have already taken significant action to encourage community discussion on the future development of the centre of the Canberra city area. The enthusiasm and the range of use for future development that Dr Foskey has referred to are now being raised in the public arena because of the government's commitment to make the city the primary cultural and meeting place for all Canberrans.

I have previously informed the Assembly of the scope of the Canberra centre program but I think it is timely to remind the Assembly of what has already been put in place to address the issues confronting the city and indeed to foster broader community awareness and debate.

Before I do that, it is worth reiterating one point: this Canberra central program is not just about City Hill and the precincts around City Hill. Those are very important components, but Canberra central focuses on the city as a whole, including City West, city east, the potential extension of the urban area down Constitution Avenue and the potential extension of the city to the lake. All of these issues are taken account of in the Canberra central task force's work.

This government has already taken action to address the appalling lack of a coordinated development approach that we inherited from our predecessors. When we came to government we immediately acted to release much-needed land for office development in the city, and over the past four years four significant major blocks in the city have been sold to facilitate office development and a range of other activities. Construction is already under way on two of these sites, and this land release has enabled much-needed development in the supply of office space in the city, something which there was a failure to plan for by our predecessors and which resulted in high rents and lack of competitiveness for our city centre.

Under the Canberra central project, which was announced by the government over 12 months ago, a number of key actions have been implemented. These include:

- a review of the parking policies and the development of a car parking strategy for the city which, for the first time, will identify strategic placement of car parking in the city;
- the preparation of a single planning document that will include and integrate all the planning policies for the city; so, rather than having to rely on six or seven different documents to understand what you need to do to proceed with development in our city centre, they will be grouped together into a single, ready-referenced document;
- an audit of public safety in this city, which will inform the location of public facilities and public information such as bus signage;
- the very successful Canberra central events program, which includes the very successful Christmas in the city and New Year's Eve activities and fireworks;
- the development of a design manual for Canberra central;
- the development of a street furniture design standard for the city;
- the adoption and the implementation of the City West master plan, with the preparation of designs to develop Childers Street—over \$6 million available in the budget to proceed with that work this financial year—as a key destination point to the arts within the city; and
- a commitment in the budget to a comprehensive signage program for Canberra central, which will be rolled out in coming months.

A pivotal action focused on raising public debate and commensurate with the important work of the National Capital Authority's Griffin legacy project was released in March this year—a planning document called *City Hill: a concept for the future*. This document was designed to engender debate and it achieved that purpose. Since the release of this document, there have been other schemes put forward, including the living city proposal put forward by Mr Snow. There has been considerable public debate in the *Canberra Times* and in other media. A number of other proposals have also come forward. Irrespective of the schemes and the merits or otherwise of them, I think all of these projects have sought to engage the public in the debate and engender ownership of the issues. This has meant we have achieved a very positive atmosphere for future consideration.

Dr Foskey raises the need for greater public debate on a range of issues. In particular, she raises issues around the City West master plan and the implementation of that plan. It is probably worth pointing out that this plan was the subject of an extremely extensive and intuitive public consultation process. Variation 236 to the territory plan, which was tabled in the Assembly in the last sitting, is the implementation of that master plan work in terms of the statutory planning framework. It received only three submissions. For me, this demonstrates a high degree of participation in the development of the plan and a high degree of acceptance of the outcomes that plan seeks to achieve.

Since then, of course, there has been further work and further consultation in preparing the concept plan for the design of Childers Street. As I have already mentioned, the government committed \$6 million in the last budget to the refurbishment of Childers Street, including artwork, civil engineering, street furniture and a range of other measures to create this street as a vibrant centre for community activity in the city.

The government has always acknowledged that any plans for the city and City Hill will only be successful if they are relevant and valued by the broader community. Of course

we also need to recognise that any proposals are not going to be realised in a short space of time. Nor should they be confined solely to the planning and design concepts. It is also critical to understand the benefits and opportunity costs to the community, the capacity of the office, retail and other commercial property markets to absorb the scale of development and its potential effects on other centres in Canberra—our town centres, our group centres and so on.

To adequately understand and address these issues needs real community and industry input. So the government reviewed the composition of the Canberra central task force earlier this year and put together a team of people with a strong level of recognised industry and community expertise as well as planning expertise to work on the issue. The task force was formed a few months ago and includes representation from the National Capital Authority, which is extremely important given their statutory role in the city centre. It is worth outlining the range of responsibilities the task force has. It has some specific terms of reference that must be addressed by the end of this month. These include:

- providing advice to me, as the minister, so that I can advise cabinet on the most appropriate planning and design outcomes for the future development of City Hill and its surrounds, including the clarification of key principles and issues and an outline of the context for development;
- the delivery vehicle that is best suited to the planning and design outcome, taking account of those issues;
- the financing options available to the government, taking account of the previous issues;
- an assessment of all concepts and any other relevant issues that may arise from the public consultation process; and
- the monitoring and receiving of progress reports on the current program being undertaken by the Canberra central project team to rejuvenate the city centre.

It is worth highlighting that one of my first requests to the chair of the task force, Mr Service, and to his colleagues on the task force was to engage as broadly as possible in seeking community and individual views on issues to do with the development of the city centre. The task force has gone out of its way to reach out and seek comments from ACTCOSS; from other community organisations located in the city; from other business organisations; from people with disabilities; from a range of sectors, a range of interest groups, a range of individuals who are all potentially affected by any decisions that are made on the city centre. So this task force is doing that work. It is meeting weekly and has a high level of engagement and participation by those who have been appointed to it and, indeed, by others who have made submissions to it.

It is worth outlining some of the expertise and experience we have on the task force. Of course, it is chaired by Mr Jim Service, who is a well-known and respected Canberran, with extensive experience in the commercial property and banking sectors. It has on it people such as: Mr John Hanna, a well-known city retailer; Mr Colin Stewart, who was the developer of the Snow proposal; Ms Tania Parkes, a very well-known, local Canberran, with excellent interest in and understanding of the community sector, as well as having strong skills as a social planner; Trevor Reddacliffe, an internationally respected architect and planner; Susan Holiday, again a very well-respected national planner and a former head of the Department of Planning in New South Wales; Mr Ross

Barret, a respected land developer and local businessman; Mr Tim Efkapedis, another well-known property investor and developer; and representatives from the key ACT and federal government agencies

The Chief Minister's Department, the economic development department, the Department of Urban Services, the Treasury, the Planning and Land Authority, the Land Development Agency and the National Capital Authority are represented. All of these organisations are represented at a senior level on the task force. I am particularly pleased that the NCA is fully participating in this important project, as the National Capital Authority has a particular statutory role in the planning of the city and it is essential, if recommendations are to come to fruition, that both the NCA and the government work together to achieve a positive, balanced, productive outcome. The task force has been charged, as I have said, with a number of short-term responsibilities that will provide the government with advice on how best to advance the comprehensive development of the City Hill precinct.

But Canberra central is not just about City Hill. Canberra central is about all the central Canberra area: City West, city east, the City Hill precinct, extension down Constitution Avenue, extension across to the lake. Once the task force has done its immediate work on the issues around City Hill, there will need to be an ongoing role for the business sector, the community sector and government agencies—the public sector—to be engaged in monitoring, advising and guiding the future growth and development of the Canberra central area.

The Griffin legacy outlines a very comprehensive view from a national capital perspective of how the central area should be developed. Equally, the government's planning work, particularly through City West, outlines how we want to see more urban city living outcomes achieved in the city centre. Then there is a range of private sector proposals. All of these must be brought into the mix. So the ongoing work of the Canberra central task force will include issues such as addressing the municipal government issues in the city centre.

We do have, and have had historically, a fragmented approach to municipal administration and municipal services in the city centre—waste, garbage, transport, parking, signage, landscaping; all these things. All of these things must be delivered in a coherent and coordinated way. They sound simple; they sound basic; but they are the fundamental building blocks upon which you build a vibrant city centre and demonstrate pride in the city centre. At the same time, the large-scale land use planning issues must also be well addressed, and that is one important role that the Canberra central task force will have and will continue to have post its work on the specific City Hill precinct issues.

The government has a comprehensive framework in place for addressing these issues. These are complex and often contentious issues, but they are important for the future growth and development of our city. The government's commitment is: the city must be a tangible and effective city centre that drives economic activity and social and cultural life in Canberra and the region. The Canberra central task force gives us that opportunity.

The motion proposed by Dr Foskey outlines in many respects the philosophy and the approach the government has already adopted. It outlines the range of issues the

government is already engaging on. For that reason, the government is very happy to support the motion today.

**MR SESELJA** (Molonglo) (4.52): Firstly, I would like to respond to something that Mr Corbell said. He said that the government's plan for City Hill was really the start of the debate. I understand that certainly the living city plan was presented to government before Mr Corbell went out with his own plans. As to who started the debate, I am not sure. I think that claim is slightly dubious.

I would like to say in relation to the motion that this is not all that dissimilar to a motion we put forward in the last sitting week, I believe—or not very long ago—which was amended significantly by the government to give themselves a pat on the back. To that extent, we do not have any major problems with the motion. We think it restates a lot of the discussion we had not very long ago. To that end, it is a bit redundant, but we certainly do not have any significant issues with the content of it.

I think it is important to recognise that the ACTPLA concept and the minister's appropriation of \$6 million for a scheme to extend Constitution and Edinburgh avenues through to Vernon Circle show the minister's and the government's commitment to the ACTPLA proposal. I know that the Greens are of the opinion that the ACTPLA proposals are only to stimulate debate and are not a full proposal, but the evidence would appear to contradict these assertions.

I have to make the point that this is a debate that the minister never wanted to have. When Terry Snow came out with his plan, the first thing that the minister did was attack him and say that it was inappropriate for wealthy individuals to be influencing this debate unduly. I do not exactly know what he meant by "unduly influencing the debate", but certainly Mr Corbell's colleagues, such as Mr Quinlan and Mr Stanhope, seemed to welcome Mr Snow's contribution. Mr Corbell has been dragged kicking and screaming to the position that he has come to concerning the task force and a wider debate on this issue, as we called for at the start. We are certainly happy to see the change, but we are watching closely to see whether that change in the minister's approach is genuine or whether or not he is just paying it lip service.

As I said before, there was some difference of opinion within the government over this issue that was clear when Mr Corbell attacked it and then attacked Mr Snow for bringing forward his proposal. Then we had the Chief Minister launching the living city proposal. Clearly the Chief Minister and his planning minister have gone in different directions on this. As I mentioned before, I think Mr Corbell's announcement was rushed out.

Dr Foskey made a good point in her discussion about the Canberra plan motion this morning that I think is relevant. Whilst the government has set up a consultative committee, it has given them a short lead time and a role that provides the minister with the ability to say, "We considered the advice of the committee, but we did our own thing anyway." We are seeing that attitude from the government quite a bit. I am sure that Mr Gentleman would agree with me that, in relation to the Embassy Motel, we have seen that. In fact, the minister is ignoring not only the community but also his own Labor Party colleagues and the recommendations that they have made after some consideration.

**Mr Mulcahy:** He ignores everybody.

**MR SESELJA:** Yes, he does. He has a fine track record of ignoring many people in the community.

As I said about the substance of it, the motion from Dr Foskey is a good one, and we do not have any significant problems. We have been saying for some time that consultation on City Hill is important, and it should be about more than just one proposal. I think it is good to see, however we have arrived at this point.

As I said, I think the claim that Mr Corbell makes that it was he who started this debate is dubious. But, however we have got there, I think it is good that we are now seeing different proposals coming forward. I am sure the majority of members of the government would agree with me that it is good to see different organisations coming out with proposals. I am sure that the task force, as part of its deliberations on the future of Canberra central, will look at those proposals for City Hill. Hopefully, we will get the best out of those three options that have come forward and any future options that may come forward.

I think Dr Foskey is right when she says that community, business, territory and federal governments all have a part to play in the future of City Hill. All these groups do have a part. Current legislation certainly requires that all the different arms of government play a part.

Recently I announced that the opposition has been preparing legislation for the future of City Hill, and this has been in the pipeline for some time and is being progressed. Hopefully, we will be in a position to introduce that soon. I look forward to the support of the minister on that one.

In summary, I am pleased to see that Dr Foskey is supporting the sentiment that we expressed a few weeks ago, and it is encouraging to see Dr Foskey in agreement with us, which does not happen all that often, I guess.

As I stated at the beginning, when we put forward a motion considering lots of different options, the government ripped the guts out of it and gave themselves a pat on the back. I am surprised they have not done the same thing here, but I guess maybe they treat Greens' motions somewhat differently to how they treat motions that come from the Liberal Party in this place, which is fine. We always like to see the government giving themselves a pat on the back, because certainly someone has to.

In summary, I am happy to support and the opposition is happy to support the motion by Dr Foskey. We look forward to the ongoing debate over the future of not only City Hill but also the centre of Canberra.

**MR QUINLAN** (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.59): I do not recall the detail of the opposition motion, but I will just take with a grain of salt what I have heard today until I refer back to it, if I get the time or the inclination. I rather suspect that there would have been a few marginal differences between what the Liberal Party put forward and what the Greens put forward. If that is not the case, I am sure Dr Foskey would have great reason for concern. This is

a motion on which we are all very happily agreeing with each other, which is a pleasant shift from the previous debate.

I do not want to take up too much of the Assembly's time, but I want to address one issue that seems to be arising in the context of development debates, and that is some argument for no growth in Canberra. I think the Assembly ought to be concerned, and I think that any task force that works on it from here ought to be concerned, that we at least assess and measure and then communicate the degree of dependence that this territory has on the process of growth itself at this stage. We have not reached the break-even point; we have not reached the point where this city and this economy can sustain themselves without the process of growth.

**Mr Seselja:** You have changed your tune from estimates.

**MR QUINLAN:** No, I haven't.

**Mr Seselja:** You said before that you didn't care where the growth came from. If it came from the region or if it came from Canberra, it's all the same to you.

**MR QUINLAN:** I am saying that the economy of this place does need growth. I am sure that, in the context of estimates, my answer will reconcile with this.

**Mr Seselja:** You had better check that one as well, Ted.

**MR QUINLAN:** You go right ahead. But there has been some debate and there has been a thesis put forward from some quarters that we ought to be looking at no growth, and that is simply not sustainable within the ACT economy. For those who might put that proposition forward, it is incumbent upon them to also put forward an assessment of how we would manage our affairs under those quite distinctly changed circumstances. It is, I think, important in the process of consultation that the decisions are not only informed by, as the motion indicates, various sectors; it is also important that those various sectors are also equally informed by the reality of the position of the city at this stage.

From my own perspective, I do believe that there is strong argument for some bold measures to be taken in the development of the ACT, and in the development of Civic in particular, but we still have to take the measures and we cannot just rush out, dig a big hole and expect that the demand somehow will materialise in relation to residential, commercial and retail property. That is envisaged in some of the plans that we see. Although they have a long development period, they still represent a quantum shift in the size of Civic and a quantum shift in the amount of space that is available within the territory. We need to evaluate what is the likely demand growth and what is the potential demand growth.

I believe that bold moves taken will, in some part, engender growth themselves and that if we are a city on the move we will attract investment and we will attract growth. Nevertheless, we have to make some assessment of that and do some sensitivity analysis to be sure that what we are aiming at is not the impossible dream. We need to examine the model.

We have looked at the Snow model and seen some of the very enticing numbers there, but I do not think the model is complete. The finances depend on huge parking revenue. I am not sure whether they take account of parking revenue from the existing spaces, which would be forgone, for example. So there is a fair bit of work to do and a fair bit of understanding to be reached between the various stakeholders. But, overall, I think this is an opportunity for us to make some bold decisions and, at the same time, it is an opportunity to assess the potential of this city and the potential for growth of the economy so that it can continue to work and move towards self-sustainability.

**DR FOSKEY** (Molonglo) (5.05), in reply: I want to be very brief in my closing remarks because I note that there is tripartisan support for this motion, and that was one of the things that I felt were really essential for us to get a good outcome on City Hill.

In summing up, I would like to remind members of the Assembly—and hope that they do not change their minds—of what they will be voting for, and that is, of course, very good community engagement on the future of the city; that we also are extremely transparent about the processes and the advice that is given to government; that the financial issues are discussed and made public; and that any task force development body set up to manage the process include community, business, territory and federal government representatives. In saying that, I thank the Assembly for its support. I look forward to keeping in touch with the process. I am sure that all of us will maintain this level of engagement.

I should note that I did go looking for the motion put up by the Liberal Party, which Mr Seselja referred to. In that brief time, I did not have time to find it. I do not think it was in the last week of sitting, because I could not find it there. Sadly, not being able to see the words, I could not reiterate why I did not support it. But I trust that I was the same person then as I am now. I am quite sure I had good reasons.

Motion agreed to.

## **Canberra Theatre Centre**

**MS PORTER** (Ginninderra) (5.08): I move:

That this Assembly:

- (1) recognises the outstanding contribution of the Canberra Theatre centre to the vitality of Canberra's cultural community; and
- (2) congratulates the Canberra Theatre on 40 years of servicing Canberrans as the principal arts venue of the Territory.

Whilst the constraints of time prevented me from recognising the Canberra Theatre during the weeks of festivities that surrounded its 40th anniversary, the reason for celebration still exists. I sought then, and I am happy now, to be able to celebrate this birthday by recognising the events that the Canberra Centre has held since 1965. It was in that year that the majestic centre was opened, heralding the introduction of the first performing arts centre in Australia. This was labelled as a significant development in

post-war Australia and recognition of the important role that government appropriation can play in nurturing cultural life.

The Canberra Theatre was, in fact, the market leader in Australian performing arts, opening before the Sydney Opera House, the Adelaide Festival Centre and the Victorian Arts Centre, making it the first government-funded performing arts centre in the country. Whilst Canberra's population at the time may have been only 90,000, the new Canberra Theatre Centre provided a very strong cultural focus for a growing and maturing city rich with citizens demanding cultural and intellectual outlets.

Building on the extensive multicultural history of the city, the centre provided an initial opportunity for a growing number of embassies to showcase the culture and the talents of their home countries. Combined with the facilities of the centre itself, the Playhouse, with its galleries, meeting rooms and restaurants, provided an additional cultural centre for such an international showcase. The diversity of the Playhouse was evident from the early stages, with the first ever exhibition by the National Gallery of Australia being held in its foyer. Add to that the hosting of orchestras, plays, musicals, dance and concerts and one can understand why the Playhouse has such a positive international reputation.

A key feature of the centre has been the variety of performers and diversity of product, ranging from international and Australian drama to popular music, dance and classical music. The theatre itself has hosted some of the world's most reputable acts over its life, starting with a gala performance of the Australian Ballet Company on the opening night of 1965. The creation of the centre meant that Canberra audiences would no longer feel the isolation and distance from Melbourne and Sydney.

During the first decade of its life, the Canberra Theatre Centre hosted many touring orchestras, until the building of Llewellyn Hall provided a purpose-built concert venue in Canberra. Dame Margot Fonteyn performed with the Australian Ballet at the centre in October 1970. The era from the mid-1970s to the mid-1980s saw the presentation of many international artists, including Dame Joan Sutherland, while Canberra Opera presented a full-scale production of *La Traviata* and the Canberra Theatre Trust presented a performance of *HMS Pinafore*. In 1983 the controversial all-female comedy-drama *Steaming* ended its very successful 12-month national tour in Canberra. Other performers during this time included the Bell Shakespeare Company, the Black Theatre of Prague and the Dave Brubeck Quartet.

The period from the mid-1980s to the mid-1990s saw seasons of the English Shakespeare Company, Dizzy Gillespie, Canberra's own Doug Anthony All Stars and the first tour of the Bangarra Dance Company. During this time, the production of *Les Miserables* by the Canberra Philharmonic Society was a major triumph. Thirteen shows of this 1994 production sold out in advance of the season opening, creating a new box office record. The late-1990s saw the demolition of the old Playhouse and the new Playhouse opened in April 1998 with a wonderful season of the production *Fish* by the Bangarra Dance Company. The Playhouse is now acclaimed as the best venue in Australia for spoken word.

In 1997 the Canberra Theatre Trust Act was repealed and the Cultural Facilities Corporation was created. The corporation now has management responsibility for the Canberra Theatre Centre, together with the Canberra Museum and Gallery, the Nolan

Gallery and historic places Lanyon, Calthorpes' House and Mugga Mugga. Under the corporation's management, the Canberra Theatre Centre has continued its proud tradition of presenting high quality performing arts and of serving the Canberra community.

In February 2003, the Canberra Theatre Centre worked with Circus Oz in presenting a big top production on the lakeside arena. The opening night of Circus Oz paid tribute to the victims and heroes of the Canberra bushfires, with over 1,000 tickets being donated to locally nominated heroes, emergency services personnel and people who were severely impacted upon by the effect of the bushfires.

Throughout its history, the stages of the Canberra Theatre Centre have not only played host to many international and national touring companies but also provided a strong focal point for local performing arts organisations. AusDance ACT has been a long-term presenter of the annual dance festival, as well as eisteddfod competitions, and many local theatre companies have trodden the boards of the Canberra Theatre Centre. These include companies and organisations such as Free Rain, Canberra Rep and the Australian Choreographic Centre with their *Quantum Leap at the Playhouse* production.

Those of us who have attended the Canberra and area theatre awards, known affectionately as the CAT awards, know that the Canberra Theatre Centre plays an important local and regional role as well, a role that demonstrates that Canberra is more than the seat of federal government and the home of national institutions.

Today, the Canberra Theatre Centre continues to provide a full and balanced program of performing arts activity. To ensure that it is accessible to all members of the Canberra community, in recent years the centre has focused on improving access for its audiences. This has included the introduction of audio description for vision-impaired patrons and the introduction of live theatre captioning, as well as the use of Auslan for subscription season productions, an Australian first. These new programs have built on and extended the centre's strong connection to its local community.

In 2005, a new era is starting with the construction of the Civic library and link. This project will bring greatly improved facilities and services to theatre patrons, including much improved access for people with disabilities. It will also provide many opportunities for the centre to work with the ACT Library Service, for example, by linking children's theatre productions to book reading activities. This is the tip of the iceberg in terms of the ACT government's commitment to lifelong learning and cultural facilities.

The government has committed over \$1 million to an extensive public art program. Perhaps most relevant to those whom I directly represent in this place, the Stanhope government has made a strong financial commitment to the arts community in Ginninderra by allocating over \$500,000 to the planning stage of the Belconnen arts centre. This centre will build on the strength of the facilities provided in other areas of Canberra and will provide the residents of Ginninderra with a quality facility for their artistic and cultural expression.

The ACT government is committed to providing Canberrans with cultural outlets for their skills and interests. The Canberra Theatre has provided such an outlet for 40 years, and it is envisaged by the ACT government that the Belconnen arts centre will emulate

this role for the residents of Ginninderra, be it on a smaller scale. With more than 170,000 people attending the Canberra Theatre Centre this year, the centre marked its 40th anniversary as a venue in which all Canberrans can take great pride. The Stanhope government has built on its long-term commitment to Canberra's cultural community and the 2005-06 budget is an example of this commitment.

In closing, I shall quote from a publication by Charles Landry, *Imagination and Regeneration: Cultural Policy and the Future of Cities*. He said:

Finally, the figure of the artist and the arts can be paramount in thinking through how our cities can develop as they lie at the core of how our cultures unfold. The arts can help us imagine, help us think, help us beautify and help us to be constructively critical. Their imagination combined with the creativity of others in non-artistic fields is what makes a city vibrant.

**MR MULCAHY** (Molonglo) (5.17): Mr Deputy Speaker, I spoke on this matter in an adjournment debate in June on the occasion of the 40th anniversary. I do not intend to go over all of the points that I raised on that occasion as I am anxious to provide us with some time shortly to discuss very important issues relating to education in Mrs Dunne's area. Let me just indicate the opposition's support for the sentiments contained in Ms Porter's motion.

The Canberra Theatre Centre performs a very important role. It is a great contributor to the flourishing arts community. It has provided world-class performing arts and entertainment to the people of Canberra and surrounding regions. It provides the city with the finest art and entertainment from round the country and I think that it plays a vital role in presenting a broad range of first-class theatre to the local community. I have enjoyed many of its productions and, notwithstanding Ms Musa's criticism in the *Canberra Times*, I stand by my assessment that we have had some first-class productions lately. I believe that if members can provide encouragement to the arts, which I try to do and I know Ms Porter does attend a number of events as well, I think we should do so.

I took some comfort in the fact that some of the people whose productions I have praised said to me subsequently how well-received it was to get support from elected representatives for their different productions. I think it is good to see the Assembly recognising the theatre itself. If we see a particular production that is of a very high standard, and there have been a number I have had the privilege of attending, I think we should make sure, through our access to the media, that the broader community is made aware of these events and that we vigorously support them. In a city of this size it is always challenging to make a living within the arts and for some of the productions that come to Canberra it is often a line ball financially as to whether they are going to be able to stage these productions. If we can get behind them and we do have a very active community supporting the arts, I think that is a good thing.

In conclusion, in supporting this motion, I will just quote an assessment of the Canberra Theatre's contribution to the ACT community by John Bell, director and founder of the Bell Shakespeare Company. He said:

It's been proved beyond doubt that a flourishing arts community contributes to the mental and physical health of the nation. It stimulates creative thinking on issues spiritual and ethical, it rouses the imagination and fosters a national spirit that is

fearless, resourceful, clever, witty, adventurous, lively, innovative, self-reliant, self-critical, self-respecting, dignified, compassionate and independent, confident of our place in the world and if that's not good for business I don't know what is.

It is great to have the opportunity to support this proposal and it has been my pleasure to speak in support of the matter before the Assembly.

**DR FOSKEY** (Molonglo) (5.20): This motion looks like being another with bipartisan support, which is a very good thing because the Canberra Theatre Centre has been an important home for theatre and entertainment in the territory for 40 years. It started off as a home to Canberra's largest amateur theatre, as well as hosting orchestral concerts, and moved on to hosting and managing the National Festival of Australian Theatre and being the home for mass events such as the Rock Eisteddfod and the schools dance festival. Now, most pre-eminently, it is the key venue for numerous touring productions from across Australia. In a sense, especially since the Albert Hall has been sold, it is our town hall, our town centre.

The world of theatre in Canberra and across Australia has changed a lot during that period. Whilst there remains a strong amateur theatre scene in Canberra, very few of these productions can afford or would need now to be staged in the Canberra Theatre Centre. By the same token, local professional theatre has not grown into the more substantial and viable business that it looked as though it would in the early 1980s and most of Canberra's professional theatre these days is well accommodated in the Street Theatre.

I acknowledge the role played by the theatres at Tuggeranong and Erindale and the Repertory Theatre in Acton in staging local and visiting performing groups. Anything that we say about the Canberra Theatre Centre should not belittle the role that those more local theatres perform. In fact, last night I saw an excellent visiting performance at the Tuggeranong Theatre, a theatre that I have always enjoyed going to.

At the moment there is a weakness across Australia with small to mid-range professional theatre groups. It is very difficult for them to get adequate work. There is a significant gap between the semi-paid fringe theatre groups, which are very strong across Australia, including in Canberra, and the well-supported fully professional companies such as Deck Chair, Belvoir Street, Bell Shakespeare and the Melbourne Theatre Company. The same stratification exists in the world of dance, which sees the ACT with very little home-grown professional dance, despite a fantastic history and a buoyant youth involvement in dance. Of course, big bouquets should go to AusDance for the work they do in this regard.

Part of this shift probably reflects changing entertainment interests. Many more people are staying at home and watching stuff on TV. Also, I do not think that the globally competitive environment is particularly good for local theatre. Canberra now has a good diet of high quality, high profile theatre and dance products from across Australia and that competes often with local productions.

I think that it is worth making a few comments on the loss of the National Festival of Australian Theatre. Back in the 1990s, after a few years of high visibility and high cost, the Canberra Theatre Centre made a decision to pull out of the festival, which had

brought a fascinating and stimulating array of Australia's best new theatre to Canberra. It was an event that put Australian theatre firmly on the Canberra map and put Canberra on the Australian theatre map as well. I think that anyone who was interested in theatre and the arts would have found those couple of weeks of the national festival a really exciting time. Also growing up around that event was the engaging and broad-ranging Festival of Contemporary Arts which, despite a valiant attempt to go it alone, also has since folded.

I believe that these decisions have meant the loss of an opportunity to develop an arts practice and visibility of great significance for this city. When the Cultural Facilities Corporation, under which the Canberra Theatre Centre now operates, was set up there was some talk about how tying in the goals of the ACT'S arts strategy, ArtsCapital as it is now, would strengthen the theatre centre's program. Given that the ACT government's key arts advisory body is the ACT Cultural Council and given that the council's advice is confidential, we cannot know of any dialogue that might exist on that matter.

I do not seek to be critical of the Canberra Theatre Center, nor of the ACT Cultural Council, but I would like to see a more open and robust approach to using the resources and programs of the Canberra Theatre Centre to assist in the cultural development of the city. The Canberra Theatre Centre is going to enjoy new facilities as the library and the new link are built on in the next year. Now might be a good moment to look at its role in providing a focus for Canberra's cultural development, perhaps by adding a kind of cultural strategic plan—how about that?—which is not just about the Canberra Theatre Centre but about Canberra and performing arts more broadly.

The Canberra Theatre Centre has been an important focal point for the performing arts in Canberra and I am sure that it will continue to be. I would like to imagine, however, that it could be used a little more strategically for the whole of Canberra and that we will develop a Canberra strategic cultural plan.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.26): I welcome the opportunity to speak to this motion in celebration of one of the city's best-loved institutions, a place that has helped shape the cultural personality of the national capital for four decades.

As members have noted, the Canberra Theatre Centre has the distinction of being the country's first government-initiated performing arts centre, proof that government support for the arts can have an enduring legacy. Forty years on, the special relationship between government and the arts continues through the Canberra Theatre Centre, through the government's support for our many outstanding cultural and performing arts organisations, through expanded prizes such as the one for poetry through our public art programs, and through major new projects such as the Belconnen arts and cultural centre and the Canberra glassworks.

When the Canberra Theatre raised its curtain for the first time in 1965, Canberra had a population of just 90,000. Last financial year, the centre welcomed three times that many patrons through its doors, a reminder of the growth of our community but also a reminder that a life, to be lived fully and richly, must have a cultural dimension. You have only to cross the square outside the Assembly to know that nothing has remained static in the life of Canberra or the Canberra Theatre Centre.

Many of us can recall a time before the Playhouse and many more can remember when the walkway between the theatre and the Playhouse was enclosed. Even relatively recent arrivals can remember the reopening of the new Playhouse in 1998, one of the nation's great theatres of the spoken word, and outside now the boardings and construction work signal yet another evolution, with the rebirth on this site of the Civic library and rebuilding of the link.

Over the years the boards of the Canberra Theatre Centre have vibrated to the tread of some of the finest performers of this city and country, the Australian Ballet, the Sydney and Melbourne theatre companies, Bell Shakespeare—in Canberra most significantly with its magnificent *Wars of the Roses* adaptation—and the Sydney Dance Company. The anniversary exhibition that was held transported us back to some of the great moments in the life of the centre.

That exhibition, which I was very pleased to open, also celebrated those who have worked in the theatre, the men and women who have shown us to our seats, sweated over play lists season after season, served drinks and ensured from the moment that we walked through the door that we had been transported out of our everyday existence. I think it is fair to comment today that one whose contribution to the suspension of reality that we have experienced at the Canberra Theatre is celebrated in the exhibition at the centre, that is, the centre's first director, Terry Vaughan, who composed a work entitled *Fanfare for an Occasion* specifically for that opening. Many aspects of the centre's history now live only in the memories of those who were there. I think that it is very fitting and relevant that much of the work that has been performed, though lost, has had a chance to be rediscovered.

An institution does not attain the cherished status of the Canberra Theatre without giving significantly back to the community. Over the years, the centre has worked assiduously to bring live theatre to as wide an audience as possible. Under its social capital initiative, it provides tickets to groups such as youth centres and refuges, which might otherwise never have the opportunity to witness live theatre. Last year the value of those tickets was nearly \$25,000. Through Club Theatrics, the centre makes performances more affordable for school and college students, while the Playtime Theatre initiative proves that you are never too young to get a taste for performance.

The centre also supports the Canberra community through events such as the popular music at midday by the Royal Military College Duntroon, which raised over \$9,000 for charity last year. I am very happy today to speak very shortly to this motion to acknowledge the wonderful contribution of the Canberra Theatre Centre to the cultural life of the city of Canberra over 40 years and I join with members of the Assembly and the Canberra community in looking forward to many more years of success.

**MR GENTLEMAN (Brindabella) (5.30):** I am pleased to be able to stand today and talk about the Canberra Theatre. I am pleased to announce that this year the Canberra Theatre introduced the Canberra Theatre access initiative that was launched by Mr Hargreaves, an initiative that gives people who are visually or aurally impaired the chance to attend all of the productions that the theatre presents.

In 2004, the Canberra Theatre introduced audio-described performances in collaboration with the Royal Blind Society of the ACT for those who are blind or vision impaired, a great start and a challenge to the rest of us. It also introduced Auslan interpreted performances in collaboration with professional interpreters from Precision Hands and the ACT Deafness Resource Centre. The Canberra Theatre Centre is now also working with The Captioning Studio to provide live captioning to audience members for selected performances within both the subscription season and the Playtime Theatre season for children and families. The Captioning Studio is a locally based organisation but has national recognition. This is yet another leadership activity from the so-called city with no soul.

The Canberra Theatre Centre is committed to creating a welcoming environment, prioritising and promoting access for everyone, which includes access to the best performing arts available as well as access for people who may not otherwise be able to attend the theatre. The Canberra Theatre Centre is highly recognised by theatre venues, peak disability service bodies and theatre companies nationally for its access initiatives. This is another goal of the Canberra social plan to promote the inclusion of people with a disability in all areas of the ACT community and not condemn them to a second-class lifestyle because of a disability. I thank the Canberra Theatre for its vision, its commitment to its patrons over many decades, and the courage it has displayed in providing this leadership.

I would now like to share with the Assembly some of my personal experiences at the theatre. If I can recall back to the 1970s, one of my first experiences there was to see the band Split Enz from New Zealand. They were a fantastic band and had wonderful costumes to promote their music. Among the great hits they had were *I Got You*, *I Hope I Never* and *Poor Boy*, which went on to be in the top 10. The backup band at the time was Men at Work. We did not know anything of Men at Work, but the songs that they played in supporting Split Enz went into the top 10 as well. In fact, at number one was *Who Can It Be Now*, and *Down Under* came shortly afterwards.

Not long after that I went to see the *Rocky Horror Show* at the Canberra Theatre. The compere for the night was Stuart Wagstaff and it was a fantastic show. It was great entertainment. The staff and the audience all wore *Rocky Horror Show* costumes. I remember how impressed I was to be served champagne by a very attractive lady called Leoni who was wearing a *Rocky Horror Show* short skirt and a torn top. She was so impressive that my best friend ended up marrying her.

Chuck Berry played shortly after at the Canberra Theatre. I remember his famous song *Maybelline*. He played 12-bar blues and he brought his daughter across from America to sing with him at the Canberra Theatre. I remember how he organised the whole audience in a risqué singsong that made even me blush a little. Later, after the 1970s, I attended the theatre to see another Australian band called Sherbert. You have probably all heard of them. They had *Howzat*, which was a hit on the top 10. I also saw the Ted Mulry Gang, our own Aussie glam rock band, and Hush. The band went on to perform at Ginninderra high, which was then in its heyday. *Jump In My Car* still reverberates on the home stereo every now and again.

As I have matured, my tastes have matured as well. The most recent performance I attended was *A Month of Sundays*, a play depicting a struggle for a closer relationship between a father living in assisted care in a nursing home and his family, now finding it difficult to spend the time visiting him, and the tragedy of his memory loss with ageing. The play was produced by the Free Rain Theatre, a Canberra-based company, and it brought you into their life as depicted on the stage. It reminded me of the time spent with my father at a Canberra nursing home before he passed away.

Mr Speaker, I have enjoyed the theatre in Canberra over many years and I congratulate the centre on 40 years of entertaining Canberrans.

**MS PORTER** (Ginninderra) (5.35), in reply: Mr Speaker, I thank all members for their contribution to the debate. As I said at the outset, pressures of time prevented me from speaking to this motion beforehand. However, those who have joined me in speaking to it today have shown that there is still plenty to celebrate. I join with all those who spoke about the importance of amateur, as well as professional, production. I agree that the life of a place is indeed represented well by the cultural activities of its citizens.

Let us not forget, and it would be remiss of me if I did, to acknowledge the contribution to our cultural life made by the owners of this land, our indigenous community. For many years, in remote areas of the Northern Territory, I had many opportunities to enjoy their art, dance and music. They were as ancient as the land itself and as fresh as today. The Canberra Theatre Centre remains a place that we can all utilise, we can all be proud of and we can all celebrate. As I said before, I thank members for their support.

Motion agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 5.36 pm.**