



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY
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2005

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Wednesday, 24 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.

Petitions

The following petition was lodged for presentation by Dr Foskey, from 124 residents:

Fair trade products

We, the undersigned, request that the Legislative Assembly of the Australian Capital Territory promote global social and environmental sustainability by:

- using Fair trade certified products such as tea, coffee and chocolate at functions and elsewhere as appropriate
- taking into account the global social sustainability provided by Fair trade certified products in Government sustainability and procurement policy
- promoting the use of Fair trade certified products by consumers and businesses within the Australian Capital Territory

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

Education Amendment Bill 2005

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

Title read by Clerk.

MRS DUNNE (Ginninderra) (10.33): I move:

That this bill be agreed to in principle.

The object of this bill is simple: to clarify or spell out the intended meaning of section 20 (5) of the Education Act 2004 with regard to the closure or amalgamation of government schools. Until recently the ordinary meaning of the words in that section seemed clear enough. The section reads:

Before closing or amalgamating a government school, the Minister must—

- (b) ensure that school communities affected by the closure or amalgamation have been adequately consulted during a period of at least six months.

As I said, that is the ordinary meaning of the words. The meaning that is understood by parents, students and teachers of Ginninderra district high school is that if a minister contemplates the possibility of closing or amalgamating a school he or she should spend at least six months consulting the community before deciding whether or not to proceed. That is definitely what the parents of Ginninderra thought and that, clearly, is the spirit of

the act. However, as we have seen, it is possible to put a somewhat Jesuitical spin on those words to enable the period of consultation to take place after the decision has been made.

Consultation after the fact, if not exactly a contradiction in terms, is not consultation in good faith. We are asking people not about the decision itself but about the consequences or the fallout of that decision. It is like telling someone, “You can help me choose the means by which I carry out these acts.” That is hardly the sort of offer with which you could do anything other than refuse. This amendment seeks to restore a sense of good faith—to make it clear that the ordinary meaning of the section’s wording, which the general community had supposed to be the intended sense, is in fact the case.

The amendment therefore specifies that consultation should take place before any decision to close or amalgamate a school is taken—not before the school is closed or amalgamated but before any decision is taken. In the interests of reassuring those who have a stake in ACT government schools, as well as in the interests of plain, honest language, I commend the bill to the Assembly.

Debate (on motion by **Ms Gallagher**) adjourned to the next sitting.

Ginninderra district high school

MRS DUNNE (Ginninderra) (10.36): I move:

That this Assembly:

(1) notes:

(a) the Stanhope Government’s:

(i) decision to close the Ginninderra District High School; and

(ii) failure to properly consult the school and the wider community in the spirit of the Education Act before the decision was made to close the Ginninderra District High School;

(b) the adverse impact that the closure of the Ginninderra District High School will have on the:

(i) present student body; and

(ii) other schools in the area and the wider community;

(c) that the present student body is being forced out of Ginninderra District High School now;

(d) that only now the Stanhope Government is consulting with the business community on the closure of the Ginninderra District High School; and

(e) the impact the closure of the Ginninderra District High School will have on surrounding schools; and

- (2) calls on the Stanhope Government to:
- (a) table by the adjournment on Thursday, 18 August 2005 all advice received that led to the decision to close Ginninderra District High School;
 - (b) share that advice with the school community at Ginninderra District High School;
 - (c) suspend all activity which would lead to the closure of the Ginninderra District High School until the whole community has been consulted on the educational, financial and social impact of the closure and the community has been given an opportunity to consider other alternatives; and
 - (d) ensure that proper consultation is carried out before the decision is made to close any other school in West Belconnen.

There are several reasons for moving this motion. They are, however, quite simple to summarise. The proposed closure of Ginninderra district high school, along with several other schools, and their replacement by a mega school epitomises the corporatist arrogance of the Stanhope government and its contempt for the ordinary people of Canberra—the very people Labor has traditionally claimed to represent. I would like to substantiate my claim by referring to section 20 (5) of the Education Act 2004, which states:

Before closing or amalgamating a government school, the Minister must—

- (a) have regard to the educational, financial and social impact on students at the school, the students' families and the general school community; and
- (b) ensure that school communities affected by the closure or amalgamation have been adequately consulted during a period of at least six months.

I have already alluded to the fact that, while in a literal sense this second clause allows the interpretation that school communities need only be consulted before a school is closed, it is evident that the spirit of the act means something quite different. Consultations should take place before any decision is made. That is certainly how most parents, students and teachers have interpreted it until the latest display of government condescension. The minister is supposed to be accountable to those parents, students and teachers and they are the people that the minister is supposed to be serving.

It is difficult to ascertain precise details. Although the Chief Minister states that he approves of open government, it appears from media reports that the only consultation that occurred before a decision was made about Ginninderra high school involved a series of eight secret focus groups at a reported cost to taxpayers of something between \$35,000 and \$45,000. Up to \$45,000 was handed over to a group called Colmar Brunton Social Research. In addition, there was a question about whether that figure included \$50 paid to each participant to sign a confidentiality agreement and come to the government's preferred conclusion. That is something we do not know.

We know from a spokesperson for Minister Gallagher that the discussion of the focus groups only partly concerned the closure of Ginninderra district high school. Most of the information and opinions they provided would be used for the new departmental strategic plan—yet another Stanhope strategic plan. I wonder, and other members of the community wonder, whether that was the same person who in August last year categorically ruled out Labor closing any schools during the second term of the Stanhope ALP government.

In any case, if what he or she said is true it is evident that the government had no intention of consulting parents, students, teachers or the community of Ginninderra district high school before it chose to demolish their school and fragment their community. Let us be clear about how highhanded the government has been about all this. There was no mention of the proposed closure in the election campaign and there was no mention of it in the May budget.

Parents, students and teachers of Ginninderra district high school were not involved in the secret ad hoc focus group discussions that were held before the decision was announced. The only consultation that is taking place is after the event. It is designed only to canvass ways in which the community might respond to government diktats—an issue that needs to be emphasised. The consultation that is currently being undertaken is designed to canvass ways in which the community might respond to government diktats.

What is involved in this so-called consultation? Suggestion boxes have been placed in Belconnen schools. We can email our views and there are letterboxes—which are probably dead letterboxes—so that individuals might write down their views and they can be carefully orchestrated in forums that are held for the minister's benefit. The only time the minister was game to meet Ginninderra district high school students and the community was after the announcement. I think she was totally thrown by the reaction she received at that meeting from parents, students, teachers and the wider community.

Some credit should be given to the minister, as the Chief Minister did not have the decency to attend that meeting even though it was located in his electorate. The Chief Minister is not willing or able to debate this issue with me at a public meeting although he has been asked to do so. This entire government bustle about consultation is simply posturing; it is a charade. No matter how many sham meetings we arrange, no matter how many Katy boxes are foisted on Belconnen schools, there is no democratic accountability in the process.

It is devised purely and simply to meet the formal requirements of the Education Act. In other words, it is designed to ignore completely the spirit of the Education Act. The government has already made up its mind. Any actions on the part of Ginninderra district high school will not change that. As I said earlier, the government's actions will not only affect the Ginninderra district high school community; the proposal for a mega school will force the closure of Melba high school—by the minister's own admission that will happen—Holt and Higgins primary schools and preschools.

In addition, it is quite likely that pressure will be placed on Charnwood, Latham and Macgregor primary schools. This issue is all about the large school syndrome. Obviously the government thinks size matters, but we have to ask: Why? What is the reason behind

all this duplicity and furtiveness? When we are dealing with this Chief Minister we know that it is often to do with hubris. That certainly explains a lot, at least in the style of Jon “Supersize Me” Stanhope who cannot help himself when he is meddling in other people’s affairs.

But is there anything else to it? Is there any reasoning at all behind this rush to break up communities and impose an educational monolith in the whole of west Belconnen? I suspect that there is. Minister Gallagher has been reported as saying that the preschool to year 10 school model is the government’s preferred model for new schools. The preferred model is not the parents’ model or the model for students or teachers; it is the government’s model. The Chief Minister said he is on top of international research, which demonstrates the obvious superiority of his government’s views, presumably over the views of parents, children, teachers and the wider community. Why would he bother asking opinions before ploughing ahead with his grandiose design? What would they know about the latest international research and would he care?

Those of us who are not part of the Stanhope court might be tempted to ask what he and his retainers know about it. One should always be careful about citing research. In this case, however, it is possible to state with confidence that the overwhelming bulk of studies over the past 20 years broadly concur—to quote from a recent academic literature review—that small schools are superior to large schools on most measures and equal to them on the rest.

There is one significant qualification. Students in communities with a high socioeconomic status perform well in larger schools. Everyone else is far better off in a more intimate learning community. There are several reasons for that, one of which can be put down as being the opportunity for small schools to operate as autonomous, distinctive institutions with a well-defined culture.

Specific advantages include: less anonymity, with students being personally known by their teachers and peers, which assists in their learning; there is less probability of disruption and violence; teachers have a better knowledge of individual students; small schools are more effective in closing the achievement gap between high-income and low-income students; and there is a higher rate of participation in extra curricular activities.

As eminent educationalist Michael Klonsky put it, large schools generally correlate with inefficiency, institutional bureaucracy and personal loneliness. Smaller schools function more like communities. Community is what we are about today. As with many regrettable intellectual fashions, the school consolidation movement can largely be traced to the influence of one misguided book: Professor James Conant’s 1959 *The American High School Today*. In it the then president of Harvard—who, incidentally, played a major role in the Manhattan project, so he obviously always thought big—contended that the economies of scale provided by larger size schools would provide more comprehensive educational programs at a lower cost per student.

Even as economics that has only ever been partly plausible. More detailed empirical research has conclusively demonstrated that while average student costs initially decline as enrolments increase this is followed by quite dramatic rises. That is because after reaching a certain size larger schools require more resources to handle the increased

bureaucratic as well as curriculum demands. In particular, larger schools require more administrative and maintenance staff rather than teaching staff. In other words, there is an optimal size. After that, economies of scale turn into their opposite.

But it is not only diseconomies of scale that militate against generalised school enlargement. When Professor Conant wrote his unfortunate classic, the middle class dominated large, urban American schools. His was a model for a particular affluent segment of society at a particular time. Subsequent developments have seen middle class students protecting their interests, either by migrating to private schools or by forming de facto elite public education ghettos determined by high-income catchment areas.

In the meantime, most bigger inner city schools turned into dysfunctional institutions marked by depersonalisation, alienation, violence and increasingly low achievement. That further disadvantaged the already disadvantaged: the poor, most ethnic minorities and those with intellectual and physical disabilities. One providential reaction, based on overwhelming research, has been the recent smaller schools movement in the United States. Amongst its backers is the Bill and Melinda Gates Foundation, whose manifesto states in part:

Today's large comprehensive high schools are obsolete: they prepare a privileged fraction of students for college while placing many students on tracks to nowhere ...

The manifesto goes on to state that the foundation:

is committed to the concept that students should be able to choose from several small, innovative public high schools that offer a highly personalised, rigorous education and prepare every student for college, work and citizenship.

I mentioned the Bill and Melinda Gates Foundation as Mr Stanhope is fond of saying that the proposed mega school will be a state-of-the-art twenty-first century school with twenty-first century facilities. On the contrary, it would appear that so far as educational theory and practice are concerned Mr Stanhope is still in the cassette era while everyone else is using MP3 players. To the extent to which the Conant model applies in the ACT today, it is to larger selective schools like Marist College and Canberra Grammar whose catchment is the whole territory. It does not apply to community-based schools such as those under threat from the mooted redevelopment.

Leaving aside this bogus claim that mega schools reflect the latest educational wisdom, what do Mr Stanhope and Ms Gallagher have to gain from this ridiculous imposition on west Belconnen? One obvious answer is that it facilitates conformity and uniformity. It suits the bureaucratic imagination, or almost complete lack of it. It is a technocratic and corporatist solution, which suits Ms Gallagher in particular. As a child of the 1960s she is imbued with all the pedagogical nonsense—

Ms Gallagher: The 1970s.

MRS DUNNE: Yes, I suppose it is. Sadly, it is only the 1970s. All the pedagogical nonsense that emerged in the 1960s and 1970s thwarted educational reform in western schooling. Her process of curriculum renewal, of which I have been critical in the past, is being undertaken with what appears to be the express intention of emulating every hair-brained, pedagogical fad over the past few decades.

Instead of learning to read and write, do mathematics and science, or study languages, history or geography, students are being asked to engage in essential learning achievements. These include such triumphs as: students make considered decisions; the student understands change; the student understands Australia and Australians; and the student interprets and constructs multi-model texts. If anyone is puzzled by what that means it is further elaborated as follows:

The student interprets and constructs communications using any combination of sound, print, gesture, still images, moving images, symbols and graphics.

In the last 19 seconds of my speech I could resort to French mime, but I will not do so. The opposition opposes the government's proposal as it has failed to consult with the community. It has also failed to take into consideration the best educational outcomes for students in west Belconnen.

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

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (10.51): I thank Mrs Dunne for bringing this matter to the attention of the Assembly for discussion today. Mrs Dunne's motion fails to mention that the government's proposal for west Belconnen includes a new school—a new \$43 million state-of-the-art school for west Belconnen. What Mrs Dunne refers to as the ridiculous imposition of a \$43 million investment in the community signifies the biggest single capital investment in education the territory has seen.

While we continue to consult on this proposal the government believes it has the potential to lead to significant benefits for west Belconnen. A \$43 million investment in the community can only reap benefits. The proposed new school would offer modern facilities, latest technology, specialist teaching spaces and a rich curriculum. While the existing Ginninderra district high school has served the community well, the proposal put forward by the government represents a significant investment in the future of west Belconnen. A strong public education system requires investment.

Unlike the opposition the Stanhope government does not believe in closing schools and leaving the community to suffer without additional infrastructure. This proposal will deliver the best educational facilities and a brighter future to children living in the west Belconnen community. Quite simply, ACT government schools are the best in Australia. Our results speak for themselves, whether in literacy and numeracy benchmarks or international results in science and mathematics. But leading the country takes real investment, strong commitment and constant innovation. Our students deserve the best opportunities, the broadest choices and the best facilities. That is what this proposed development will deliver to the people of west Belconnen.

The government's proposal incorporates a middle schooling model. The purpose-built middle school will cater for students in years 6 to 8 and will assist them in making the transition from primary to high school. This model has already been successful in the ACT in its award-winning Amaroo school, Gold Creek school and Telopea Park school. Moving from primary school to high school can be a time of mixed emotions and

concerns for young adolescent students. For many this time represents a major steppingstone on the path to becoming an adult. This time is also marked by several changes in educational expectations and practices.

In Australia primary school students tend to be taught in self-contained classrooms with one or two teachers. As students reach high schools they are required to interact with more students and teachers and there are greater expectations of them for individual responsibility and decision-making. This period of transition has often been associated with a decline in academic achievement, performance motivation and self-perception for many students as they adapt to new environments and expectations.

The model that has been put forward by the government is about creating a new school with new opportunities and a focus on middle schooling. The government is of the view that these opportunities, which are provided to students in new areas of Canberra, should not be confined only to those new areas; they should also be available to children and students in those long-established areas of the city. Mrs Dunne's motion also calls on the government to table information in the Assembly. A number of members of the community have already approached the department and me seeking information in relation to this proposal. Recently, the Ginninderra parents and citizens association submitted a list of questions to the government relating to the proposal.

In response to these requests, information is being prepared and that information will be made public. I will ensure that it is passed on to members of the Assembly. The opposition is calling for the suspension of all activity that would lead to the closure of Ginninderra district high school until the consultation process is complete. The opposition is already using scaremongering tactics by referring to the fact that other schools in the area will be closing. How irresponsible is that approach? It named schools such as Charnwood, Latham, Macgregor and Melba as being under threat of closure and caused unnecessary angst and concern in the community.

Mrs Dunne: You said in your first press release that Melba would close.

MS GALLAGHER: I did not state in my first press release that Melba would close. Mrs Dunne, the words that you state in this place and the words you put in your media releases have a real effect on parents and students in the community. There are consequences as a result of using such scare tactics. It would be grossly irresponsible for us, as a government, to put this proposal to the community for a six-month consultation, and do nothing to prepare students, teachers and parents in the school for their educational requirements next year. Children would miss out on enrolling in schools of their choice and they would also face uncertainty over their future until the end of the year. The transition process will continue.

The government is in the process of comprehensive transition arrangements for all students. All years 7, 8 and 9 students have had information sessions delivered by representatives of other high schools. Bus tours to other high schools have also commenced so students will have the opportunity to examine their options for next year. Unfortunately, Mrs Dunne's motion makes no mention of the opposition's views on this proposal. I could not help but notice that Mrs Dunne chose to use the word "notes" in the text of her motion. Where does the opposition stand on this issue and on the broader issue of school closures? In 1996 when the shadow education spokesperson worked for

the then Attorney General, Gary Humphries, he said in this place regarding the Liberal Party's decision to close Charnwood high school:

This Government will make sure that schools are provided in new areas of the ACT—like Gungahlin, South Tuggeranong and other places, like Lanyon, where they are needed—because that is where the school-age population is heaviest; that is where the demand is greatest. But, Mr Speaker, that means ultimately that we will have to look at the question of what happens to schools in older areas where those populations are declining.

That is a pretty damning statement from a government minister, essentially admitting that inner city schools will close with no replacement infrastructure. The closure of Charnwood high school was a disaster, with no thought for replacement infrastructure or for the future of students at that school. The Liberal Party has taught governments, ministers and teachers around the country how not to go about closing schools. This motion comes from a party that was on the record at the last election as having a policy to close schools and not to replace them with new infrastructure in order to save money. We have heard nothing from the Liberals about reinvestment, forward planning, consideration for children and young people, and the future of the territory. All we have heard is economic rationalist arguments about efficiency and school closures.

Mrs Dunne has already said she agrees that Ginninderra district high school should close but she has offered no replacement. It is clear that the Liberal Party would gladly close schools all over Canberra with no thought for further investment in the community. We are faced with some difficult issues around Ginninderra district high school and the wider west Belconnen community and we have put our solution to the community. We welcome the community feedback we have already received. We are investigating suggestions from the community and we are doing the further work that we have been asked to do. We are consulting widely.

Last week in this place I detailed the many consultation options that the government has prepared. In July we had a well-attended community forum at Ginninderra district high school and I have agreed to hold another one on 14 September. The government has implemented as many different channels as possible to enable people to provide their feedback on this proposal. Suggestion boxes have been placed in every government high school, with good intentions. Electronic feedback methods have also been set up with members of the public able to provide feedback to the department of education website via email.

The website has already received interest, ranging from individual questions from students and families seeking specific information on subject selection, to people wanting to ensure that their children can be enrolled in the new school. Last week ACT community councils met to discuss the idea. In coming weeks Belconnen Community Council will be hosting a special meeting for residents and Belconnen Community Services and Uniting Care Kippax are already arranging a forum. As I said earlier, the government is hosting another community forum at Ginninderra district high school in September. Again I expect a number of members of the community to attend and to discuss the proposal in detail with the government.

Mrs Dunne's original motion criticised us for our approach in proposing a solution to the issues in west Belconnen, and then discussing that solution with the community.

However, that seems at odds with Mrs Dunne's comments on radio last week when discussing her amendment to the Civil Law (Wrongs) Act. When she was pressed on whether she had consulted on her proposed changes her response was:

... what you do in the course of this, is you introduce your legislation and say this is what we want to do, let's talk about it. That's the sort of normal course of events.

At one time or another the opposition has said it believes schools need to be closed, that the best outcome is four schools on one campus and the best form of consultation is to put a proposal to members of the community in order to obtain their views. That is exactly what we have done. In short, I believe that the Liberal Party agrees with every aspect of this proposal. The only problem appears to be the fact that the ACT government is making the suggestion rather than the Liberal opposition.

I have circulated an amendment that I intend to move to Mrs Dunne's motion. Essentially, that amendment asks the Assembly to note that the ACT government has announced a proposal to build a new state-of-the-art school in west Belconnen, that the proposal will inject an additional \$43 million worth of new infrastructure into the west Belconnen area; and that the proposal involves a multi-campus middle schooling model already used successfully elsewhere in the ACT.

Whilst my amendment acknowledges that the proposal will result in disruption to the current students of Ginninderra district high school, individual transitional plans are being put in place to address the educational needs of each student. The ACT government has commenced an extensive process of community consultation that is not due to conclude until September. Importantly, in response to community concerns and feedback, further work is being done by the ACT government. That information will be made available to the community prior to the next public meeting in September.

This government is being open and it is engaging in genuine consultation on the proposal that has been put to the west Belconnen community. We do not hide behind the fact that we are currently working through significant and difficult issues with those communities that would be affected if this proposal goes ahead. We are not saying that everything is hunky-dory; we acknowledge that difficult conversations have to be had but we are balancing those difficult conversations with the future educational needs of west Belconnen.

We are also taking into consideration the positive feedback we have had from the community. We have acknowledged our significant commitment of resources to an area in Canberra that is in need of it. Mr Stefaniak has on the notice paper a motion calling for better infrastructure in west Belconnen. This government acknowledges the push for infrastructure improvements in west Belconnen. We put forward a proposal that we know will affect a number of people. We are answering every question that has been asked of us and we are providing all the information we can.

Some information will not be made public. I have explained to those members of the community who have asked me that I will be making public as much information as I can. Any information that is not made public will not be made public for very good reasons. I am happy to discuss that matter further. This proposal is not about

convenience; it is about protecting students and ensuring any information that assists the government in making decisions is protected, and for good reason.

We will release all the information we can. I have met with the parents and citizens association, with the union and with members of the community. I have responded to every question that has been asked of me. Essentially, this is a good and strong proposal for the future educational needs of west Belconnen. We would like to see this proposal implemented across other areas of Canberra.

No minister would stand up in this chamber and say that he or she has ignored all the issues that are facing us—declining enrolments, ageing infrastructure and the number of schools in the ACT. For the first time since self-government this government is acknowledging the difficult issues. It is not talking about closing the doors, walking away and leaving communities without a school; it is talking about reinvesting and building a new school in an established area. We believe it will have significant educational benefits for children in that area for the next 10, 20, 30, 40 or 50 years. I move:

Omit all words after “notes:”, substitute:

- (a) that the ACT Government has recently announced a proposal to build a new state-of-the-art school in West Belconnen;
- (b) the proposal will inject an investment of \$43 million of infrastructure with considerable educational benefits for the children and young people of West Belconnen;
- (c) the proposal involves a multi-campus, middle schooling model, already used successfully elsewhere in the ACT and Australia;
- (d) while the proposal will result in disruption to the current students of Ginninderra District High School, individual transition plans to address the educational needs of each student are being implemented to minimise the disruption to each student;
- (e) that the ACT Government has commenced an extensive process of community consultation due to conclude in December 2005; and
- (f) that, in response to community concerns, further work will be done by the ACT Government in response to community feedback, and that information will be made available to the community prior to the next public meeting in September.

MR SPEAKER: Mrs Dunne, point of order.

Mrs Dunne: Mr Speaker, I wish to raise a point of order. I ask for a ruling on whether or not this motion is out of order because it is contrary to the spirit of the motion originally moved and negates most of that motion. If the government wants to vote down the motion, that is fine. This is a standard practice. The motion needs to be in accordance with the original motion.

MR SPEAKER: It is an alternative proposition. They have a long history of being acceptable both in this chamber and in others. It is an alternative proposition to the one that is contained within the motion. That is the practice we have always followed here, Mrs Dunne.

DR FOSKEY (Molonglo) (11.08): I share many of Mrs Dunne's concerns regarding the way the government has managed the decision-making process in relation to the proposal to replace Ginninderra district high school with a new superschool covering preschool to year 10. I believe the government has failed to bring the community along and involve those most affected in the process and, as a result, many students, parents and members of the community have felt disenfranchised. I would not support all of Mrs Dunne's motion in detail but I share enough of her concern to support the motion. I do not support the government's amendment. The government's amendment fails to acknowledge that the way in which this decision was announced and the poor process that has been followed has had a significant negative impact on students, parents, teachers and the local community associated with Ginninderra district high school.

I respect the fact that the government has responsibility for making difficult decisions about the future education infrastructure needs of the ACT. I acknowledge that these decisions are complex and even that the decision to build a new school might be the right one. I do not want to be misrepresented here. I am not endorsing the decision to build this new superschool; all I am saying is that we cannot be sure this is the right model. I have many concerns about the superschool model and I am not convinced it is the best solution. I moved to Canberra in the mid-1980s so my children could attend high school. I deliberately chose a small high school because it had an excellent caring model, which I believe is easy to do in a small school. Nonetheless, we are not arguing that here.

Due to the lack of information available I am not in a position to judge the relative benefits of the model. It seems that for every argument in favour of the model there is an argument against it. It would be very healthy to have a robust community debate with all of the information and the alternative options on the table. It is unfortunate that the government has missed the opportunity to engage the community in this discussion in a way that would allow those with an interest to hear both sides dispassionately. In particular I believe it is a tragedy that the government did not engage the students, parents and those most affected in the process prior to announcing future plans.

One of the things we all know about community consultation is that, if you involve people from the earliest opportunity and you listen to them, they own the decision with the government. I would have thought that is what we wanted here. But we now have an adversarial public debate in which everyone has to pick a side. The content of this amendment has become typical of this place and it silences every other voice in the house. This is not conducive to good decision-making. It would be far preferable to have an open discussion about options for school infrastructure allowing students, parents and the wider community to have all of the information and to work through the upsides and downsides of various options to inform the deliberations of a government that cares about education. Not only would such a process provide a much stronger basis for the final decision, it would also allow all those affected to feel part of the process.

I recognise that Mrs Dunne is concerned about the impact of the closure of the school on students and while I accept that the closure of Ginninderra district high school will have some adverse impact on the current student body and may also have an adverse impact on other schools in the area, I reiterate that that does not necessarily mean that the decision is wrong. It is possible that the decision to build a new school has merit and that the adverse impact on current students could be remedied by better transitional planning if the students and their families felt involved in the decision and supported the proposals for change. Likewise, if the proposal for change had broader community support, any potential adverse impact on other schools in the wider community could be minimised.

We need to think about the impact on the other schools that are going to take in these children. I have already heard anecdotally from students I know in some of the schools where students will be going that there is a resistance, as there so often is, to accepting students in later years. It is hard for those kids; we need to acknowledge that. It is unfortunate that the decision appears to have been taken without due consideration being given to the impact on the current students. As a result they are feeling, with justification, opposed to the changes. The kids at Watson high—the school I chose for my kids in the 1980s—held rallies and marches in an endeavour to keep their school open but it was eventually closed.

The current student body is the group most affected by the decision to close Ginninderra district high school and there is a real danger that they will be disadvantaged. I have heard the Chief Minister dismiss student protests against the closure of the school as an indication of a successful education system and a healthy democratic process. He has taken credit for the students' protests but has not responded to their concerns. We see this as paternalistic and patronising, and I disagree with his position. He is taking credit for the fact that the students are standing up for themselves. He admires their articulate expression; but he does not listen to what they have to say. Protests by students at Ginninderra district high school indicate dissatisfaction with the way this government makes decisions without engaging those affected. The fact that we now have students who feel let down by the government and by the education system is not a good outcome for our education system.

I concur with the view of the Foundation for Young Australians that active citizenship is developed through participation and decision-making, and it is important that the process actively balances young people's social rights and responsibilities. Gerison Landsdowne, in his address to the United Nations in 2002, said, "It is through learning to question, to express views and have opinions taken seriously that young people develop skills, build competencies, acquire confidence and form aspirations."

This is a cyclic process. The more opportunities for young people, the more confident and experienced they become so they can participate in larger opportunities. I think it is time the government acknowledged that this has not occurred in relation to the Ginninderra high decision and that, instead, students are feeling left out of the democratic process. The government should have consulted with the students prior to making any decision. The government prides itself on its consultations with young people; and indeed some of those have been good. The students at Ginninderra high are also young people and they should have been afforded the same respect.

We could have had a number of options with pros and cons for current students. For example, a decision to build a new school could have been subject to an agreement that current students complete their schooling at Ginninderra high, which would delay the building of the new school by up to four years, or it might have been subject to a guarantee that students would be accepted into a school of their choice. If they had been given all the information on the options the students could have given the government a proposal that we might not have thought of which might have been better.

I am not sure that the business community is a major stakeholder—this is from Mrs Dunne's motion. I think it is important that consultation happens with the students, the parents and members of the community. I support the second part of Mrs Dunne's motion. I think it is absolutely essential that the government table the advice that led to its decision. I think that advice should be shared with the school community. Proper consultation is absolutely necessary. The government should be prepared to change its decision after it has engaged in this six months of consultation but we have not seen any evidence that it will do that. That is what good consultation does; it informs government practice.

It is a pity, I think, that the Australian Education Union has firmly lined up with the government and is vigorously defending the virtues of the superschool. Perhaps it was involved from an early stage, unlike the parents and citizens association, which appears to have been left out of the process. I think the AEU's stance has the effect of silencing teachers who might have a different opinion for pedagogical reasons or for other reasons—pastoral care, for instance. Representatives of the students of Ginninderra high are also in a difficult position. It concerns me that they have not been supported to have a strong voice in this debate.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.18): I am very pleased to be able to participate in this debate to acknowledge the significance of the investment in education that is anticipated through this development. The point was well made by the minister that this is the first time since self-government that an ACT government has taken a decision of this magnitude in relation to investment or reinvestment in public education in the ACT. It is innovative and challenging to the extent that it reflects change. Change is often difficult to deal with and does present challenges. Certainly where children are involved in change it presents particular challenges and additional sensitivities. The government is aware of those sensitivities and has responded, I believe, absolutely to them.

We are, of course, acutely conscious of the impact of dislocation and the sense of loss students at a school will feel, with the challenge of making their way in a new school and the impact that will have on their friendship groups and on the routine they have come to accept and feel will perhaps be part of their lives for a few additional years. Knowing that impact and the policy implications of decisions such as this one to close a school within Canberra the government nevertheless grasped the opportunity to provide unequalled learning opportunities for children in the whole of Belconnen through the development of a state-of-the-art major new multi-campus school in west Belconnen.

To put the decision in context, the government had to make some fundamental decisions before undertaking consultation in order to talk about the proposal and what we were prepared to do. It would have been extremely difficult for the minister to commence a consultation process in relation to a project of this order without the authority of cabinet in relation to whether or not the cabinet or the government would support expenditure of the order of \$43 million.

This is a major piece of capital works; it is an incredibly significant project in terms of size. This is the third-largest capital budget investment the government proposes in the ACT. I think the only other larger project in the ACT at this time is the prison and the second-largest project would be Gungahlin Drive. That is the significance and order of the investment the ACT government proposes to make. It simply would not have been possible for the minister to engage in meaningful consultation or conversation with the people of Belconnen without a detailed understanding of the authority she had from government or cabinet in relation to those negotiations. With that authority she can now, as she has, put the proposal on the table—that the government is prepared to make this major investment in education in Belconnen for the benefit of the current generation of students and indeed for the benefit of all students who wish to attend this school in the next number of generations.

This is the government recommitting to public education; it is the government acknowledging that a fundamental role of government, and one of the most important roles government fulfils, is to ensure equality of access to quality education for all of the children in our community or society. The government takes this challenge seriously. It is at the top of the list of issues that we are committed to delivering on. As a government we will not shirk our responsibility to ensure that every child in Canberra, every child within our community, has equality of access to quality education. That cannot be said without fear of contradiction in relation to the delivery of education at this moment in west Belconnen and it simply cannot be said about Ginninderra district high school or about our capacity to meet the commitment to our promise that every child will have equality of access to high quality education.

The minister has spoken in detail this morning about the commitment she has made to consult. The challenge that has been thrown down by the opposition, by the Greens, this morning is that we have not committed to consultation and that we are not being open. There could be no more open and fulsome process of consultation than that which has commenced and is now being pursued by the minister and will continue. As the minister said, every question that has been asked of her or her department by the residents of Belconnen will be answered in full. All details around the nature of the new school—what the upgrade will mean and what the new design will entail—will be answered as first order questions, as will every other question that has yet to be asked. Every question that has been posed to the government through all of the mechanisms that have been made available will be responded to fully, and every member of the community will be provided with answers to those questions.

Let us look at the nature of the new school and what will be provided at the newly built school to replace Ginninderra district high school. The school will provide a preschool to year 10 facility on a single campus rather than on several separate sites, allowing facilities such as the library, canteen, administration areas, facilities and outdoor spaces

to be shared across the campus. There are some efficiencies in that. It will be constructed to meet current building codes and standards, including the latest disabled access and equity requirements and current fire safety requirements. It will be constructed to meet current environmental and sustainable design standards and requirements, integrate the infrastructure necessary to provide the latest technologies and incorporate facilities able to be used by the community, such as the gymnasium. It will be more energy efficient and cost much less to maintain than older schools.

It is also important, in the context of the physical structure, to understand what the proposed new school will deliver through that infrastructure. It will deliver the most modern and up-to-date facilities and specialist teaching spaces of any school in the ACT. That is the promise and that is what will be delivered. The new facility will house four distinct schools on a single campus; we need to remember that. There will be a preschool of approximately 100 students, a primary school of 480 students, a middle school of 500 students and a high school of perhaps 360 students. There will be four separate schools of those sizes, not the dramatic, gargantuan school that has been painted by some. The preschool will have its own separate teaching area and playground with safe, modern equipment; the primary years of kindergarten to year 5 will continue to offer small class sizes, with access through the synergies provided by four co-located schools.

The primary school will have access to a modern library, a gymnasium and music and art facilities. They will also have their own separate playground and their own play equipment. The purpose-built middle school will assist students making the transition from primary to high school, which for some students is particularly difficult and problematic. Students will have a single home room with nearby access to the full range of specialist facilities such as science laboratories, specialist drama rooms, specialist music rooms, specialist art rooms, specialist technical rooms and a gymnasium.

Students in years 9 and 10 will benefit from highly specialised classrooms and equipment, including a science area with spaces for practical activities, a technology area for project development for design, electronics and robotics, and the high school will also have purpose-built spaces for visual arts, textiles, media, music, drama and home science. The school will have a library with specific areas catering for the needs of younger students and providing access to information for older students. The multipurpose gymnasium will be used for gymnastics, sporting and other fitness programs, as well as being adaptable for drama performances, presentations and music. The promise the government makes through the redevelopment and this major investment in west Belconnen is that the people and students of west Belconnen will, through this process, be delivered the best school, the best learning opportunities and the best teaching spaces available to any child in the ACT. I am enormously proud of that.

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

MR STEFANIAK (Ginninderra) (11.28): I will speak to both the motion and the amendment. I think the biggest problem in what the Chief Minister said is that this government simply has not consulted; it has put the cart before the horse. I understand this proposal has been around since about January. Why was it not in the budget? Why was it not before the estimates committee? Why was it just dumped, effectively as a fait accompli, in mid-July on the people of west Belconnen, especially the Ginninderra high school community? A few members have touched on school closures here in the past.

I think that is very relevant because any government has to tread very warily in respect of school closures.

Mr Corbell: Did you close a school?

MR STEFANIAK: Yes; and they do so. Dr Foskey talked about the closure of Watson high by the federal Labor government, which caused a lot of angst. In the first Assembly there was a huge issue around school closures. I think that, up until now, governments have trod a lot more warily in relation to school closures, not putting the cart before the horse and ensuring that consultation occurs. Schools have closed before but I do not think I have ever seen a situation—certainly not since the first Assembly—where a community has been told, “Right; this is what is going to happen.” It sounds like a good idea—perhaps \$45 million going into a nice, big new school. However, when the Chief Minister was talking, Mrs Dunne told me that you find the types of facilities he has mentioned in any modern primary school or high school; that they are the facilities you will find in our high schools throughout the ACT.

What about the effect on the community? This is why consultation should have occurred. If the government had come up with a bright idea and said, “This is what we are thinking about; what do you reckon?” they could have gone through a process of community consultation in relation to that. Just lumbering it on the community is putting the cart before the horse. It is the wrong way to do things and it has caused a lot of angst in the community.

Mrs Dunne is calling on the government to simply table its advice, which one would think is quite reasonable; to share that advice with the school community; to suspend all activity that would lead to the closure of Ginninderra district high school until the whole community has been consulted on the educational, financial, and social impacts of that closure; to give an opportunity for other alternatives to be considered to ensure that proper consultation is carried out before a decision is made to close any other school in west Belconnen.

That is reasonable; that is what has occurred over about the last 10 years in respect of the very difficult issue of school closures. A school is more than just bricks and mortar; a school is a community, a place where friendships are made. Especially if it is a school with a good school community, a school is a place where kids learn in a very pleasant environment. To my knowledge, from living in the area, that is exactly what Ginninderra district high has been providing to its students; so there is naturally a lot of angst about this.

I am a bit amazed, too, at the consultation process; it seems like a focus group. Whether or not they are paid \$50 is perhaps a moot point but it may be relevant. It is certainly a focus group sworn to secrecy where, obviously, some people are involved and others are not. It seems certain that neither the P&C nor the school community knew anything about it. In mid-July the focus group had concluded and the minister had made up her mind, as had cabinet. The proposal was done as a *fait accompli*. That is not really a good way of consulting.

Someone mentioned Charnwood high school, which was difficult. For a number of reasons that school went down from about 700 in the days of, I think, Ray Gunn and

Max Green to about 200 back in about 1995. That was difficult but there was a consultation process. The school closed. There were options too. One I would like to have seen taken up was the twinning of the school with Melba high but the school community ultimately rejected that. They did not like closing but they were at least assisted. There was a transition period when most of the students went to Ginninderra district high. If you perhaps want to look at how to consult, just go back through your departmental records. This is not rocket science. We have a static, and indeed possibly a slightly declining, school population because of demographics in the territory. These issues are going to come up. They need to be dealt with sensitively and sensibly and they need to involve people.

Back in October 1999 guidelines for schools with declining enrolments were put out. These were successfully adopted with a minimum of angst, although not without angst because you are always going to get angst. There are always people who do not want to see their school close, for obvious reasons. If the process is to happen it has to be managed properly. The community has to be involved, and it was. Apart from offering about 100 grand a year if schools went from two sites to one there were also guidelines put in place that I think are quite relevant. I would commend this to the minister. It is a reasonable consultation model which I think would stand the test of time, rather than what you have done.

Firstly, the school board would analyse enrolment information and trends. That would include a number of things such as the number of kids in the priority enrolment area, the rate of decline to the school, other enrolments outside the area and whether the trends are likely to continue. It would then go to step two, and this is just within the school community. The board would then analyse the benefits and disadvantages of the future size of the school, looking at things like the programs on offer, the resources, the social and learning environment, extracurricular activities, parent participation and staff workloads. The board would then either come to a decision to proceed to do something in consultation with a school community or say, "No, we are not going to proceed further. These issues can be addressed in amendments to the school development plan; we will carry on and try to improve the situation without taking further steps."

If the board decided to proceed it would then consult with the school community and a planning process would be undertaken. They would then inform the director and the schools would convene meetings of the community, provide information and get feedback. That would lead to a further decision—either to proceed on the development of options or that there is no need to proceed. Issues can then be addressed through school development planning with feedback from the community.

After that there would be the fourth step of the analysis of strategic options, which would then lead to a plan for implementation. The community of the school would consider the options and either authorise the board to proceed with those options or at that late stage say, "No, those options are not acceptable" and inform the school community and the cluster of schools of its decision. I seek leave to table that. I think it might help the minister if she has forgotten about it.

Leave granted.

MR STEFANIAK: I table the following document:

Schools with declining enrolments—Copy of guidelines prepared by the Department of Education and Community Services.

That was used very effectively by a number of schools, in particular by Spence primary and Melba primary. They spent a 12-month period of consultation within their school community to close the Spence site, which ultimately happened, and merge on the Melba site. It was a difficult decision but because it actively involved the school community, who I think approached the department halfway through. At the end of the day, that decision was announced. I think there were six people who were upset by it out of a community of about 250. When it happened I probably could have named them. They got over it but the decision was taken; the community had ownership of that.

As a result of that paper similar processes were started with several other primary schools. Wanniasa primary school—a K to 10 school on the other side of the oval—went into a K to 10 arrangement with the high school. There were several other schools which almost got to that stage but the school community said, “No, we like it how it is.” Those schools are still there today. There was a genuine consultation process. I think the minister might have said that the Liberal Party took to the last election a policy of closing schools. She had better check that again because there would be consultations if mergers looked like being required. It was hardly a policy of closing schools. I note that the current government seems to have a policy not to close schools during the process of government. They now have this *fait accompli* on the table. Maybe the minister is starting to back off a bit; I think she needs to, and I think she needs to take the school communities along with her.

There are a number of issues here. One could perhaps query whether the figures in this megaschool are going to be correct; whether there will be 500 or 600 people in the high school component and whether there will be 500 in the middle school from year 6 to year 8. There are obvious concerns in relation to the proposal that would close down Ginninderra district high school now. Other members have talked about other obvious concerns such as what happens to the students in the interim and what happens to Holt primary and Higgins primary. I know they are worried at both McGregor primary school and Melba high school. These are the sorts of issues that should have been discussed and thrashed out in a proper consultation period before the government lumbered the community with basically a *fait accompli*. The government needs to seriously rethink this and it needs to act in concert with the school community. I encourage members to support Mrs Dunne’s motion.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.38): I am very pleased to stand today to speak in favour of the government’s proposal for west Belconnen. In doing so I obviously support the amendment moved by Ms Gallagher. This proposal is a significant one for the west Belconnen community. This is not a government that has said to the community of west Belconnen, “Your schools are in decline; your enrolments are falling; you are going to have to think about closing a school” and that is the end of the discussion. That is what the Liberal Party did when they were in government. When Charnwood high saw declining enrolments they went to the community and said, “Your school is in decline; your enrolments are dropping; you need to think about closure.” Did they offer an alternative? Did they talk about investing

in improving the educational infrastructure in the area? Did they say, “We are prepared to put \$43 million on the table to provide you with better schooling?” No.

Opposition members interjecting—

MR CORBELL: No, they did not. What did Mr Stefaniak do when he was education minister? He closed Charnwood high school and offered nothing in return; he put the lock on the door and walked away. That was the approach of the previous Liberal government when it came to west Belconnen. They even sold the school after it closed and did not retain it as a government-owned facility for use in the future. In contrast Labor is saying, “If you live in this part of Canberra you deserve the same level of investment in education facilities as any other part of the city does. You deserve support; you deserve investment; your children deserve the same opportunities in your suburbs.” Let us look at the demographics to back that statement up. Eighty per cent of all the children and young people eligible to attend Ginninderra high school who are in the priority catchment area for that high school do not go there; they go elsewhere.

Mrs Dunne: You have never found out why. You have no idea why, and have never shown any interest.

MR SPEAKER: Order, Mrs Dunne!

MR CORBELL: Mr Speaker, I have heard Mrs Dunne in silence and I would ask her to do me the same courtesy. Eighty per cent of them go elsewhere. There are two options when you have that sort of situation. Either you say, “That’s just the way it is; Ginninderra high school is under pressure; the school will need to close”—or you say, “What can we do for that community to encourage the people who live there to send their children to the local high school?” We either could do what the Liberals did and just say, “Charnwood has declining enrolments, it has to close”, or we could invest and give people a real choice. We can say that public education is just as well resourced, just as well invested in, just as well respected and honoured as an education choice as other parts of the education system and we are going to invest in it accordingly in west Belconnen.

That is what the government has chosen to do. It has put the proposal on the table. It has said, as a government, “This is what we believe is the best way forward. We want to talk to you about it; we want to get your feedback on it and we want to understand whether or not it should proceed.” That is what the minister has done. That shows leadership; it shows a commitment to public education; and it shows that you have some idea about where you want to go.

In contrast, what do we have from the opposition and, regrettably, from the Greens? We have an argument that says, “No, do not do this; but we do not have any alternative.” They are saying that closure is not a good thing and yet they have no alternative. They are not prepared to say, “It is a good thing that the government has an alternative; it is a good thing that there is the opportunity for discussion.” They are prepared to take the negative but they are not prepared to accept the positive. They are not prepared to engage in that debate. They simply say, “It involves change; it is too hard; I will side with those who are scared of that change.” That is not leadership; it is reactive, opportunistic politics. That is the difference in this debate today.

The Chief Minister and the minister have outlined a number of the benefits that will come from the potential development of this new school. It is worth reiterating the fact that the new school will provide, on a single campus, a range of schooling environments that suit the needs of the different age groups for which it will cater. There will be specific areas for the care and education of young children in preschool and in the early years of primary schooling; there will be a middle school to recognise the transition children make from the earlier years of primary as they head towards what have traditionally been seen as the secondary years of schooling; and then there will be the senior areas of the school, where they are truly emerging as young adults into our community and being taught in an environment that recognises that change.

That is a contemporary approach to schooling and one that we know is delivering very powerful results in other parts of the city. When I was education minister I had the opportunity to ensure that the money was made available for the development of Amaroo. Amaroo is an outstanding project. Enormous emotional investment has been put into that school by the community. It is recognised as more than a school; it is recognised as a community asset; it is recognised as a focal point for the community and is utilised as such.

There is one thing I want to refute in this debate. We have heard it said from those critical of this decision, "Why spend money on the buildings? That does not change the educational outcomes." To some degree that is true. You still obviously need, first and foremost and most importantly, the teachers with the skills to impart knowledge and learning to students. But do not for a moment underestimate the environment in which young people learn and the value of a quality learning environment. It is about more than bricks and mortar; it is about a quality learning environment with access to modern facilities and modern technologies and to the options that will give a truly enriched learning environment for children and young people. Our older schools are struggling more and more to deliver that. Investing in new infrastructure is one way to deliver that essential component in the process of providing the best possible education for children and young people in our community.

The Liberal Party's motion today is the motion of a party that has no alternative other than to react to the government and no alternative other than to say that whatever the government does is wrong. It is not the motion of a party which says, "We accept that there is a need for improving investment"; it is not the motion of a party that recognises the need to invest in communities and in their educational outcomes; it is simply the motion of a party trying to capitalise on the uncertainty and concern that always arises in a debate like this.

The government has put its proposal on the table. It is a thoughtful, far-sighted proposal and demonstrates a commitment to maintaining quality public education in this area of Canberra. How the community responds to the issues that come up is part of the consultation process the minister has embarked upon. That is a sound and robust process and one that I hope will ultimately lead to a better outcome for this part of Canberra. I obviously support the amendment moved by the minister and oppose the proposal by Mrs Dunne.

MRS DUNNE (Ginninderra) (11.48): I move the amendment to Ms Gallagher's amendment circulated in my name:

Add:

“(g) that the ACT Government's ‘extensive process of community consultation’—due to conclude in December 2005—was undertaken only *after the* Government had already made a decision to close the Ginninderra District High School.”.

Ms Gallagher has done what government members always do on private members day. Instead of having the intestinal fortitude to just vote down things they do not like, they rip the heart out of them and create a psalm to themselves, saying how wonderful they are. This motion as originally moved was to draw attention to the failure of the government to adequately consult before decisions were made. The amendment I propose adds an extra paragraph to Ms Gallagher's motion. It says:

that the ACT government's ‘extensive process of community consultation’—due to conclude in December 2005—was undertaken only *after the* Government had already made a decision to close the Ginninderra District High School.

Mr Corbell said in his speech, “What would we do?” As we have been saying consistently, as Dr Foskey has said in here today, as I have said consistently since the outset and as the bill I moved earlier today indicates, we would first of all take the community into our confidence and listen to them. Rather than having this forced consultation where the outcome is predetermined, we would have taken the community into our confidence. Mr Stefaniak spoke about the guidelines, which were done away with, that existed under the previous government until the Education Act 2004 was implemented and about how you would undertake consultation on how to deal with schools with falling enrolments.

Members of the Ginninderra district high school board have told me that on a number of occasions they have started that process, that they have looked at the process and said, “Do we need to do anything? Do we need to start this process?” I have been told they decided that they did not have to do anything because the advice the community received in August 2004 from the department was that there would be no closures of schools. On the basis of that advice, given by a spokesman for the minister, they did not go ahead with any part of the process because they found it was not the time to do it.

Mr Corbell asked what we would have done. First of all we would have done something to find out why a large proportion of the people in the area are leaving the community, turning their back on that community school and going to other schools. We would have taken the community into our confidence. Today we need to clearly acknowledge that this government has failed to do that. The only person on the Labor benches who has acted honourably on this is you, Mr Speaker. You have had the courage to stand up and speak openly about the trouble this has caused.

I hope Ms Porter has something to say here because, at the moment, she gives the impression that she is nothing more than a marionette whose strings are pulled by a minister and says what they want her to say. I would really like to see Ms Porter stand up here today in support of the people in her electorate in west Belconnen who are

unhappy about this process. If we had a proper process we still might decide that the school should close and decide to build a \$43 million megaschool. Instead of saying that all the decisions are made upfront and it is a take it or leave it thing, why do we not have a proper consultation? Why do we not acknowledge that this government has failed to consult properly?

DR FOSKEY (Molonglo) (11.52): This debate has been narrowed to one about whether to close this school, yet it should be about what are the best educational outcomes for west Belconnen. We keep hearing that there are good reasons for closing this school and building a new school. I know that the government likes big things, but I will put that aside. I am not saying that a megaschool with small campuses—as we keep hearing, the emphasis now is on small within big—would not be good. It could be good. The real question is: what are the best educational outcomes for west Belconnen?

I want to know why the government continually compares itself, as Mr Corbell just did, with what it sees as the worst practice in consultation—we keep hearing about Charnwood high—to justify its own poor practice. We should be comparing ourselves with best practice. We should be looking to what it is. We have a community engagement protocol, for goodness sake. I am just very concerned that the government has, as it so often does, shut its ears.

Is the government afraid of meaningful consultation? What would have happened if we had gone to those students and said, “Do you think students should be paid to go to school?” Such an exercise has shown up in the literature time and again: de Bono did it when he took one to students. We would probably all say, straight off the top of our heads, that if we had gone to those students and asked them, they would all have said that they should be paid to go to school. But what happens if they are given the best information about the ramifications of that? They have brains, they are coming out of a good education system, they can think logically, they can put two and two together.

When De Bono did this exercise, the students decided that it was not a good idea to pay students to go to school. The government would like that. We cannot afford to pay them to go to school. We have to make school pleasant so that they go there. We have to make sure that they are part of the decision making so that they feel that school is theirs. We set up student representative committees. We need to talk to them. Are these things pretend?

We have heard from Ms Gallagher about secret stuff, data that we are not allowed to look at and that was persuasive enough for the government to decide that its option is the best one. I say that there should not be any secret data. I do not want to hear individual stuff, but if it is demographic data that says—

Ms Gallagher: That is not what I am talking about.

DR FOSKEY: No, you can talk about it later. I understand that there are things that we do not need to know, but I think that as much as possible should be on the table, although nothing personal.

Ms Gallagher: That is what I have said.

DR FOSKEY: We are having a debate here, Ms Gallagher; therefore, I need to say all these things.

MR SPEAKER: You should not contribute to the conversation, Dr Foskey. Rather than having a conversation, just continue with the debate.

DR FOSKEY: Thank you. I feel that if the community has access to all the relevant data—some of it may be in the secret category—especially if it is demographic data, especially if it socioeconomic data, then we can be assured that that will help the community to come along with a decision which may even be the one the government wants.

I was pleased to hear Ms Gallagher say that the government is now funding a consultancy to investigate alternative sites for the new school, because it has given hope to the community that maybe the government will not close this school before setting up the new one, which I think has been a major concern. It also shows that Ms Gallagher is prepared to listen—I have seen evidence of that before—and that she does respond from the heart, in a sense, to real concerns of people. That gives me hope that the consultation process we are to see now might be a good thing. But it would have been better to have investigated these alternative sites first and then brought the community along in the decision making.

Let us hope that the government has learned a valuable lesson from that. We need to know now that the government is treating the current and future consultation as that to show that it is open now to good process and other opinions and that this consultation process is not just a wearing down process, which is my fear, a barrage as to why this one is good for you and how the government is right, to get the community to accept the government's preferred model.

Maybe the preferred model is good, but there is cynicism in the community that the government needs to respond to so that it is not just the community being sold something. That is what people feel could happen. I really do thank Mrs Dunne for bringing on this debate, because we are now hearing politicians justifying what they have done. It is important that it happens in the Assembly, but it should also be happening and have happened before elsewhere. We need to know why it is a good idea to close one school and establish another.

The other thing I have heard a bit about today, certainly from Mr Stanhope, is that the spending of money—\$43 million in this case—is in itself a good thing. Let's say that we said to the community, "There is \$43 million available for you, and us, to spend on the best educational outcomes"—without tying the \$43 million to this model, as in, "If you do not want this model, sorry, you will not get the \$43 million." That is not being said out loud, but it is in there. If the community knows that \$43 million is going to be spent on the very best educational outcomes, that is exciting, that is positive. It just could be that there would be all kinds of ways of spending that money that would be good for every school in the area. I do not know about that. The trouble is that we do not know about that.

I will be supporting Mrs Dunne's amendment because I would like to feel that we had a government that can take on criticism. I would like to think that we had a government that was self-critical. I would like to think that we had a government that listened to other members of the Assembly. Sometimes I do see that, but I feel that this practice of replacing one motion, which expresses really valid community concern, with another motion that just wipes that community concern off the slate is disrespectful.

I guess that the Labor members who represent Ginninderra have heard it all. I hope they will have a good response to their constituents because they have the job of going into their party room and trying to persuade the ministers otherwise. I do not know how easy or hard that would be; that is all a black box to me. I do not know what goes on in there. I do not know how it feels to be a Labor member who has constituents saying that they do not like something and not be able to do something about it. Let us hear from them.

MS PORTER (Ginninderra) (12.01): Mr Speaker, I will be speaking against Mrs Dunne's amendment and for Ms Gallagher's amendment. I am pleased and proud to support Ms Gallagher's amendment and to provide my support for the ACT government's proposal to build a state-of-the-art schooling facility in my electorate.

As members would be aware, the skill and knowledge required of students have changed markedly since Canberra's schooling infrastructure first started to take shape. Subject choices have diversified, career prospects have extended and the day-to-day needs of learning environments have multiplied. It is more than reading, writing and arithmetic, Mrs Dunne.

The Stanhope government, unlike its predecessors, is a progressive and active legislative force. We do not simply react to populism and attempt to get our faces cheaply in front of a camera as often as possible. We on this side have real commitment to the people of the ACT. We are a proactive government, a government with vision. What is more, we have a track record to prove this commitment. No other government in this territory's history has delivered on essential services to the extent of the current administration and no other party is more committed to using the power of these offices to deliver improved outcomes for this community.

Upon election to office, the Stanhope government was entrusted with stewardship of innovation and industry in the ACT. In response, we have set out to develop practical applications of an overall vision, the Canberra plan. The proposal we are discussing today is another building block in society, which this government boldly envisaged through the vision that is the Canberra plan. We are committed to making Canberra a better place to live, work and learn and, what is more, this government has demonstrated a willingness to make the necessary financial commitment needed to realise such objectives.

The proposed facility will deliver to the west Belconnen community specialist facilities in its public school, a school that the students deserve. Students in the new school will enjoy, as other members before me have said, access to purpose-built areas for visual arts, drama and media studies and the delivery of a venue with the capability to revitalise the whole community.

As the minister for education has explained, the Chief Minister has explained and the planning minister has explained—I do not know how many more people need to explain this to members opposite—the campus will include four schools: a preschool, a primary school, a middle school and a high school. There will not be the huge megaschool, as those opposite and Dr Foskey seem to believe. All the claims about large schools hold no water at all.

The central plank of this proposal is, as other speakers have said before me, \$43 million of investment in the Belconnen community, an investment in the future of our children. I have no reservations about this financial commitment because, unlike those opposite and those who preceded them as representatives of the ACT Liberal Party, I fundamentally believe in the role of government to deliver essential infrastructure and not simply pay lip service to long-term priorities in the secret hope that they will never actually have to deliver them.

This government is one of delivery. Under the Stanhope Labor government, this territory has seen an extra \$100 million invested in public education. This government also has a proud history of public consultation before implementation of major community-based reforms and the proposal to rejuvenate Belconnen's educational community is no different. We are commencing now a six-month process of communication with representative groups, peak bodies and individual stakeholders. Further to this, we have held and will hold more community consultation forums.

I have great faith in the community that I represent and I know that it will not be blinded by the scaremongering tactics of Mrs Dunne, who seeks only to hijack a public debate about educational outcomes for our children in search of a few political points. It was my belief when I came to this place that all of my colleagues, regardless of political affiliations, respected the great responsibilities which election held. Accordingly, I had hoped that, independent of the political games that inevitably get played in a place like this, representatives would always put the long-term welfare of their community above their desire for a political win. Perhaps I was naive.

In the past few weeks, watching Mrs Dunne's populist crusade about this issue, I have been gravely disappointed. Mrs Dunne, I hasten to ask you whom you are actually representing in this place: your constituents or your own ambitions? It surprised me significantly that, up until now, we had not heard hide or hair of Mr Stefaniak. I was beginning to think that it was because Mr Stefaniak had recognised the value of the proposal. Mrs Dunne and Mr Stefaniak, are you interested in sound educational outcomes?

I can assure you that I do represent the people of Ginninderra, and I represent them in a majority government voted in by the ACT community. That is quite different from Mrs Dunne's position. She was voted into opposition by the community not once but twice. Why is that, Mr Speaker? I see constant communication with my community as an integral part of my job and I have wholeheartedly committed myself since coming into this place. I have held mobile offices throughout the electorate at least weekly and I have met thousands of members of the community that I represent.

During recent meetings of this type, I have had the opportunity to discuss the proposed school at west Belconnen with a diverse cross-section of our community. Overwhelmingly, the response from these one-to-one meetings has been of an encouraging nature. Some residents have expressed a number of concerns but in the form of questions, all of which are now being answered as part of the overall consultation process. Generally, people have been excited at the prospect of such a significant investment in their community.

Mr Speaker, as you would expect from a government that has consistently proven its commitment to community consultation, management of this proposal has had various mechanisms for feedback built into it. Interested stakeholders have had the opportunity, as the minister said, to contribute to the decision-making process throughout the entire project time line, including through on-line methods, and at each stage of the approval the community will have the opportunity to contribute to prospective designs.

As an elected representative of the Ginninderra region, I am delighted that this government has chosen to commit to the future of students in my electorate. I am extremely pleased that the resources could be found to fund a proposal that will invigorate both the west Belconnen community and the learning environment for our children. I sincerely look forward to my fellow Ginninderra representatives opposite, Mr Stefaniak and Mrs Dunne, supporting the constituents we represent by actively supporting this significant investment in our community. I therefore commend Ms Gallagher's amendment to the Assembly and do not support Mrs Dunne's amendment.

MR SESELJA (Molonglo) (12.09): Ms Porter just expressed what we have been hearing from the government quite a bit lately. Every time an issue is raised in this place that they do not like, we are scaremongering. The opposition is somehow scaremongering by taking up the case of the community and actually holding this government to account. It has become a pretty common response from the government. Mr Quinlan was saying it last week in relation to shutting down the bushfire inquiry. We are seeing it over and over; it is a standard line. If we raise an issue that the government does not like you raising, we are said to be scaremongering. That is rubbish. This issue is about consultation and it is about the lack of proper and genuine consultation.

In this place last week, responding to a dorothy dixer from Ms Porter, the education minister went on at length about what she termed the extensive community consultation process currently being conducted on the proposed megaschool in west Belconnen. I must admit, Mr Speaker, I was pleasantly surprised when she began her answer. After all, this was from the education minister who, in this year's estimates hearings, admitted that she did not know what her consultative obligations were under her own education act and who then claimed that the words "the minister must ask for and consider the advice of" mean "I am not required to consult".

She actually said it twice: "I am not required to consult." The question was put to her, "Is not it up to you to ask for advice?" That was in relation to sections 19 (1) and 76 (1) of the act, which state, as I have just said, that the minister must ask for, and consider the advice of, both government and non-government schools education councils. When that question was put to her she flatly replied, "No, I do not think it is."

Clearly, the minister is a product of the progressive education reforms she is now trying to foist on all students in the ACT, the Humpty Dumpty school of language teaching. I remind the minister—or was Lewis Carroll too old-fashioned for you at school?—“‘When I use a word,’ Humpty Dumpty said in rather a scornful tone, ‘it means just what I choose it to mean—neither more nor less.’” In the looking glass world of Katy Gallagher, “ask for” and “consider” mean the exact opposite. Truly, Canberra is fortunate to have such a postmodern education minister.

Nonetheless, as I say, I was pleasantly surprised to hear Ms Gallagher say last week she would detail extensive consultations on the government’s unilateral decision to close down several schools in Ginninderra in favour of a bureaucratic megaschool. That followed her admission in this place of 30 June that she accepts the criticism from the Liberal opposition on the requirements of the education act and how they were not met this year: “It will not happen again. I accept the criticism.” But what did we discover last week, once we started to go into the detail of the so-called consultation in Ginninderra? As Mrs Dunne noted, it is all over bar the pouting. With carefully orchestrated forums and some electronic gimmickry, as the minister puts it, “All of those issues have been taken on board and fed through the department.” Does that mean that they have been duly noted, filed and ignored?

The fact is that this is all just window-dressing. The decision has already been taken and community consultation is a post factum rationalisation—or, to quote the minister herself in this place last week, “We put to the community our solution that we think will deliver the results we want to see educationally in that area.” Mr Speaker, I think that sums up the government’s new attitude to consultation. I support Mrs Dunne’s amendment, I support her original motion and I oppose Ms Gallagher’s amendment.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (12.13): I thank Mr Seselja for his somewhat patronising comments. I put it to him that he is struggling for relevance in this debate. He has to get in on this one because he has not been able to have a view and his jealousy over the fact that he is not in the cabinet room is becoming clearer every day. The fact that he is not involved, that he is not in government, that he is not making decisions really upsets Mr Seselja. He is not aware of the decisions the government has made and he cannot quite cope with that, but that is the role of being in opposition and I will leave it at that.

The government will not be supporting Mrs Dunne’s amendment because the amendment does not accurately reflect the government’s decision. The government has put a proposal to the community on a vision and an idea for education in the west Belconnen area. That proposal will be under discussion and under consultation until the end of December. As an element of that proposal, the government has suggested that the Ginninderra district high school would need to close in order to deliver on the proposal. So the amendment put forward by Mrs Dunne is incorrect and the government cannot support it for that reason.

I will just address some of the issues that have been raised by other speakers in speaking to the amendment. A number of times the question has been asked: why was this not in the budget? I have explained that a number of times, but it probably needs to be

explained again for those opposite, who are the ones with their ears shut on this matter. Investigation of the issues being dealt with by cabinet was started by me in, I think, December when I asked for initial advice from my department on some of the issues that I had seen not just at Ginninderra district high but in the west Belconnen area. I asked for some work to commence.

Those opposite who have not been in government before would not understand that the budget is finalised in February-March. That work had not been completed. I was not in a position, not having even half the information, to say, "This is something we have not thought through and we do not have any resources to back some of the ideas that I've got, but we'll shove it in the budget anyway." We did not actually know the extent of the cost of what I had wanted to argue for in the new infrastructure and the commitment from government. The simple reason that it was not in the budget is that the work had not been done. The work for me to take a proposal to cabinet, to get cabinet's support, was not completed until June, when I took it the first time, and then again in July when I took it back to cabinet.

I agree with Dr Foskey that the issue here is about how to deliver the best educational outcomes for west Belconnen. The government has a view on that. It is a view that we have put in a comprehensive proposal that we have put forward to the community for discussion over a six-month period. As I have said before, the community will have access to all the information that it has been requesting. All the information that I can provide, whilst maintaining my responsibilities as education minister, will be provided. That includes demographic information. It includes socioeconomic information.

But there are elements of that information which I am sure those who are involved in education, who have an understanding of education, appreciate will not be made public, for good reason. This government has made no secret of its concerns about reporting educational outcomes, making certain elements of data available to the public for use for a simplistic outcome. I have made no secret of that. I stand by that and I will argue the case on that with anybody. So it is not about keeping information secret. All the information that can be provided will be provided.

I have been criticised for not examining other options for the proposed new school prior to going to the community. On the one hand, I should have gone to the community before I had a proposal, before the government had any idea of what was its view on this issue; I should have done that. Now, it is said, "You had not done enough work before you went to the community. You should have done all this work before you actually went public and said that this is your idea." You cannot have it both ways. The approach that the government took was to say, "Here is our proposal. The idea is for a new school based on this site."

We went to public meetings. At the public meetings, several questions were asked of me. I undertook to answer every single question asked, which we are currently doing. Some of the questions that kept arising were: "Why do not you build it on the back block of the current site," or "Why do not you look at a site near Higgins?" I should supposedly have understood all the issues that were going to come up from the community prior to going to the community so that when the community asked me those questions I could say, "Do not worry, I've already examined that." This is the whole point of consultation.

Mrs Dunne: You said that your advice said that this was the only place you could build it.

MS GALLAGHER: I do have advice, Mrs Dunne. I was very careful with my words, Mr Speaker. I said, “The advice I have is that the best place to build this school is on the front of the block.” That was the advice that I had. Subsequently, through a consultation period when, lo and behold, people had questions and they wanted answers from me, they raised an issue with me and their views on it and—gee, a terrible outcome!—I, as the minister, responded to that. I engaged an independent analyst so that the level of cynicism that was being stirred up by Mrs Dunne could be offset. I have had an independent person come in to provide advice to the government on the ideas that have come out through the consultation period. What a serious offence that is from the minister, responding to community suggestions and feedback during a consultation phase! I am guilty of it, absolutely guilty, dead guilty of responding to that.

We have had feedback from the community since going public with this proposal from the government. In the feedback mailbox and correspondence to me, we received 30 responses from 20 to 29 July. As to phone calls to the Department of Education and Training, we received 27 from 20 to 29 July. In the last month, from 29 July to 23 August, we have received 27 responses to the mailbox and to letters. There were no phone calls during this time to the Department of Education and Training. Community consultation meetings have been held. The Minister’s Youth Council has met. Belconnen Community Services and the Uniting Care Kippax had a meeting on 17 August.

The Macgregor primary school P&C has met. A business breakfast has been held. A community council meeting in Belconnen is coming up. There is a stall at Kippax Fair. There will be open days at Amaroo, with free buses from Ginninderra district high, on Friday, 9 September and Saturday, 10 September. There will be a community forum again on 14 September. I have met with the P&C. I have undertaken to meet with them following that meeting on 14 September. This is genuine consultation. This is government responding to community feedback. The allegations being put forward by the opposition and by the Greens that the government has shut its ears, that it is not responding to this process, are simply incorrect.

MRS DUNNE (Ginninderra) (12.23): The minister says that she has not shut her ears, that the government have not shut their collective ears. I would challenge them, to demonstrate just how open those ears are, to put all of the information on the table, to put the \$43 million on the table and say to the community of west Belconnen, “How can we best spend it on our collective behalf”—not on behalf of the government—“for the best educational outcome for the people of west Belconnen?” That is what it is about. It is about consultation and it is about being open.

The other day, one of the Liberal staff members—a staff member who does not need to be named, Mr Gentleman—reminded me of one of the better lines from *Blackadder* and it went something like this, “Baldric, you would not recognise a subtle plan if it painted itself purple and danced naked atop a harpsichord singing, ‘Subtle plans are here again.’” Baldric’s failures with subtle plans are akin to the Stanhope government’s failures when it comes to consultation; they would not recognise it if it danced naked in front of them. But the community in west Belconnen, and the community in Canberra generally,

recognises that this government fails when it comes to consultation. It can talk about consultation, but when it comes to really taking people into its confidence what happens? It falls down. We have had it here today.

We just had the minister saying, "We're putting on buses to Amaroo. You can go and inspect Amaroo. These children can go out to Amaroo and inspect Amaroo." They have also been told that they can enrol in any school in the territory that they want except Amaroo. They cannot go to Amaroo. This is about consultation. It is about real consultation. The minister has already decided that she is going to close Higgins preschool and primary school and Holt preschool and primary school. When is that consultation going to take place? In two years time or three years time those schools will close. That decision has already been made, and without consultation with those school communities.

What we have here is the government's approach. They are saying, "We're taking something away but we're giving something back in return." That sounds great on the surface. But what we have is the \$43 million cargo cult. We have condescension from the Chief Minister, who in this place today told the parents of the students of Ginninderra district high school, in the same way he told them outside the ALP conference on 30 July, that they were doing their children a disservice by persisting in sending their children to Ginninderra district high because they did not have the breadth of curriculum choice that was available in other schools.

Really, what it boils down to is that he is saying that he knows better, but the children and the parents at west Belconnen say, "Curriculum choice, a diversity of different subjects, is not an issue. We want to learn the basics. We want to learn how to read and write and to learn our history and learn the skills of learning history." It does not matter whether you are learning ancient history, medieval history or the history of the renaissance. You can have essentially what Bruce Springsteen spoke about in his song, "57 channels but still nothing on."

The importance point is the quality of the education that people are receiving in an intimate environment. The government is back-peddalling all over the place. As Mr Seselja said, they talk about scaremongering, and "scaremongering" in this place is code for, "You are getting under our skin. You are actually bringing home some truths and we do not like it." What we are seeing here is a government in retreat, in disarray, in complete disarray.

The minister is now saying, "We are looking at other options about where we might build the school." That is a certain degree of openness, but she is retreating from her original position, which was to say, "The advice I've received is that the best place I can build this school, and therefore I'm going to do it, is on the footprint of the existing building and we're going to pull it down, and to pull it down we have to get all the kids out," so that by yesterday every child at Ginninderra district high had to make an election about where they would go next year. The children who had made elections early were forced out, were encouraged to go, so that by the time we get to the next meeting in September there will almost nobody left at Ginninderra district high, which will make it easier for this government to close it down.

I want a guarantee from this government that that \$43 million will stay on the table. There is no guarantee of that. It is very clear from what Mr Stanhope said to the parents outside the ALP conference and the minister said at the meeting at Ginninderra district high when this proposal was first announced that this is a “take it or leave it”: “We build the uber school or the money goes. There are no other options.” The Ginninderra district community also wants a guarantee that once the kids have been evicted from the school, essentially evicted, and the school is demolished that money will be, in fact, spent in west Belconnen.

There is no guarantee, there is no appropriation, there is no commitment from this government except one press release, and the people of west Belconnen have asked me to ask you—this was not my idea—to give a rock-solid commitment that when the children have been evicted and when the Ginninderra district high school has been demolished there will still be \$43 million to build a new school, because they doubt your word.

Question put:

That **Mrs Dunne’s** amendment to **Ms Gallagher’s** proposed amendment be agreed to.

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Corbell	Ms MacDonald
Dr Foskey	Mr Stefaniak	Ms Gallagher	Ms Porter
Mr Pratt		Mr Gentleman	Mr Quinlan

Question so resolved in the negative.

Mrs Dunne’s amendment negatived.

Question put:

That **Ms Gallagher’s** amendment be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Smyth
Ms Gallagher	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Quinlan	Mr Pratt	

Question so resolved in the affirmative.

Ms Gallagher's amendment agreed to.

Question put—

That the motion, as amended, be agreed to.

Ayes 8

Noes 7

Mr Berry

Mr Hargreaves

Mrs Burke

Mr Seselja

Mr Corbell

Ms MacDonald

Mrs Dunne

Mr Smyth

Ms Gallagher

Ms Porter

Dr Foskey

Mr Stefaniak

Mr Gentleman

Mr Quinlan

Mr Pratt

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Sitting suspended from 12.35 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): Mr Speaker, for the information of members, the minister for education has a pressing personal issue that she was required to attend to. She will not be available for question time this afternoon. I am happy to take questions or seek to be of assistance in relation to any question that may be asked of the minister.

Questions without notice

Canberra Hospital—psychiatric unit

MR SMYTH: My question is to the Minister for Health and it concerns the psychiatric services unit at the Canberra Hospital. Is it the case that yesterday a patient at the PSU obtained a knife and then stabbed himself? Why was this allowed to happen? Were PSU staff members put in danger at any time?

MR CORBELL: I am not aware of any such incident. I certainly will not take on face value anything that Mr Smyth says. I will take the question on notice and provide an answer as soon as possible.

MR SMYTH: Mr Speaker, I have a supplementary question. The minister might like to take this on notice as well. How was it possible for a patient to obtain a stabbing weapon? Why were PSU staff members unable to prevent the stabbing?

MR CORBELL: Again, I do not take on face value any assertion Mr Smyth makes. But it is a serious one, and obviously I will look into the matter and provide further advice to the member and the Assembly.

Counter-terrorism planning

MR GENTLEMAN: My question is to the Chief Minister. What security arrangements has the government put in place to protect the community in the event of a terrorist incident?

MR STANHOPE: This is a most important and serious issue. The national arrangements that the ACT has put in place and that are part of the fabric of counter-terrorism measures in the ACT concern the ACT's counter-terrorism arrangements as such which form part of the national counter-terrorism arrangements which are detailed in the counter-terrorism plan and are consistent with the arrangements in all the states and the Northern Territory. The plan is available on the national security web site at www.nationalsecurity.gov.au. National security awareness campaign posters with the message "Help protect Australia from terrorism: every piece of information helps" and the national security hotline number have been distributed to and are displayed in all ACT government agencies.

The structures that underpin the ACT arrangements involve a whole-of-government counter-terrorism policy and coordination is overseen by the security subcommittee of cabinet, which comprises the Chief Minister and the Minister for Police and Emergency Services. The security subcommittee is supported by the security coordination executive committee, which comprises the chief executives of the Chief Minister's Department and the Department of Justice and Community Safety, the commissioner of the Emergency Services Authority and the ACT's NCTC members, the deputy chief executive officer of JACS and the Chief Police Officer.

There is also an ad hoc security working group, comprising senior officials from JACS, ACT Policing and the ESA, which deals with the day-to-day development, implementation and review of counter-terrorism policy and arrangements, and a security in government committee comprising senior officials from each ACT government agency responsible for protective security matters. These structures are supported by the security coordination unit in JACS.

The emergency management committee addresses all aspects of emergency management, including counter-terrorism related incidents, and has close links to other jurisdictions and the Australian government through the Australian emergency management committee. The emergency management committee comprises senior officials from all relevant government agencies and observers from key utility owners and operators. It is supported by the Emergency Services Authority.

As to arrangements in the event of a major incident in the ACT, all ACT government agencies work cooperatively to plan for and, if necessary, deal with any counter-terrorism or related incident. Mutual assistance is also available from all other jurisdictions and the Australian government as part of the national counter-terrorism arrangements. The territory crisis centre will be established within JACS to support the ACT crisis policy committee, comprising ministers and senior executives, in the overall coordination of a major incident, including public information and media arrangements.

The Australian Federal Police/ACT Policing specialist response and security team is the prime source of specialist skills and resources in the event of a counter-terrorism related incident. The SRS planning team, in consultation with relevant ACT government stakeholders, has developed key plans, including the ACT Policing counter-terrorism plan, a practical guide to the processing of chemical, biological and radiological suspicious packages incidents, and the ACT disaster victims identification plan.

The Emergency Services Authority, through the ACT emergency plan, provides first responders—that is, the fire brigade, the ambulance service, the rural fire service and the state emergency service—for any incident. ACT Health, through the health emergency subplan, provides strategic advice to the health sector's planning, preparedness, response to and recovery from emergencies and disasters within the territory.

The Department of Disability, Housing and Community Services, through the ACT community recovery subplan, coordinates community recovery activities for the ACT region in the event of any significant emergency. The Department of Urban Services and ACTION have undertaken risk assessments and developed a security plan for public transport that includes an awareness campaign entitled "If you see something, say something".

All relevant agencies regularly participate in counter-terrorism related exercises at the operational, policy and strategic coordination levels, both in the ACT and nationally. The benefits of such exercises were amply demonstrated in the responses to the London bombings. The recent white powder incidents at several embassies and at Parliament House fully tested the ACT's capability to deal with multiple real incidents and the lessons learned proved invaluable for agency planning and preparedness. It is worth noting that the ACT is the only jurisdiction in Australia recently to have had this level of experience.

Uniform guidelines are being developed for the protection of critical infrastructure in the ACT, including national infrastructure, which is the responsibility of the national government. A major critical infrastructure exercise, White Out, will be conducted in the ACT in mid-September to consider critical dependency issues. Participants will include representatives from all ACT and Australian government agencies. A multijurisdictional exercise, Mercury 05, will be conducted in mid-October over a period of four days. All of the ACT's counter-terrorism structures will be fully activated. Detailed briefings will be provided closer to the day.

MR SPEAKER: The minister's time has expired.

MR GENTLEMAN: I have a supplementary question. Could the Chief Minister outline to the Assembly the ACT government's approach to evacuation in the event of an incident?

MR STANHOPE: Yes, I can. The ACT Emergencies Act 2004, the ACT emergency plan and the evacuation strategy all combine to provide a high level of preparedness to effectively manage evacuations in the ACT. The development of partnerships with the community provides a greater capacity to manage complex situations and enables the emergency services to better deal with a specific incident. Its strength lies in a shared

knowledge of all hazards, shared responsibilities and the provision of reliable and timely information.

The approach provides the required flexibility and adaptability when dealing with major incidents with the assistance of the SES and the fire brigade and ensures that effective incident action plans can be tailored to the situation. It maximises the advantages of the open layout of the ACT and avoids the limitations of published evacuation plans.

The recognition of an all-hazards approach to emergency management that addressed both natural and non-natural threats has widened the evacuation requirement to include the consequences of terrorist attacks. The ACT evacuation strategy is based on the all-hazards requirement. This work has been undertaken by the ESA in collaboration with ACT Policing and reported to the emergency management committee.

The basis of the evacuation strategy is, of course, the Emergencies Act 2004, which includes the declaration of a state of alert or a state of emergency. This enables a proactive approach to be taken. A number of components make up the evacuation strategy. One is the ACT community safety evacuation policy. This policy is intended to educate the community on its roles and responsibilities in the preparation, evacuation and recovery phases. A partnership between the community and the emergency services is essential for the conduct of evacuations in all circumstances.

Another is the ACT all-hazards warning system. This system is intended to provide clear information to the community on the likelihood that an incident will occur that will require evacuation. It provides direction on the actions required by ACT Policing, the ESA and other agencies, and a public information message. The message is to be preceded by the standard emergency warning signal alert.

The ACT Handy Map, the third component of the evacuation strategy, is intended to provide a simple means to communicate the location of an incident and the likely area in which evacuation is required in relation to the warning system. This map is contained within the *Yellow Pages*. The alphanumerical grid covers the ACT and surrounding region. The community is asked to identify the grid squares in which they live and work and those in which special needs members of their family are located.

The fourth aspect of the strategy is the media MOU. The intent of the media MOU, the only MOU of its kind in Australia, is to provide a reliable flow of information to the community through the media. This overcomes reliance on mobile/fixed telephone and internet services that may not be operating during a major emergency. Members would recall that in London all mobile telephone usage ceased immediately the incident occurred. The ACT is the first jurisdiction to have an approved MOU with all media organisations—TV, radio and print—that establishes a partnership in the dissemination of information.

The fifth aspect is assistance in preparing plans. A major lesson learned from the London bombings is the need for direct assistance to the owners/managers of higher density facilities in the preparation of effective building/area evacuation plans. This is a new development for the strategy and seeks to raise the overall level of preparedness, ensure interoperability in arrangements between adjoining areas, and support evaluation of

arrangements by ESA officers, for example, during fire safety inspections or following response to an automatic fire alarm.

The next stage is the implementation of incident action plans, a very significant part of the ACT evacuation strategy. The key requirement for standard evacuation plans is the capacity to incorporate the specific arrangements of a certain location into incident action plans at the time of an incident.

Another feature is access to community evacuation centres through the IAP, which will locate and communicate the locations of specific staging areas and community evacuation centres to which the community will be directed. The use of staging areas can be necessary in higher population density areas to gather people for transportation to other locations away from the incident area. Potential locations for evacuation centres are known and include schools, colleges and community centres. The last of the particular aspects of the strategy is the operational analysis of evacuations, an essential action intended to maintain best practice within the ACT.

In conclusion, I would like to emphasise the value of the approach taken by the ACT government and point out the limitations of published plans. The ACT evacuation strategy provides a flexible and adaptable approach to the management of evacuation in the ACT. It maximises the advantage of space and easy road access in the ACT and avoids the limitations of set published plans that have been developed elsewhere.

The major limitations may be: the deliberate targeting of evacuation routes by terrorists with the use of secondary devices; certainly, complacency in the mind of the community; and an inability to develop incident action plans that meet the unique demands of a particular incident.

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

Childcare centres—rent

DR FOSKEY: My question is to the Minister for Disability, Housing and Community Services. It relates to the management of community facilities. The ACT government leases facilities for the purposes of providing childcare to a diversity of operators, including small businesses and non-government organisations. In a ministerial statement to the Assembly in December 2004, the minister said that the development of consistent approaches to the management of community facilities, including those used for childcare, would be an area of major government focus. Therefore, can you please explain why some childcare operators leasing premises from the ACT government pay peppercorn rent while others pay full commercial rent? What responsibility does the ACT government have, in making them available, to ensure that the premises are safe to use and undertake ongoing maintenance?

MR HARGREAVES: With respect to the levels of rent that various people pay, I would have to look at specific cases, as all of those occurred before my time, and I do not have that information in my head. If Dr Foskey would like to provide details, and perhaps some comparisons, that show me where one centre is paying peppercorn rent and another is not, I would be happy to look into it and find out the reasons behind it. The government is quite keen to see community activities that support various activities

going on within its surplus space. Leases and licence agreements have been issued when surplus space has been identified. However, nothing in this world is permanent and every now and again there are changes and greater imperatives. For example, let us say we leased out surplus space in a school that was no longer a school. If there were a change in the demographics of that suburb and we had to rejuvenate it as a school again then the education imperative would transcend that of the occupants of that premises.

However, it is true that the government honours licence agreements and leases that have been taken out over time. When those leases and licence agreements expire, the government has another look at those premises to see whether it has a reason to use those premises itself. Let us take an example out there in the ether at the moment. I would argue that, if we have agency staff in substandard demountable accommodation and, because of the conclusion of the lease, surplus space becomes available within that same set of buildings, there is an obligation on the part of the government to rehouse.

The important thing to do is to see whether those tenancies are appropriate at a given point of time—otherwise you just give out a lease forever. We do not do that. They are time limited. I am sure the one to which you obliquely refer concludes next month. I do not believe it is the job of the government to seek out its own surplus space and put it out for peppercorn rent or otherwise to a commercial enterprise when we have, in some areas of town, non-government charitable organisations, support organisations and refugee support organisations clamouring for space. I do not believe the government is in the business of commercial real estate.

DR FOSKEY: Supplementary, Mr Speaker. Unlike some preschools and childcare centres that pay peppercorn rent, the Blue Gum preschool in Dickson pays a commercial rent—

MR SPEAKER: Would you come to the question please, Dr Foskey, without the preamble.

DR FOSKEY: Yes, that is certainly my intention. I am wondering what landlord responsibilities the ACT government has in relation to issues and concerns that the Blue Gum preschool in Dickson, paying a commercial rent, and having reported problems with the safety of heating fixtures, heating timers and general maintenance—

MR SPEAKER: Would you come to the question, please? Preambles are not—

DR FOSKEY: Would you like me to repeat the question? I asked: what landlord responsibilities the ACT government has in relation to these issues, which have been raised by the Blue Gum preschool in Dickson, which pays commercial rent to the government, as landlord? Sorry—for shortness!

MR HARGREAVES: It is all right. There are not too many cases where we would forgive you but this time we do, and we accept your apology without reservation. Mr Speaker, the ACT government, where it is landlord for such a thing as a preschool, takes its responsibilities seriously. I know Dr Foskey is talking about a litany of complaints—a page or so of issues—one of which involves a heater into which a child, I think, put some object and rendered it useless. There have been questions asked about

that. That problem was brought to my attention by Blue Gum and I have responded to them. The answer to Dr Foskey is that we take our responsibilities very seriously.

Disaster planning

MR PRATT: All very impressive spin, Chief Minister. My question, getting past the spin and to the facts of the issues about—

MR SPEAKER: Who is the question to?

MR PRATT: My question is to the Chief Minister, Mr Stanhope. Chief Minister, a comment from your office in the *Canberra Times* today says:

On Monday the ACT SES was tasked to take over responsibility for much of the day-to-day management and upkeep of the evacuation strategy.

However, an email that was sent by the SES chief officer on Monday, 22 August advised commanders that the ESA commissioner, Peter Dunn, made it clear to the SES that, “The ACTSES is to take the lead role in the development of plans, the identification of sites and possibly the development and delivery of training as appropriate.”

Chief Minister, why are you misleading the public by stating that we have terrorist threat evacuation plans when all we have to rely on are old individual building fire evacuation plans? When will you have the overarching terrorist threat evacuation plans drawn up and promulgated to the public?

MR STANHOPE: Mr Speaker, I just answered that question. The ACT Emergencies Act 2004 and the ACT emergency plan and evacuation strategy—and I invite Mr Pratt to listen this time—all combine to provide a high level of preparedness to effectively manage evacuations in the ACT. The development of partnerships with the community provides a greater capacity—

Mrs Dunne: Where is the plan?

MR STANHOPE: This is what we are doing. We are developing partnerships, Mr Pratt, with the community to provide a greater capacity to manage complex situations to enable the emergency services to better deal with a specific incident. Its strength lies in the shared knowledge of all the hazards—

Mr Smyth: But you said we had the best plan in the country.

MR STANHOPE: shared responsibilities and provision of reliable and timely information—

MR SPEAKER: Order! Chief Minister, would you resume you seat, please. Mr Smyth, I have called you to order three or four times today. I warn you.

MR STANHOPE: The approach provides the required flexibility and adaptability when dealing with major incidents with the assistance of the SES and the fire brigade and ensures that effective incident action plans—

Mr Pratt interjecting—

MR STANHOPE: You need to understand. When you have your briefing with emergency services, they will explain to you the detail, the importance and the implications of the development of individual or effective incident action plans—

Mr Pratt interjecting—

MR STANHOPE: for each particular incident and the role that they play in our evacuation strategy. Those incident action plans will be tailored to the precise and unique situations—

Mr Pratt: You're going to write them up now, are you, Chief Minister?

MR STANHOPE: It does maximise the advantage, as we see it. We are preparing an evacuation strategy that details the unique situation and circumstances of the ACT, namely, a community of 325,000, not particularly densely populated, with wide roads generally and with plenty of open space. It provides us with an opportunity and an operational response that is not available, for instance, to the Sydney CBD or other densely populated cities.

Mr Pratt: But you still need plans.

MR STANHOPE: It recognises, of course, the importance of an all-hazards approach to emergency management that addresses both natural and non-natural threats and the extent to which they widen the evacuation requirement to include the consequences of terrorist attacks. So the ACT evacuation strategy is based on an all-hazards requirement. The work has been undertaken by ESA in collaboration with ACT Policing and reporting to the emergency management committee. The basis of the evacuation strategy is, as I indicated earlier, the Emergencies Act 2004.

To go to some of the specifics of the question that Mr Pratt asked in a broader request for an exposition on how the evacuation strategy developed and where it is at, one of the central aspects of the strategy is the capacity or the requirement to develop and implement an incident action plan in respect of the incident. What that does is require—

Mr Pratt: They're busy writing the plans now, are they, Jon?

MR STANHOPE: standard evacuation plans to have the capacity to incorporate, as I said before, the specific arrangements into each particular site and respond to the specifics of that particular incident. As to the role of the SES, as the commissioner, Mr Peter Dunn, explained at a press conference today in some detail—

Mr Pratt: So where's the plan?

MR STANHOPE: and as I think every member of this place that takes an interest in emergency management would know, the SES has been completely restructured and reorganised in the last 15 or 16 months. The SES of today is not the SES of 18 months

ago. It is now a freestanding, independent, well-trained, proud organisation that stands on its own.

Mr Pratt: Three years since the wake-up call in Bali, Jon.

MR STANHOPE: A decision was taken this week, conveyed through an email that was quoted from yesterday, that reflects the fact that the Commissioner for Emergency Services has now, as of this week, in consequence of the stage reached in the development of the evacuation strategy for the ACT, invested in the SES a major responsibility for the ongoing implementation—

Mr Pratt: Why has it taken so long?

MR STANHOPE: of the evacuation strategy, a responsibility which, until today, had been primarily borne by the urban fire service. But we now have another highly skilled, highly trained, independent unit in the SES which now, for the first time, has the commissioner's authority and the capacity, in addition to the work it traditionally carries out in relation to storm and flood, to involve itself in evacuation planning for all hazards, including, of course, terrorist incidents. It will now be the front line in terms of community consultation around the development of individual evacuation plans.

MR SPEAKER: The minister's time has expired.

MR PRATT: I ask a supplementary question. Chief Minister, if the SES says that, in fact, they have just been charged with developing the evacuation plans, the terrorist threat evacuation plans, why are you claiming that plans have already been developed?

MR STANHOPE: I just answered that.

Mr Pratt: No, no, no.

MR STANHOPE: It is because those plans, the evacuation plans, to date have been the primary responsibility of the urban fire service.

Mr Pratt: And they have not been written, have they?

MR STANHOPE: We have more than one unit involved.

Mr Pratt: And you do not have them.

MR STANHOPE: Up until now, Mr Pratt, the primary responsibility for much of the work that has been done in relation to evacuation plans was the responsibility of the urban fire service, as distinct from the SES. As of this week, the SES has taken over from the urban fire service.

Mr Pratt: Too late.

MR STANHOPE: Are we right now, up to date? Got that? Sunk in?

Mr Pratt: Too late.

MR STANHOPE: A bit too hard?

Mr Pratt: Too late, Jon.

MR STANHOPE: Work has been proceeding at pace and diligently over the past three years in relation to all aspects of our security, our preparations and our preparedness. It was confirmed today by both the Commissioner for Emergency Services and the deputy chief police officer, Commander Lancaster, that in their estimation the ACT is as well placed, as organised and as prepared as any other jurisdiction in Australia and, in some respects, we lead Australia. The primary example that I have used—

Mr Pratt: We lead Australia. Ha, ha!

MR STANHOPE: goes to the extent to which the memorandum of understanding with all media outlets in the ACT is being used as a model by Emergency Management Australia of the sorts of links and cooperation that emergency services authorities around Australia should be developing with their media outlets. It is unique that in the ACT the Emergency Services Authority has a memorandum of understanding with all electronic and, I understand, print media in the ACT in relation to the degree to which all parts of the community cooperate—

Mr Pratt: You've got nothing.

MR STANHOPE: at a time of emergency in relation to the activation of emergency evacuation plans and arrangements. Emergency Management Australia is indeed using the ACT experience in relation to that as a model.

Mr Pratt: Yeah, yeah.

MR STANHOPE: The ACT also, unfortunately, because of the number of hoax white powder incidents that we experienced in the ACT, is the only jurisdiction in Australia with recent multiple incident experience. We have learnt—

Mr Pratt: I'll bet you do not have evacuation plans.

MR STANHOPE: through that real life experience a lot about our capacity and a lot about the requirements and demands of responding—

Mr Pratt: But you have not got an evacuation plan.

MR STANHOPE: to multiple incidents at the same time. We have experience, and it is experience perhaps that one would wish we did not have but we do have, in relation to all aspects of the management, including evacuation.

Mr Pratt: You do not.

MR STANHOPE: The white powder incidents, where they occur, require automatically, in testing and trying circumstances, an evacuation. The point that needs to be made with multiple incidents—

Mr Pratt: You're a bloody disgrace, Jon.

MR STANHOPE: such as we have experienced—

MR SPEAKER: Order, Mr Pratt!

Mr Corbell: Point of order, Mr Speaker. Mr Pratt has consistently and persistently interjected throughout the Chief Minister's answer and supplementary answer. I have counted over a dozen occasions where Mr Pratt has interjected. I ask you to draw him to order and to warn him for his behaviour.

MR SPEAKER: I have called you to order three times, Mr Pratt. I think it is fair enough to issue a warning that if there are any more interjections, I will name you.

MR STANHOPE: The point I make, and I conclude on the point, is that the ACT Emergency Services Authority, in collaboration with ACT Policing, which was the lead agency in relation to the white powder incidents, which were a scourge through June and July in the ACT, has developed a degree of experience and understanding in dealing with multiple incidents, most of which included and required evacuation, that most other jurisdictions do not have.

We are as experienced, as well trained and as ready, in relation to our capacity to deal with emergency incidents across the board, whether they be natural hazards or terrorist related, as anywhere in Australia. That was confirmed today by Commissioner Dunn and deputy chief police officer Steve Lancaster. There is work that still needs to be done. The SES has just come on board and we look forward to working with the SES to continue to ratchet up our capacity in relation to this most important area.

MR SPEAKER: The minister's time has expired.

Emergency Services Authority

MRS DUNNE: Mr Speaker, my question is to the Minister for Police and Emergency Services. Minister, from comments you have made in this place and to the media it would appear that the government and/or some of its agencies has come to regard the ESA headquarters as a terrorist target. Without compromising security, can you tell the Assembly: what has been the nature of communications between the ACT and federal authorities on this issue? What other childcare centres in the ACT are considered terrorist targets because of their location?

MR HARGREAVES: I will answer the second question first. I do not know of any childcare centres that are terrorist targets. Those are your words, Mrs Dunne, not mine. No-one in my hearing has described any childcare centre as a terrorist target. We have said a number of times that there is critical infrastructure which can be regarded as sensitive in that, if it is attacked by terrorists in any form—whether it be through violence or things like white powder—and rendered inoperable, there would be a detrimental effect on the ACT community. This is particularly so in respect of the ESA headquarters, which is our communications centre for the dispatch of ambulances and fire engines. There is a range of infrastructure regarded as critical by the national

counter-terrorism committee, which I do not propose to name in this place. I am sure you will understand the reason for that.

There are two operational activities at the Curtin centre. One is about 12 months old and the other has been there for a while. As I have mentioned, one is the communications centre and the other is the emergency coordination centre. It is a very high-tech, highly sophisticated centre. When there is a significant terrorist threat it is required to operate with discreet security around it. On some occasions it is required to be locked down but, unfortunately, it is impossible to lock it down because of the collocation of the childcare centre in those premises. I do not think there is much more I can add to that.

MRS DUNNE: Mr Speaker, I have a supplementary question. Minister, you would be aware that when Sir Humphrey Appleby explained to his minister that invoking security was the ultimate tool of—

MR SPEAKER: Come to the question!

MRS DUNNE: He said that invoking security was the ultimate tool of—

MR SPEAKER: Order, Mrs Dunne! I will order you to resume your seat unless you come to the question.

MRS DUNNE: Minister, are you following the dictates of Sir Humphrey Appleby and invoking security as the ultimate tool of obfuscation, that is, invoking security as a reason for not telling the truth?

MR SPEAKER: You will have to withdraw that, Mrs Dunne.

MR HARGREAVES: I am happy to answer the question.

MR SPEAKER: I think the imputation was that you were not telling the truth. I think she should withdraw that.

MRS DUNNE: I withdraw it and substitute “not misleading the public”.

MR HARGREAVES: We are having trouble here, are not we?

MRS DUNNE: Yes, perhaps we are, but not as much as you are in!

MR HARGREAVES: Those opposite can accuse me of many things but certainly not of aping the Liberal Party’s method of communicating with the public.

Disaster planning

MRS BURKE: My question is to the Minister for Police and Emergency Services, Mr Hargreaves. Minister, in today’s *Canberra Times* the Chief Minister’s spokeswoman is quoted as saying:

On Monday, the ACT SES was tasked to take over responsibility for much of the day-to-day management and upkeep of the evacuation strategy.

Minister, the Emergencies Act 2004 establishes that the ESA is responsible for “the overall strategic direction and management of the emergency services”. Minister, why is the SES, an organisation staffed predominantly by volunteers, being made responsible for the management of the evacuation strategy when the ESA has the responsibility for this role?

MR HARGREAVES: Mr Speaker, I wonder if the Chief Minister could pass his speech to me so that I can repeat yet again to opposition members what he said. Obviously those opposite were not listening to the way the Chief Minister twice explained this matter.

Firstly, can I advise Mrs Burke that the SES is a subset of the ESA. It is not a separate organisation, Mrs Burke. It is now a recognised fighting arm within that organisation. In days gone by, the SES, because it was staffed by volunteers and did not have a particular leadership and management infrastructure, was regarded as a bit of a Cinderella service. Such is not the case anymore. There are administrative arrangements. There is very significant and professional leadership in the SES. Also within the ESA, dedicated deliberately to the SES, there are logistics and planning people and, as I said, very professional leadership.

Over the last wee while and particularly over the past 12 months, significant training has been delivered to SES officers. In the judgment of the executive of the ESA, the volunteers and the managers in the SES have the competency to assist and are quite capable of assisting something like 2,500 building owners and managers around town. They have the job of working with these people to develop their incident action plans and evacuation plans for their buildings. There is a need for some parts of the community to take responsibility for their own evaluation plans, and this has to be done in partnership with the government. Of course, the ESA will be the agency of the government that the partnership will be with. As the Chief Minister so eloquently pointed out repeatedly, this hitherto was done by the urban fire brigade.

We now have the benefit of an additional resource. We can reach more people over time. We can have expertise delivered to building managers. I do not think I will go over again what was said by the Chief Minister. I will leave it at that.

MRS BURKE: Mr Speaker, I ask a supplementary question. Minister, if the ACT SES is being tasked in this way, what will the staff of the ESA be doing and do they have the resources?

MR HARGREAVES: Mr Speaker, I have already answered that question. I will have to do a Jon Stanhope and repeat what I said—I will have to say it again. The SES officers are now in a position where they can actually assist building owners and managers with the development of real-time incident action plans and evacuation plans. We now have an opportunity for trained people to have dialogue with building owners and managers. To answer Mrs Burke’s second question, we have an increasing number of people within the SES because people still volunteer to joint it. We are getting more and that is why we have training regimes.

All I can say is that in this instance it is pretty poor form for Mrs Burke and her colleagues to denigrate the work that these officers perform.

Mrs Burke: Point of order, Mr Speaker. I do not believe that the minister answered the question correctly. I was asking that if the ACT SES is being tasked in this way, what will the staff of the ESA be doing?

MR SPEAKER: Order! Mrs Burke, there is no point of order.

Mrs Burke: Mr Speaker, with respect, the minister was talking about the SES. I was asking about the ESA.

MR SPEAKER: The minister has answered the question and that is the end of the matter.

Policing—Civic

MR SESELJA: My question is directed to the minister for police. I refer to the report in today's *Canberra Times* about the assault on a university student in Civic in the early hours of Saturday morning. The student was seriously injured and remains in hospital. Minister, according to this report, a spokeswoman for you is quoted as saying:

... I urge everyone to take responsibility for their own actions ...

This student had been to the cinema and was walking with a friend. In what ways was this student not being responsible for his own safety and welfare?

MR HARGREAVES: This an individual incident; it is about a specific case. There are facts about this case that, in the interests of the privacy of that particular victim, shall not be made public. Mr Seselja is fast running out of the excuse of being a new bloke in this place, even if he is still learning.

Mr Seselja: We are asking about public statements by your spokesperson.

MR HARGREAVES: He insists that the facts are X. As a person trained in these matters, he should know better.

Mr Seselja: I am going on your spokesperson's statements.

MR SPEAKER: Order! Mr Seselja has asked a question. Mr Seselja, it might be best if you cease your interjections so that the minister can address the issues that you have raised.

MR HARGREAVES: Mr Seselja really should ascertain all the facts, not the selected ones that he brings out here. There is considerably more to this story than he is aware of.

Mr Stefaniak: It's in the paper.

MR HARGREAVES: Of course, Mr Stefaniak—interjecting yet again—quotes the gospel according to the *Canberra Times*. That is very limited reading. I suggest that you stick to your Harry Potter books, Mr Stefaniak.

I fully support what my spokeswoman said in the *Canberra Times* today, because she is dead right. Is Mr Seselja asking us to say to people, “Do not look over your shoulder when you go to an ATM machine. Do not worry about who might be following you or lurking around. Go down as many dark alleys as you like—feel free”? Is Mr Seselja suggesting that we should be telling people, “Nah, do not worry about looking after yourself. Do not worry about walking through places which might have some problem”?

This is clearly a lead-in, a bit of a set-up. It is a really tricky question. I have to tell you that I do not see the problem as being the way you guys portray it: that we have massive gangs roaming the streets of Civic. We do not have a problem with systemic violence in the ACT. I accent the word “systemic”.

I do not believe that these isolated and unusual incidents warrant the concerns expressed in the media. It is an overreaction, and it is an overreaction perpetrated by you lot. I am very comfortable with the police’s approach in Civic at the minute, and particularly in other areas such as Manuka. Civic is obviously one of the popular places to go out, particularly on Thursday, Friday or Saturday night. But people consume alcohol and unfortunately, in some instances, illegal drugs. This presents a challenge to the police.

To combat this, ACT Policing increases its presence on Thursday, Friday and Saturday nights. One of the ways that they do that is through the city beat teams. The prime focus of these teams is to provide a police presence in the Civic retail and entertainment precinct. This is delivered through a physical and mobile police presence rather than via a static shopfront, where intelligence, community liaison and law enforcement activities rely on the community consciously making an effort to enter the building. The city beat team undertakes both foot and vehicle patrols in and around the city area and patrols the Canberra city central business district. That is the role of the police.

People need to be careful in any place in the world. This town, in that sense, is no different. I think it was a planning document issued fairly recently—by the Canberra central taskforce, I think—that said that Canberra is one of the safest cities in this country, if not the world. For these guys to try to beat it up, so that people are too scared to come out of their houses, is irresponsible in the extreme. I suggest this to Mr Seselja, very sincerely and without any ulterior motive: check all of your facts, because one day you will be very seriously embarrassed, my boy.

Carers

MS PORTER: My question is to the Minister for Disability, Housing and Community Services. Can the minister advise the Assembly of the Stanhope government’s support for projects that improve the recognition and support of Canberra’s carers?

MR HARGREAVES: I thank Ms Porter for the question. The caring for carers policy tabled in December 2003 embodies the ACT government’s commitment to better acknowledge carers and better address their needs. In the 2004-05 budget, the ACT government announced new funding of \$830,000 over four years to support the implementation of the caring for carers policy. I am very pleased to advise the Assembly that through the 2005-06 carer recognition grants program, the ACT government is

providing \$200,000 to community organisations and projects that improve the recognition and support of Canberra's carers.

Community organisations can apply for grants of up to \$60,000 for innovative projects through the program. I would urge those opposite to listen, if they purport to represent constituents—albeit not very many of them. The government is seeking to fund two types of projects. The first one is a carer support project to improve the capacity, skills, knowledge and networks of carers and former carers. These projects might include advice and counselling, written resources, carer peer support groups and social and recreational opportunities. The second is strategic projects to inform the future development of innovative and responsive supports for carers. These projects will include professional development and a research project to investigate appropriate and responsive respite models for people, and their families, who are affected by mental health and/or alcohol or other drug issues.

The 2005-06 carer recognition grants program will be advertised in the *Canberra Times* on Saturday, 27 August 2005. An information session for interested applicants will be held on Wednesday, 7 September and applications close on Friday, 7 October 2005. I encourage interested community organisations to participate in programs to further enhance the recognition and support of the territory's estimated 43,000 carers—and the word carer covers a wide range. I would at this point like to take a moment to congratulate the Youth Coalition of the ACT for its support of young carers in this town. We often forget—when we think of carers, we think of older people looking after disabled young people or we think of older people looking after increasingly ageing disabled offspring—that there are many young kids in this town, some as young as 10, providing support and care for a parent or parents or siblings who have a disability.

I urge those opposite, where they know of people in these categories, to bring this carer recognition grants program to their attention, because we are trying to reach out to the carers in our community and support them. I think this is a very sensitive initiative by the Stanhope government and it needs bipartisan support.

Legal action

MR STEFANIAK: Mr Speaker, my question is to the Attorney-General. Attorney, on 2CC on Monday 22 August you said that the appeal against the coroner would not cost the ACT taxpayer anything as it was all covered by insurance. Why did you make that claim when the former head of your department told the estimates committee that \$8.3 million had been spent on legal fees, which included the appeals up to 30 April, and that approximately \$5 million of that total cost was covered by insurance?

MR STANHOPE: In relation to the comment I made on 2CC on Monday morning, I must say that I had another very significant, most interesting, entertaining and learned interview this morning with Mr Jeffreys. Mr Jeffreys, who is not known for his soft, sympathetic support for this side of politics, asked me if I agreed with his assessment or instinct that the *Canberra Times* had turned against me. It is interesting, is not it, when you get a commentator with Mr Jeffreys's particular view of the world suggesting that there are others out there who are having a go at me! I demurred from answering that, of course, suggesting that I had noticed no such thing.

Mr Hargreaves: It is your natural shyness!

MR STANHOPE: When you get objective observers with the particular world view that Mr Jeffreys has, thinking up these things about some of his colleagues within the profession, one wonders. You know well the point I made, Mr Stefaniak, because you preceded me, making some quite outrageous statements which you repeated a number of times in relation to certain facts.

The context is precisely this: as you know, I responded to the specific remarks you made in relation to the cost of the application and the claim that has been put about—that I have seen reported repeatedly—about my involvement in supporting the application costing ACT taxpayers \$1.8 million. As everybody knows, that is simply not true because the vast majority of that amount was covered by insurance, although not all of it.

MR STEFANIAK: You said it was all of it!

MR STANHOPE: No, no. The point I made—and I will endeavour to get the transcript, Mr Stefaniak—I remember well. You made the claim again, as you have made repeatedly, that I joined the application at a cost to the ACT government of \$1.8 million and that the fact that I joined the application had delayed the coronial inquest by 10 months. What I said to Mr Jeffreys was that the application would have been made in any event by the nine individuals. It would still have taken 10 months and to say, as you have been saying repeatedly, ad nauseam, that—

Mr Stefaniak: You said it would cost us nothing, though.

MR STANHOPE: No, let me finish. You made two claims, Mr Stefaniak: one, that my involvement had cost the taxpayer \$1.8 million; and, two, that my involvement had delayed the inquest by 10 months. Let me correct the record. The fact that I joined an application that was occurring anyway, which would have happened, did not add one single day to the inquest because the application would have been made in any event. The fact that there were 10, and not nine, parties to the application did not add a single day to the application. I remember precisely what you said, Mr Stefaniak.

MR SPEAKER: Order! Chief Minister, direct your comments through the chair, please.

MR STANHOPE: You said, “The Attorney-General now has to acknowledge that he has cost the taxpayer \$1.8 million and he has delayed the inquest by 10 months.” Neither of those assertions is true. They are both false. My involvement did not add one single day to a process that would have run in any event. The ACT government’s costs through the ACT government’s joining the application, as such, did not add any cost because the costs were covered by insurance. The costs that were not covered by insurance were the costs of the DPP, which would have been incurred in any event, because there were nine other applicants. It is quite clear and straightforward, Mr Stefaniak. You have been spinning and spinning and misleading, misleading, misleading on this. What you have said is simply false. I make the point that it is false.

MR STEFANIAK: I ask a supplementary question. I thank the Chief Minister for that answer. Would you provide up-to-date figures of the total costs of the appeal to date, including how much we actually get back on insurance, by close of business today?

MR STANHOPE: I am happy to provide those costs, but not by close of business today.

Business migration program

MS MacDONALD: My question is to the Minister for Economic Development and Business, Mr Quinlan. Minister, last month you launched the ACT skilled and business migration program. Can you report to the Assembly on the response to the new program since its inception and on the number of applications that have been approved to date?

MR QUINLAN: I thank Ms MacDonald for her question. I think members of this Assembly would be aware that there is a skills shortage. It is a national skills shortage and not unique to the ACT but, nevertheless, it impacts on the ACT. We are at that point in the economic cycle where there is a very tight labour market. This government has reacted by providing additional funds for vocational education training in the last couple of budgets. We put \$10 million into the University of Canberra to develop our allied health professionals to try to meet shortages in those areas. Those shortages have been identified by the federal Department of Immigration, Multicultural and Indigenous Affairs, and are virtually at the top of their list of current migration occupations in demand.

This government has resurrected its skilled and business migration program after some of the difficulties that have occurred have been cleaned up and put to rest. I am very happy to advise the Assembly that the response to our program, and to our seeking skilled migrants and business migration, has been very positive. In attracting immigrants, we know there will be both economic and social benefits for the territory. We have had over 60 skilled and business migration applications since the launch of the program on 12 July. So, in the space of a month, there have been 60 applications, with 29 of the applications being certified for permanent residence under the regional sponsored migration scheme.

The occupations designated as having a skills shortage range from academia, research and ICT through to health professionals. The top three countries of origin are the UK, Germany and Russia. Fifteen overseas employees have been certified under temporary long-stay business visas in hospitality, health and construction. The countries of origin of these are the Philippines, Brazil and, once again, Germany. On the business side, 17 applications have been sponsored under the business-owners scheme. It is worth noting that all of those business applications are from China. They include retail, alternative medicine, property development, design and printing and tourism.

I think members can see that the work that is being done is bearing fruit, and will continue to bear fruit, and will in its own way contribute to solving the problem we have with skills shortages. I made the point at a media interview today that addressing skills shortages is not the sole province of government. There is a responsibility on the part of industry and commerce for them to continue to develop skills. I think it has become fairly clear over the last decade or more that industry, in terms of traineeships and

professional development, has dropped the ball. We need to lift our game across the board. This government is happy to work with industry—not for industry—and will continue to work with industry to address the skills shortages.

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

Supplementary answers to questions without notice **Ms Clea Rose**

MR STANHOPE: Mr Speaker, I refer to yesterday's question time. Mr Smyth asked:

My question is directed to the Chief Minister. Chief Minister, now that a young woman has died as a result of injuries she sustained in the recent hit-and-run accident in Civic, will there be a coronial investigation into the circumstances surrounding her death?

I provide the following information for members. I have sought further advice from the department and can inform the Assembly that, under the provisions of the Coroners Act 1997, the coroner will not proceed with an inquiry, or consider proceeding with an inquiry, until criminal proceedings have been dealt with. The decision as to whether a formal inquiry will be undertaken following the criminal charges is a matter for the coroner.

Public Sector Management Amendment Bill 2005 (No 2)

Debate resumed from 29 June 2005, on motion by **Mr Berry**:

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (3.32): This bill rightly identifies the appropriateness of the need to change the process of appointment for the Clerk of the Assembly. The Clerk of the Assembly is an important role in the ACT body politic. In particular, the role of the Clerk of the Assembly is to serve the interests of the Assembly, principally through the presiding officer, the Speaker but, more broadly, to all members.

We all acknowledge and recognise the importance of separating the role of the legislature from the executive and, to date, the appointment of the Clerk of the Assembly has been an unusual circumstance, because it has been the role of the executive to appoint the Clerk, or an element of the executive to appoint the Clerk. It is important that we draw the distinction not just in practice and convention but also in law to ensure that the appointment of the Clerk of the Assembly is made by the Assembly itself.

This bill recognises that it will be the role of the presiding officer, the Speaker, to appoint the Clerk rather than an officer of the executive or on behalf of the executive. This change is, I think, an important symbolic change. It recognises a growing maturity in this place that the Clerk, and the officers of the Assembly more broadly, are distinct elements from the broader territory administration. This change to the Public Sector Management Act recognises that growing maturity, and obviously the government will be supporting this bill.

DR FOSKEY (Molonglo) (3.34): I support the Public Sector Management Amendment Bill (No 2) because it better establishes the separation of powers between the administration and the parliament of the ACT, thus awarding the Assembly secretariat its due status. As we are well aware, the separation of powers is much in the public eye at present. In this case, it is perhaps self-evident that it is not appropriate for the Assembly, our parliament, to be answerable to the Chief Minister of the government by way of his chief executive. Rather, the Assembly is answerable to the electorate, which, in practice, makes the Speaker the relevant minister and the Clerk the Assembly's chief executive.

I support the amendments that allow for greater independence in the selection of the Clerk, that bring the Clerk's pecuniary interest declaration into line with other CEOs and that provide more flexibility around the selection of an acting clerk. I also support the requirement that the Commissioner for Public Administration receive approval of the Speaker before investigating the Legislative Assembly secretariat, as this is the current practice for the Chief Minister and the Chief Minister's Department. In closing, I would like to add that I find the work of our secretariat to be of a very high professional standard, especially in its client service. It is certainly much appreciated in my office.

MR SMYTH (Brindabella—Leader of the Opposition) (3.35): The Liberal Party will also be supporting the Public Sector Management Amendment Bill 2005 (No 2). I thank the Speaker for bringing it to the attention of the chamber. As outlined, this is about the separation of powers. Currently, the power to appoint the Clerk resides with the executive, which is clearly inappropriate. We only appoint a clerk every now and then or, in the case of the Assembly, once every 15 years approximately. It has therefore come to the attention of those involved with the process that the Speaker does not have the responsibility that he should have. The bill also clarifies, importantly, the existence of the Assembly secretariat as a discrete unit within the ACT public service. Currently, the act only allows for officers assisting the Clerk, which I think is a bit vague. This gives certainty for the secretariat as well, which is very important. As I said, we will be supporting the bill.

MR BERRY (Ginninderra) (3.37), in reply: I thank members for their support of this bill. Mr Corbell hit the nail on the head, I think, when he talked about the symbolism of the bill because, in practice, that is what will occur. Whilst we in this Assembly inherited what we were given in the first place, so far as the management of the Clerk's position is concerned, Mr Smyth made the salient point that one does not get a chance to consider these issues, and the legislation which deals with the appointment of the Clerk gathers dust for many years in between its application. The appointment of the most recent Clerk gave cause to look through these provisions and bring them up to date with Assembly practice. I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Supplementary answers to questions without notice Canberra Hospital—psychiatric unit

MR CORBELL: In question time today Mr Smyth, in a question directed to me, made an allegation of self-harm by a client of the psychiatric services unit. I advise members and Mr Smyth that no report has been made of a client at the psychiatric services unit obtaining a knife, and inflicting self-harm or stabbing themselves. No report has been made to the General Manager of ACT Mental Health, nor has it been brought to the attention of management of the psychiatric services unit. The Australian Federal Police did bring a client to the psychiatric services unit yesterday. That client was found to have a knife and this knife was immediately confiscated. However, no self-harm incident has been reported, and I am advised it did not occur.

Fair trade products

DR FOSKEY (Molonglo) (3.40): I move:

That this Assembly:

- (1) recognising the imbalance in bargaining power between the small-scale growers of tea and coffee and the much larger international businesses that purchase, distribute and market the bulk of that product in the developed world;
- (2) acknowledging:
 - (a) the capacity of organisations and businesses to accept the responsibility for the social and environmental impact of their purchasing decisions; and
 - (b) the significance of such actions both practically and symbolically;
- (3) adopts a policy of the preferential purchase of tea and coffee from accredited “fair trade” suppliers in every possible situation;
- (4) indicate its preference for fair trade products whenever they are served to visitors and the public; and
- (5) calls on the ACT Government to pursue a similar policy through its agencies and its activities.

This may seem like a small thing to do to make us feel good, and I hope it does make us feel good. We hear so much about free trade in the media and elsewhere. Australia is a signatory to World Trade Organisation agreements. We have just signed a free trade agreement with the United States. We are negotiating an agreement with China and we are trying to get into ASEAN. So free trade is the go; but free trade is not fair trade. What happens with free trade is that it tips the balance towards those countries and businesses that are already doing quite well. I could speak at great length about this issue but I am referring here to fair trade, particularly agricultural trade, and just want to indicate how free trade policies are affecting the world’s farmers.

Last week I had the pleasure of having lunch with a man called Davinda Sharma who is an Indian advocate of fair trade. Mr Sharma had appalling stories about farmers in India—hundreds of thousands of farmers suiciding, farmers going under, farmers who cannot feed their families, farmers whose crops fail and farmers who get paid very poorly for their crops, for their livelihood. We all know that World Trade Organisation meetings, and there is one next month in Hong Kong—Australia is part of the Cairns Group so in this one we are bit on the side of the angels—are about getting the US and Europe to drop their subsidies, because that effectively closes their markets to developing countries that have all been exhorted to take up export-oriented agricultural policies. It also gives their products an unfair advantage around the world. Australia is having this problem, too. We cannot get our goods into those markets and I believe the US Free Trade Agreement will not make an iota of difference to that.

Fair trade would pay farmers for at least the value of the work they put into producing products, and it would even the playing field so that developing countries could trade on with countries like the US and even Australia. As consumers, we are only one part of the picture—the last stop if you like. The big picture of food production includes regional, global and bilateral trade agreements, which are often influenced in various ways by the International Monetary Fund and the World Bank. For instance, in Indonesia during the 1998 economic crisis the structural adjustment program inflicted on Indonesia by the IMF and World Bank committed them to greater and greater export-oriented policies, to austerity measures and so on. That has exacerbated the poverty of many groups in that country, and that is just one example from around the world.

The policies of these bodies—WTO, IMF and World Bank—work together to groom market-oriented approaches that favour the growing of cash crops over subsistence crops. The aim is to bring everyone into the economy. We live in a world of agribusiness oligopolies. Just as the majority of company profits end up in the hands of the few, much of the world's food is produced by a few multinationals. They would number fewer than the fingers on my hands. These large companies, not being local to the area where the food is grown, generally have little regard for soil and water degradation, chemical build-up from pesticides, herbicides and fungicides, and they provide little economic sustainability for the producers.

As an Assembly, we can set an example. We have the opportunity to be the first and the only Australian parliament to take steps on an official level to make trade fair, thereby helping poorer farmers from developing countries rather than exploiting them for our caffeine habits. Taking this step will not only set an example for businesses, organisations and residents of the ACT, and other government departments, but also show leadership to other parliaments around Australia by showing them that it is an easy, feel-good, step to take. Fair trade certification allows ordinary people to know that they are purchasing products that support the communities where the product is grown and made. They know that with their purchase they are making a decision for social justice, ecological sustainability and economic security, thereby protecting the human rights of women, children and indigenous people to be free of exploitation in the production process. In Africa, for instance, women make up 80 per cent of Africa's farmers.

Fair trade is not only about ensuring that workers are paid properly: there is also an important ethos running through the process to change some of the production practices

to be healthier for the community over the long term. Environmental sustainability is the key to this. Indigenous populations have a deep connection to their land, and often they have had to change from a subsistence lifestyle to a cash-crop approach. Fair trade gives those communities an opportunity to determine for themselves the kind of community they would like, in the context of bringing in an income sufficient to ensure that the whole community can support itself in a sustainable way.

What does fair trade mean? It means fair pay, good working conditions and the right to unionise. Many fair trade communities have established workers' cooperatives to give workers a decisive say in the production methods and a fair share in the profits. A workers' cooperative is an interesting structure because it is an alternative to the full profit structure based upon standard democratic principles. Here, we have become very used to the partnership, the sole trader and the company. The cooperative is a method often used in Third World countries and certainly in alternative societies. It is not designed to maximise profits or returns to investors, but rather to bring to the workplace many of the rights and responsibilities that we have as citizens in our communities.

These principles include one-person, one-vote, open access to information—that is, open book management—free speech and the equitable distribution of resources such as incomes. These are not features of the multinational companies that benefit from the free trade and rely on cheap labour to make the highest profit. Many of us might think that child slave labour is an issue from the past but that is not true. Slave labour is a serious issue because stopping the cycle that causes it is very difficult. Many countries in the world have child slave labour simply because of the immense poverty and the need to make money.

Much of what we buy could in fact be harvested, made or crafted by children from Third World nations. Many people do not realise that some of the items we have at home and use daily are imported and therefore potentially at the risk of being made by slave or child labour. Slave labour is so close to home that you can taste it, maybe you are wearing something, whether it be clothing or shoes. More than 90 per cent of all cocoa from the Ivory Coast in Africa is procured with the help of child labour. Many children begin working at a young age, which prohibits them from getting an education that would stop the cycle of illiteracy and poverty. These types of conditions are taken advantage of for trafficking children, not just for sex purposes but as cheap and free labour.

Cacao prices are very low and, as long as they are kept low, corporate prices are high. Some plantations use this as an excuse for slavery. Many companies try to avoid slave chocolate. However, the five largest manufacturers, Nestle, Mars, Hershey, Cadbury and Phillip Morris—yes, they do make chocolate—do not. They claim they have no control over the problem, which is not true. The only way they will learn is if we avoid their products. There are a number of examples of industries around the globe that are renowned for the exploitation of workers. We know that garment and shoe companies in Australia and elsewhere rely on sweated labour. It is a global campaign that has brought the working conditions of Nike workers, for instance, to light and has put pressure on Nike to improve workers' conditions. But they have also opened market niches for the fair trade companies, which produce similar products in fully unionised factories in safe and fair conditions.

I am going to use coffee as a case study. There is a crisis destroying the livelihoods of 25 million coffee producers around the world. The price of coffee has fallen by around 30 per cent in real terms in the last 15 years to a 100-year low. Our cappuccino prices might go up but the return to farmers in developing countries goes down. Even the World Bank, after doing a study of sustainable coffee markets, has taken a positive stance on fair trade. I have some case studies here but I do not have time to go into them. In short, farmers who grow coffee are now getting less than they put in when they sell it and, given that some of these people are not living on incomes that keep them well fed, that is a disaster.

East Timor, our neighbour, has an interesting solution to this. The Cooperative Cafe Timor is a cooperative organisation of the organic coffee farmers of East Timor. There are currently 19,000 farmer members. East Timorese farmers founded CCT to fill the void left after gaining independence from Indonesia in late 1999. CCT processes, transports and exports the Timorese farmers' annual coffee crop. Its aim is to get the highest possible price for their coffee, and 98 per cent of these farmers' income is generated by coffee. The initiative is supported by USAID. It also involves offering primary health services to coffee farmers, which is a good thing, and reducing dependency on aid in the long term.

I now move to Mr Quinlan's amendment. I cannot see the difference between Mr Quinlan's part (3), except that his words are less emphatic than ours. I am disappointed in his rejection, or the government's rejection, of part (4). Just by way of clarification, when we talk about letting consumers know that they are being served fair trade products, it might be a little notice on the table or a sticker near the urn. We do not think that is too hard or undignified. Part (5) of our motion would have led us to be proactive on this issue, just to try and get other government departments doing so.

I think it is disappointing that the government has chosen to pussyfoot on this one—to put just a toe in the fair trade camp instead of an entire foot. I am tabling an amendment to Mr Quinlan's amendment to ensure that we set an example, that we need to demonstrate what we are doing otherwise there is less point in doing it. How can we be leaders if people do not know we are doing it? We reluctantly accept the replacement words from Mr Quinlan's part (3) because we think it is important to get the motion through, but we do commend our amendment to you. We are a small Assembly but, by adopting this motion, we can make a difference. In the words of that discredited exploiter of labour, Nike, let us "just do it".

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (3.55): I will move the amendment circulated in my name immediately. I move:

Omit paragraphs (3), (4) and (5), substitute:

“(3) where possible, and in accordance with prevailing legislative requirements, supports the use of products from accredited ‘Fair trade’ suppliers.”.

I will now speak to both the original proposition and the amendment. Let me say that one cannot argue with motherhood, and you would have to say that this is a very worthy sentiment, and I do not mean that in a patronising way. I have done a little personal research on fair trade and I understand the concept and understand the consequences of there not being a process such as this.

The motion itself talks about tea and coffee, and I suppose they are some of the products that we in this place might use a little more than honey, sugar, rice, fresh fruit juices and sports goods, which, so far, have been covered by the free trade labelling organisations certification process. Of course, there are other labelling mechanisms around the world and other initiatives of a similar nature that set out to label products as having been purchased in a fair and ethical way or, at least, the base materials have been purchased in a fair and ethical way. I think it is a very commendable process. Today I want to make a commitment; in fact, I have already issued the instructions. Having read Dr Foskey's motion, and having done a bit of research myself, we will—in reviewing the purchasing processes that are in place, and the legislation and the regulations that we put in place to govern our purchasing—take into account the fair trade philosophy and do what we can to make sure that this process is incorporated or at least taken into account in the purchasing that we do.

We have a purchasing regime, a procurement policy, which has a number of principles included in it: value for money, open competition, probity and environmental sustainability and ethical suppliers. It is a moot point as to whether that parameter that we place on purchasing would be sufficient to take into account fair trade certification. I do not think it will so, in our examination of the purchasing procedures scheduled for this year or early next year, we will take into account this process, particularly under that guideline that we have in our purchasing principles.

At the same time, there will be many products that do not necessarily have their roots in exploitation but are not certified as fair trade items. If we are going to do this, if we are going to look at it, let us not make it a gesture. Let us take it into account and build it into the purchasing process. We will do that but we will also have to take into account, whether we like it or not, the procurement agreements and free trade agreements that have been signed. We have to take into account those governing agreements within our purchasing procedures and we also have to take into account our own parameters such as buying Australian, for example. There may well be many products that are not necessarily fair trade certified products, or similar certification, but nevertheless we would at least assume that they do not have the base materials provided under some exploitative regime.

This does smack of a grand gesture. If it is only tea and coffee, and only tea and coffee consumed in this Assembly, then it is purely a gesture. I would not like to think we were involving ourselves in that sort of process but, rather, be a little more serious and look at the potential and the growth of fair trade initiatives across the world. At some future time, we may find that quite a number of products would fit into the same category and would have the same problem of exploitation of the production of base materials associated with them. We probably should have a regime that is practical, workable and takes into account every opportunity. I give this Assembly the commitment that we will conduct a review, and it is scheduled to be conducted, and it will take into account

international movements on fair trade initiatives. They will of course have to be balanced off against any free trade agreements that we have made or that are imposed upon us and we have to abide by. The parameter will have to live side by side with other parameters that we must take into account such as buying Australian and supporting local industry where we can. Those other guidelines in place may be changed as a function of the review.

In relation to clause (4) of the motion, putting little signs on teacups or urns, I do not think we want to go there. From time to time, various delegations are entertained in this place, and in each case I think it would be wise to exercise diplomacy appropriate to the particular event, the particular delegation. I cannot really imagine a situation where it would be a problem, but I do not think I want to bind the Assembly to putting little notices on coffee pots or teapots, saying that the coffee or tea contained herein is fair trade coffee or tea.

The amendment circulated in my name does largely emasculate what Dr Foskey has put forward, and that is unfortunate, but I think, in practical terms, it is as far as we can go now. I give the commitment that we will incorporate considerations that have given rise to fair trade initiatives and, hopefully, the growth of fair trade labelling across the globe, into the purchasing procedures as they are reviewed.

DR FOSKEY (Molonglo) (4.04): I will move the amendment, to Mr Quinlan's amendment, circulated in my name. I move:

Omit (4).

This morning the Clerk tabled a petition that I had received, which had been organised by Oxfam, the ACT group. There were 124 signatures at that point and I am advised that three more pages have come in with 54 more signatures and no doubt, this being the way of things, more signatures will arrive. We are dealing with it this week but people, when signing the petition, do not know that. I think this shows that ACT people are getting behind the idea of a fair trade Assembly. I think, on the whole, ACT people want to live a life that is least harmful to the planet and most beneficial to social justice. I say on the whole because I certainly come across people with those concerns.

At the moment, we have got the opposite with people paying huge amounts of money just to support and advertise the logo of multinational companies. We probably all have teenage children that we cannot discourage from paying that extra \$20 or \$30 for somebody's copyright on their T-shirt, and we also know that cups in many coffee shops advertise the coffee they serve. I am not proposing anything like that. I do not want us all to suddenly start sporting fair trade T-shirts, nor do I think we need to have a label on every cup or coffee pot. I was just suggesting a little cardboard thing; we have very large ones we use as name tags in the committee rooms, but I am talking about very small, very discreet, even beautiful, ones placed just near the urn. People can see it or not. If we are entertaining people to tea and coffee who would find that very uncomfortable well, good, let us have a conversation with them about it.

There is a display of fair trade products in the lobby and I invite members to have a look but not to eat. There is some excellent chocolate there. These products may be purchased from Mooble, which is a shop in Bailey's Arcade that specialises in fair trade and other

products. I am sure similar products can be purchased from the Oxfam shop and I believe Coles is getting in on the act—I am not so sure about Woolworths but, just to be even-handed, I will mention their name. You can go to Cafe Essen and buy a fair trade cup of coffee and, believe it or not, you can even go to that chain store, Starbucks, and know that, while you may be destroying other smaller locally owned coffee shops, you are drinking fair trade coffee.

In terms of it being a token gesture, I ask: where do we start to make a difference? We can all talk, and no doubt we all do, we can complain about the state of the world and we can all get very frustrated, especially if we are not drinking fair trade coffee at the time, but I would hope that individual members might make decisions when they purchase tea and coffee for their offices or their homes that they might just now have an awareness and look for that sign on the packet.

A couple of weeks ago we had a whole cavalcade of farmers on tractors in the ACT. They were from the fair dinkum food campaign, a related campaign but a little different. It is about getting labelling so that people can tell when they are buying an Australian product. At the moment it can say “Made in Australia” but it might only be the jar that is made in Australia and the jam might be made anywhere. As purchasers, we do have a lot of power. It meant a lot to those farmers to get correct labelling, and it is another way that one can make a difference in many of our purchases. But, in our case, I think fair trade for the Assembly is a good way to go. I still think we should let people know that we are doing it, even if it is subtly and only people with very good eyesight can read the signs. I commend my amendment to you.

Dr Foskey’s amendment to Mr Quinlan’s proposed amendment negatived.

Mr Quinlan’s amendment agreed to.

Motion, as amended, agreed to.

Kippax library

MS PORTER (Ginninderra) (4.11): I move:

That this Assembly:

- (1) welcomes the opening of a permanent library facility at Kippax;
- (2) applauds the process of consultation undertaken during the preparation and planning stages of the new Kippax Library; and
- (3) encourages residents of the Belconnen region to make use of this new multi-purpose facility.

I am delighted to move this motion today as it corresponds with the realisation of a service which has been talked about in this place for a long time now and has been delivered by the Stanhope government. I speak, of course, of the provision of a permanent facility to house the collections and resources which make up the Kippax library located in the heart of west Belconnen.

As we spoke about this morning, the west Belconnen area is enjoying significant delivery of services from the Stanhope government, and the unveiling of the \$3.5 million Kippax library is yet another example of this government's long-term commitment to the cultural and educational growth of the people of the ACT and the people of west Belconnen in particular. I have no doubt that the Belconnen Community Council, whose meetings I regularly attend, will be delighted with the launch of this new facility.

While the temporary facility was well utilised and much valued by most of the community, the complex itself had long passed its use-by-date. This facility, at over 800 square metres, is almost four times as large as the temporary facility which has been used to house the Kippax public library collections until this point. This extension of floor space means not only a more pleasant environment for the users of Kippax library but also the library now has the capability to increase the size of their publicly available catalogue and provide even more facilities for communal use, thus enabling the further instigation of community activities, which this government has committed to sustain and encourage.

The government has also further delivered on its commitment to the public provision of information technology education, through the provision of a multipurpose community room, with 10 computers for public use, including six with free internet access and two with the capability to run advanced software such as dream weaver, photoshop and Microsoft office. In yet another example of the government's commitment to its diverse community, the computer facilities also provide free-of-charge software which can be used as an aid for those studying English as a second language.

The financial commitment to this facility does not stop with the construction of bricks and mortar, of course. The package includes a further \$595,000 to increase the size and diversity of the library's catalogue, enabling readers to widen the range of their study and recreational reading.

It is important that our community embrace the advent of new technology, and we all know that ACT residents do. However, at the same time, we need to continue to appreciate the more traditional features of a library. This library allows for both. The increase in the collection will enable the library's catalogue to complete its leap into the 21st century, with the introduction of DVDs, audio books and picture novels, as well as allowing for the leasing of contemporary CDs. Libraries are no longer seen as long halls of books and papers but a place where the written word exits alongside the most advanced forms of communication—an enriching and exciting environment.

I am proud to be part of a government that has delivered a 21st century library facility to the community I represent, and I personally look forward to using this facility. I am sure that I will not be alone when using this facility, because it has essentially been designed by and for the community it services. During the design, preparation and planning stages of the library project, the west Belconnen community was involved in numerous discussions with both government and design officials.

As well as this, the Department of Urban Services hosted a number of community fora during the design and construction phases; and emerging from these meetings were an abundance of positive suggestions which were eventually incorporated into the final

product. For example, during the collection-building phase, a presentation was held at Dymocks Belconnen where attendees were able to suggest titles for purchase and to request specific services be incorporated into the master plan.

As we have discussed many times today, this government values the perspective of service users and accordingly listens through every available mechanism it has at its disposal and incorporates the feedback it receives in relation to its proposed policies and announcements. The library facility, which will be officially opened by Mr Stanhope on Tuesday morning, is a great example of the outcome of this positive community consultation—something which our colleagues opposite never really understood during their time on the government benches. That is why they never took innovative projects like the Kippax library any further than the basic rhetoric that we have come to expect from them.

The Liberal Party can dispute such claims till the cows come home but history does not lie. For six years, the Carnell-Humphries Liberal government ignored the demonstrated need of the west Belconnen region and, for instance, subjected readers in the area to the old portable shed that this facility replaces. The Stanhope government could not and would not allow such a state of affairs to continue and accordingly decided the time was right to act.

The Stanhope government is making a real financial commitment to education and culture in Ginninderra. The \$3.5 million commitment to this facility is yet another example of this commitment. There is no better investment than one made in shaping the educational future of our society. This is a principle that the Stanhope government has long recognised, and today's debates have shown that it is a principle that this government does act upon.

The books, tapes, DVDs, meeting rooms and services which are provided to the Kippax community from this library will result in tangible benefits for that community, both in a social and an economic sense. For instance, residents are more willing to participate in the community if centralised facilities like the Kippax library's multipurpose community room are available.

Government can, however, only go so far. The west Belconnen public and indeed residents from the whole Ginninderra region are the important other half of this equation—the people who will make good use of these facilities. The area has now been provided with up-to-date recourses and facilities that further enable exploration of literature, history, fiction and fantasy. Books can take us on adventures which one could only dream of; they open our eyes to wonders across the world; they challenge our ideas and quench our continual thirst for knowledge.

Books and reading have always been an important part of my life. I fondly remember, as a child, visiting my local library in Purley, Surrey, England. It was a very different place to the modern facility the Stanhope government has delivered to the Kippax community. Irrespective of the surroundings I found myself in, it was a place that enabled my imagination to take flight and my life-long quest for knowledge to begin.

I remember clearly the huge globe of the world that took pride of place. It was at this globe where I spent many happy hours examining the names of far-away places and then

reading about their cultures and traditions as I took the books home. Little did I know that one day I would live in such a far-away place and even be a representative of one such place.

The new purpose-built facility at Kippax will provide readers with the opportunity to experience their own adventures in an environment that they have been waiting for since 1978—an environment they deserve. I am proud that I am part of a government that could deliver this facility and look forward to making use of it at every available opportunity. I encourage everyone in this place to do the same.

MR STEFANIAK (Ginninderra) (4.19): I suppose the government is in need of a self-congratulatory motion like this when they have had so much trouble getting people to write nice letters to the paper about the Chief Minister, as poor old Greg Friedewald's wife had to get involved in.

In relation to the Kippax library, though, I listened with interest to what Ms Porter said. I am a fellow member for Ginninderra. Of course the opposition welcomes the library. But let us get a few things straight about the library, because there are some misconceptions that she has in her speech. She is a new member; so she might not be aware of the history.

Yes, the library was a temporary library, which had about 30 or so hours a week—maybe 31 hours a week. Back in 1994—in May 1994, I think—I went to a demonstration there, which you, Mr Speaker, went to. I must admit I felt somewhat sorry for you then, having to defend a decision by the Follett government to close the library, which you did not perhaps believe in yourself.

Luckily that did not happen. We had a change of government. Whilst we did not exactly have a lot of money—we had this very big debt we had to overcome—we did manage to extend the hours of that library. It was not a huge amount—not as much as I would have liked—but certainly the library hours were extended by several extra hours a week. When, finally, the budget got into the black, steps were then taken to build a permanent library. I recall some money being put in for the initial stage of designing and siting. I recall it was \$100,000.

Then the government changed. To your credit, rather than attempting to close it, like the previous Labor government did, you went ahead with it. As a result of the very strong financial position the territory was in as a result of good management at the federal level by John Howard, and good management at the local level by the Carnell government, you had money to spend on it. Yes, it will be a good library.

A couple of points need to be made about it. I am bit concerned that, in the consultation phase, probably a majority of local residents would have preferred the library to have been built on the same site. It is built on an old car park. I think about 24 car parking spaces will be lost to the area. There was certainly a bit of controversy about that. There is probably still a little bit of residual concern that maybe this could be on a better site.

I am sure most of us, including certainly the Ginninderra members, would have received letters from the Kippax taskforce about a particularly nasty substation, which is about 2 metres long. I forget the width. It is in a very difficult position. I think it is right in

front of the stairs to the library. It is a real concern to a number of residents, including the people on the Kippax taskforce who have laboured long and hard for the interests of west Belconnen for well over a decade, at least to my knowledge—and probably longer in some instances. That is something that I would commend to the government to rectify because that is still causing concerns.

Yes, there is concern as to exactly where the library is. Would it have been better where it existed? I suppose the benefit of not doing that, of course, is that the old library continues. That probably was a better site. However, we have a library. I think everyone can be grateful for that.

We still do not have a master plan for Kippax. I think it is far too early to trumpet any real interest in the area by a new government; you are merely continuing on with a decision taken by the previous government. But, to your credit, you are doing that.

What you have not done, apart from not having a master plan, is not proceed with a couple of other matters in train, namely, some tennis courts at the old Charnwood high school site and the skateboard park which was to be in the 2002-03 budget, which was taken out and which, despite repeated requests by me and others on this side, is not going to occur as far as you lot are concerned. I would still commend that to you. It does not necessarily have to go on the site we picked. There are probably some rather good sites around Kippax itself. I certainly commend those two matters to you.

I was at least pleased to see, although it was alarming to start with, funding for the Uniting Church, which does some have wonderful programs there for a number of people. It had some programs under threat. The funding was finishing on 30 June. It was only about \$40,000 that was needed. I know, Ms Porter, you were very active, as was I, in terms of trying to make sure the government continued that. Yes, the government has. I do not know how safe that funding is but at least those programs are able to continue.

There are some real needs for this area still in terms of a master plan, in terms of facilities for youth and in terms of surety for some of those good programs, in an area that is probably the lowest socio-economic area in Canberra, to be able to continue to support the people of that area. I think all of us, certainly those people who represent the area, need to keep on hammering this government to ensure that those programs are not neglected and the area is not neglected. I am not going to reflect on any debates in relation to Ginninderra district high—we have had those—but there are issues in relation to that as well.

We note your motion, Ms Porter. I do note, however, and want to draw to the attention of the Assembly the factual inaccuracies in some of the things you say. One positive to come out of this, regardless of the rights of wrongs of where exactly it is, is that it is going to be a significant library. I certainly hope that the opening hours will be adequate.

I note the Kippax taskforce, the Belconnen Community Council and other people have always been concerned that the opening hours should be something like Dickson's, which I believe used to be around 50. I am not too sure what they are now. I certainly hope that the opening hours will be commensurate with other similar libraries around the territory so that it does give a proper service to the people.

It is particularly important in terms of young people—youth who might not have the same access to all the sophisticated types of learning equipment as their counterparts in wealthier areas in Canberra might have. There is a significant aged population, too, who benefit from the current library and who will benefit from the new and enhanced library. I think it is crucially important that there are programs to cater for those people in terms of this particular facility. I commend those remarks to the Assembly.

DR FOSKEY (Molonglo) (4.26): The Greens welcome the opening of the new Kippax library. The library has been housed in temporary facilities since 1978. The Kippax community has gone through a long and rocky process to obtain a permanent facility.

I congratulate the current ACT government on being the government to finally deliver a permanent library facility at Kippax. Perhaps, though, it is taking credit which could also be attributed elsewhere. A quick trawl through *Hansard* shows us that the people of west Belconnen, led by the Kippax taskforce, have been lobbying successive governments for 12 years to turn their temporary library into a permanent one. While Ms Porter suggests that we congratulate the government on the development of a permanent Kippax library, I think it is more important that we recognise the extraordinary effort that the community has invested in convincing consecutive governments to deliver a permanent library.

I think that we should also recognise the effort of previous crossbenchers, Kerrie Tucker and Roslyn Dundas, who have campaigned on this issue during their terms. It was Roslyn Dundas's motion of 12 March 2003 that resulted in the Stanhope government's making a commitment to build the new Kippax library.

In regard to part 2 of the motion, I find it ironic that the government seeks to applaud its own efforts in undertaking community consultation during the planning process when the entire project has been community driven. Nonetheless, for the purpose of encouraging the government to consult with the community on major public projects, let the record show that the ACT Greens acknowledge the work of the government in conducting public meetings and seeking community feedback on an options paper to ensure that the community could contribute to the design of the new library.

The government's 2004-2005 action plan for young people contained a clear commitment to consult with young people on the development of the new library facilities in Kippax and in the production of public art for the shopping centre refurbishment. I am concerned that the government did not live up to this promise, as I cannot find any evidence to indicate that this consultation took place.

I refer the government to one of the findings of the group that was set up. The Kippax library and Belconnen region services study commented that the provision of services specifically for young people was a constant theme of the consultation process. While principals were consulted, I am sure that any young person will tell you that principals do not always think the same as young people and that not all young people go to school. Perhaps in her closing comments, Ms Porter could provide us with an indication as to whether any consultation with young people did occur; and, if so, the manner in which it was conducted.

On the third point in the motion, I am sure that the community of west Belconnen needs no encouragement to use their new library. I hope that it meets all their expectations. After all, they have had to fight for it for 12 years. A library is not just a place that holds books; it is a community meeting point that can assist in delivering vital services addressing the community's needs. I am pleased to learn that a community meeting room is being included in the new library, in line with the recommendations of the Kippax library and Belconnen region services study conducted in 2002.

I am also pleased to hear that the library will be trialing a homework help centre, assisting primary and secondary students, families and schools. This will help in the building of links between the library, other community services and local schools. The 2002 Kippax library study put forward several other recommendations that I think are also important. I am less sure about the extent to which these recommendations have been implemented and I would appreciate it if Ms Porter would clarify their status.

The first recommendation was that the library increase its staffing numbers from the 3.6 employed at the time of the study. The second was that the library's opening hours be extended to include weekends. Another significant item identified in the study was that the people of Kippax cannot always afford to travel to Belconnen, due to a lack of appropriate transport and, in some cases, their physical health and/or disability, sometimes due to age. We know our senior citizens are often great library users.

I think that this is an opportunity to reflect on the need to support and promote local community facilities, including local shops, banking services, meeting places and community centres, of which the library is but one, although significant, component. I hope that the government will continue to support the development of community infrastructure and facilities in the suburbs of west Belconnen.

I thank Ms Porter for bringing this motion to the Assembly today. I will vote in favour of it, despite my misgivings regarding the second and the third points.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (4.32): There are just a couple of remarks that I wanted to make in response to Mr Stefaniak's history lesson. Let me say that the changes that I have seen over the last 10 or so years in the ACT economy have more to do with the initiatives of Paul Keating than they do with the good management of John Howard, and I would be very happy to hear any citations of initiatives that the Howard-Costello government have put in place that have had as much impact upon our fortunes as those which Mr Keating put in place.

Following on from that, I then heard the oxymoron "good management by the Carnell government". I very much struggle to remember an instance of an initiative that finished up being of a benefit to the territory. I can think of plenty of initiatives that the Carnell government undertook, but most of them cost a lot of money and really have died on the vine since.

Further, you mentioned the fact that you had substantial debt. But I do not think the territory had debt at that stage, other than the unfunded superannuation liability, which

the Carnell government addressed by incurring debt via the Actew Corporation. “We are going to fund super; so we will take \$300 million out of Actew and put it against the superannuation liability,” which also then, of course, generated a stream of interest which helped balance the budget. I think it typically well fitted within the overall framework of accounting and bookkeeping of the time, which has gone into folklore within the ACT.

I cannot remember any, but I would love to hear again a positive initiative of the Carnell government that has generated wealth, contributed and value-added within the ACT. I will just close the history lesson, Bill. I have not looked it up, but I would be willing to take a small punt that you might have talked about the Kippax library but you would not have provided a cent in any budget for it.

Mr Stefaniak: Have a look, Ted.

MR QUINLAN: I will have a look. It would be unique if you had.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.35): I would like to thank Ms Porter for bringing her motion before the Assembly today. You talked about who did what and who said what. I remember the public backlash against the then Liberal Minister for Urban Services, Tony De Domenico, because of his desire to reduce library opening hours and abolish the mobile library service. I joined the protest and spoke at the community uprising. That is what it was. It was sponsored by the friends of the Erindale library. I was not a member of this place at the time, but I was moved by the community sentiment of it all.

The Stanhope government has been positive towards the development, albeit slower than some would want, of the library service. We have seen the emergence of library on line; the call centre; the heritage library recognised; an enhancement of the mobile library service and the provision of this service to rural ACT; enhanced IT services; the provision of a library in Gungahlin; the construction of the Link library, emerging as we speak; and now we have a new Kippax library, a positive outcome for the people of west Belconnen. That is the fact. The Liberals under De Domenico wanted to wind back library services. The crossbench talked and talked about it. But it took a Stanhope Labor government to do something about it.

I would like to reiterate a couple of the things that Ms Porter has said. The Kippax library has been housed in its current location since 1978. I was living in Holt at the time, just around the corner. It is a 223-square-metre, 26-year-old, demountable classroom. It is no longer sufficient to provide the best possible access for information and recreation services required by the west Belconnen community.

This community as a whole, and the Kippax taskforce in particular, have identified over many years the need for a newer and larger library facility in Kippax. In 2002, the government commissioned the Libraries Alive company to conduct a Kippax library and Belconnen regional services study. The recommendations of the study have been a planning basis for the new library.

In the 2003-04 budget, this government allocated \$2.5 million for a new Kippax library on the site of the existing one. This comprised \$300,000 for forward design works in 2003-04 and \$2.2 million in 2004-05 for the construction and fit-out. Following a proposal by the Planning and Land Authority for the redevelopment of areas at Kippax, the new site for the library was determined opposite the main entrance of the Kippax Fair shopping centre, a much better site. This new site required some additional works, and a further \$1 million was approved in 2004-05 budget so that road works, a pedestrian crossing and new connections to services could be included in the project.

The new, purpose-built Kippax library is more than 3½ times bigger than the current facility, at 810 square metres. The new library includes community meeting areas, youth areas, space for additional IT resources, including free public internet access terminals, and a larger collection of library materials. It is situated so that it provides maximum opportunity for residents of the west Belconnen area to make linked visits to both the library and the shopping centre. And it is on a bus route. There are plenty of car parks in the Kippax shopping centre precinct. I also have to advise that it is fairly close to the Mama Ria pizza store, which is probably the best one in town, just by way of an ad.

The new Kippax library will be opened next Tuesday, 30 August, as Ms Porter said, by the Chief Minister, and the ACT public library has invited the whole Kippax community to attend this important event. It will be a great day for the community to finally see their dream of a state-of-the art library facility opened in west Belconnen.

In response to the findings of the Kippax and Belconnen regional services study, \$595,000 of additional funds was allocated to provide for the acquisition of exciting new books, magazines and audiovisual material for the new Kippax library. In response to community consultation, done directly with interest groups and through the public calling for involvement—and this goes to the point that Dr Foskey was making; you can only approach a group of people if you have a defined group of people to approach; and the way that you do it is through public advertising of the availability of the consultation process and through local schools, which did occur—special collections of literacy and English learning resources have also been purchased.

Special attention has also been given to the young people of west Belconnen, with hundreds of new CDs, graphic novels, two listening posts and access to the latest computer software. Two multimedia PCs will offer access to software such as English as a second language learning, dream weaver, photoshop and office tools. New online services will also greatly assist with homework help.

The new library building offers a multipurpose community room that provides for a great deal of flexibility in its use by community groups. The design of the building also allows for this space to be accessed after the library is closed, therefore maximising its use by community groups. To cater for the needs of the west Belconnen area for supplementary educational opportunities, the new library also provides space for a literacy specialist who can work with one or two young people or small groups, with or without computers for assistance.

An extensive community and stakeholder consultation took place during the 2002 services study, including public meetings, visits to west Belconnen schools and

discussions with members of the student representative councils. That answers Dr Foskey's query about the kids. The young people were consulted, through visits to the schools and discussions with members of the student representative councils.

Very well-attended public meetings were conducted during the design process in 2003-04, with representatives from AC&A Architects attending those meetings, of course, and responding to the many and varied questions and concerns raised by the community in the process of finalising the building design. Public meetings continued to provide updates about progress of the building project during 2004-05.

In early 2005, this year, a public meeting was held to discuss development of the collection. During 2004-05, in planning for the revitalised library collections, the current Kippax library manager consulted extensively with schools in the west Belconnen region to ensure that the collections accurately reflected the supplementary learning materials that would be required for students to complete homework assignments. Further consultation was undertaken earlier this year with the schools to ascertain the best outcomes in the planning of future new Kippax library services to meet the needs of the west Belconnen community's young people.

As a result, in September, when the new Kippax library has been open for the first month, in addition to the regular ACT public library programs and services such as children's story times and children's book week activities, there will be a host of other events in the library. These events will assist to inform the west Belconnen community about the growth of literacy, with the help of local author Jackie French; how to assist children with their homework; how to use the library's online virtual services for information and resources; and, of course, reinforce the perception that use of the library is also fun.

There will be a series of workshops assisting people to write their own life stories, and the ACT heritage library manager will be present to enthuse the community about local Canberra history. The library will establish an Animee club for young people and continue to involve local youth in the selection of items for the library collections that they look forward to using at their local library.

The new Kippax library is a purpose-designed building. It meets the high standards for new library buildings in Australia by maximising the amount of flexible space while providing for the many special areas that are required to provide the range of services and programs offered by the ACT public library in all of its branch libraries. Flexibility of space permits the library staff to work with the community to adjust the spaces and the collections according to the changes in community directions and needs over time.

The new building meets environmentally sound standards for building design—for example, maximising the amount of natural light in the building. It provides for seating areas to encourage the community to use the library, read magazines and newspapers, and chat or browse the internet and the collections. There will be a full program of events and programs in the first month of the life of this new library to tempt community members of all ages and backgrounds to use their new library.

I commend this new library to residents of the Belconnen region, to make the most of this new and exciting multipurpose facility. I congratulate Ms Porter for bringing the matter to the attention of the Assembly and urge members to support Ms Porter's motion.

MS PORTER (Ginninderra) (4.44), in reply: I thank all members for their contribution to the debate. As I said at the outset, this is an important addition to the services provided to the west Belconnen area, an area of Canberra in which this government has committed considerable funds to education, both at the level of public school education, as was outlined this morning, and sustaining community education, such as through this library.

My experience is that learning is not something that is restricted to the time we spend in formal schooling, as important as that is. Learning starts at birth and continues until we die. That is why this community facility is so important to all. It is accessible; it is well equipped; it is spacious; and it responds to community needs. As I mentioned before, the community has been fully engaged in this process. As I said, many open forums and stakeholder meetings were held involving the whole community. The result is now for all to see. I am sure Mr Stefaniak is going to hotfoot it down to the library, and I look forward to bumping into him there.

Question resolved in the affirmative.

Attorney-General and shadow Attorney-General Motions of condemnation and censure

MR STEFANIAK (Ginninderra) (4.46): I move:

That this Assembly:

- (1) notes the concern expressed by the:
 - (a) Chief Justice of the ACT Supreme Court regarding threats to the doctrine of separation of powers and the independence of the judiciary; and
 - (b) community, fire victims and legal practitioners at the Government's unprecedented actions in initiating/joining the appeal against Coroner Doogan and the threat to the doctrine of separation of the executive and judicial powers as a result of such action;
- (2) condemns the Attorney-General for his interference in the administration of justice in the ACT that has led to the Chief Justice expressing his concerns; and
- (3) calls on the Attorney-General to stand aside as Attorney-General for the duration of the coronial inquest into the January 2003 bushfires.

On 20 October 2004, the government, through the Attorney-General, set in train some historic events in terms of legal precedent which the territory, indeed, the rest of Australia had never previously seen. It is not all that often that one actually hears a Chief Justice of a Supreme Court express concerns about the separation of powers. Indeed, the doctrine of the separation of powers does not come up as a real issue all that often.

Before I get into my remarks on this motion, I must explain what I mean by “stand aside”. I know that we are probably not going to win this motion. I will be very surprised if the Attorney-General actually says, “Yes, all right. I’ll stand aside.” But we say that it is in the public interest that he should. It means that he should stand aside as Attorney-General for the duration of this coronial inquest into the January 2003 bushfires—nothing more, nothing less. It does not affect him as Chief Minister. It does not affect him in his other capacities. But if he took our advice and stood aside for the good of the legal system in the ACT, the legal system could be seen to be working independently of the whims of the government.

The genesis of this matter, as I said, occurred on 20 October 2004. Matters Nos SC 697 and 698 of 2004 were filed simultaneously in the Supreme Court. We are not too sure if the government initiated this or joined in, or what. But the facts are—and I think we have had these facts canvassed in the past in this place—that these two actions were filed at the same time, the one by the nine individuals first, immediately followed by the one by the government.

For a few days it seemed that people were not exactly sure what that meant. Then it started to sink in. When some of the criticisms and concerns about the government’s action first came out, I can recall this man, this Attorney-General, saying that he had three choices. His three choices, he said, were to do nothing, to join in the appeal or to actually back the coroner. What started to ring bells, especially amongst members of the legal profession but also in the wider community, was the action he took in intervening, in joining in, in going along with it—perhaps he initiated it—but certainly going against his own coroner. The inquest had run for 84 days, with an anticipated one week to go, and he took the unprecedented step, not only in ACT legal history, but also in Australian legal history, of a government and an Attorney-General appealing against their own coroner.

That has caused significant concern in the legal community. It has caused significant concern amongst fire victims, indeed in the general community. I have been in this Assembly for a while. I have also been a practising solicitor and barrister. I spent nine and a half years with the DPP in the territory and probably three to four years in private practice with two different firms. As a member of this place quite often I am in contact with people in the profession and they will criticise the odd thing, the odd law they do not like. There are things about the civil torts law they do not particularly like. There will be criticism when it affects them.

But I do not think I have ever seen so much concern directly expressed by members of the profession as that about the separation of powers. That has been mentioned to me not just by a handful of people. It has also been mentioned to me by a large number of practitioners, some of whom probably support Mr Stanhope’s party, and I have no idea how some of them vote, but practitioners of long standing who feel that this is a very genuine issue involving a breach of the separation of powers.

The doctrine of the separation of powers is a fundamentally important doctrine. It ensures that our whole system of government can continue in an orderly way. It provides for the separation between the executive, the legislature and the judiciary. The independence of the judiciary is crucially important, and the implication that maybe

a government is taking an action to interfere with the nexus between the proper role of the government, the executive, and that of the judiciary is very worrying indeed.

That has been commented on since the meaning of the attorney's actions sank in to people. The meaning of it sank in to a large number of people, certainly to the opposition and certainly to me. Indeed, it is interesting that not just legal practitioners have mentioned it. It seems that other people in our community have some good idea, too, of the meaning of the doctrine of the separation of powers and the fact that the government really is not doing the right thing here.

Fire victims felt that they were actually getting somewhere. They had a robust coronial inquest, something that this attorney wanted, or said he wanted after the fires. It is certainly something the opposition wanted, something that I think everyone in this Assembly wanted, and just before that inquest was due to finish, this action took place. I think the more people thought about it, especially the victims, they started to see it as a betrayal by this government. Naturally, concern started to filter in.

What does the government have to hide? There seemed to be an obvious conflict of interest. The attorney was also the Chief Minister. On the day he was acting emergency services minister. He was a witness, as were a number of public servants. People felt that there had indeed been a betrayal. People who had probably been fairly comfortable with the way things were moving felt that, as a result of the government's getting involved, there had been a betrayal by the government. The fact is that, whilst the government is not solely responsible for the delay, its involvement in this action did delay this coronial inquest for 10 months.

I mentioned legal precedent. At the time there was one precedent in the ACT. In the 1998 matter of *R v Somes ex parte Woods*, the Attorney-General joined in an action seeking to remove the coroner on the ground of apprehended bias. That was the right thing to do. There had been a death in custody at Quamby and a public servant or public servants at Quamby launched an action. The government had nothing to gain by a coronial inquest, but it took the traditional step of ensuring that a coronial inquest would be seen through to its conclusion, to back its own coroner and to back the court system even if, at the end of the day, the results of the inquest were unfavourable in some aspects to the government. Governments traditionally, in detailed inquests, do cop a bit of flak on various matters. Things crop up. There may be recommendations that are embarrassing to a government. The government just has to take that on the chin.

Did the government do that in this instance? No way. When it looked like there might be some problems with the evidence coming out of the coronial inquest, they joined in this particular action. That has caused immense concern, not only to victims, not only to the general community, but also, as I said earlier, to the legal community itself. That is of great concern.

The government should have backed its own coroner. If it was not prepared even to do that, it should have stayed silent and allowed this appeal to go through. It did that a month or two beforehand in relation to a question of documents. The precedent is for the government to back its coroner, as the government did in 1998 in the matter of *R v Somes ex parte Woods*. The government at least could have stayed silent, but it did not. Quite clearly, it had those choices. The Chief Minister, the attorney, himself

indicated it had those choices. He had three choices and he very much took the wrong one.

As we all know, there was then an appeal to the Supreme Court. We might quibble about how much it cost or did not cost, but what it did do was delay, for some 10 months, the actual coronial process, and it turned out to be, in the end, a futile appeal. The full bench of the Supreme Court, the three judges, went through and rebutted page after page of transcript. They go for some 67 pages, from about page 20, the various counts in relation to apprehended bias. No matter how the attorney might try to tart that one up and justify it, it must have been a rude shock to him that the court took the view it did and pretty well substantially rebutted the government's argument. Now it is back in court. Now we wait to see what will happen with the coronial inquest.

I have mentioned the concern of the public, the victims and, specifically, the legal profession, who do know something about the separation of powers. Last Friday, when talking to newly admitted practitioners, in an unprecedented step the Chief Justice of the ACT specifically in his four-page speech referred to the problems with the separation of powers and the concerns that he had.

They might not be the same concerns expressed by various legal practitioners, the opposition or members of the public in terms of a government appealing against itself when it finds that the going is getting a bit tough and it might end up with a bit of egg on its face. There are concerns enough, when a government appears to be going against its own coroner, that it might be trying to nobble the coroner. But when the Chief Justice weighs in to the argument specifically in respect of the separation of powers, albeit on another tack, I think that is a very real cause for concern, too.

I have been around Canberra for a long time. Chief justices do sometimes say things to newly admitted practitioners. Chief Justice Miles was very keen for a new Supreme Court building and would often put that into his speech welcoming new practitioners. But here we have a four-page address from Chief Justice Terry Higgins. Chief Justice Higgins refers to the number of graduates from ANU, University of Canberra, James Cook, et cetera, and then, starting at the bottom of page 1, says:

Congratulations on being admitted into this fine court, the Supreme Court of the Australian Capital Territory, and one of the institutions of justice that society would be much the poorer without. It does seem, however, that the importance of the doctrines of the separation of powers and the independence of the judiciary are under threat.

He goes on to say:

Indeed, as my brother Crispin, sister Bennett and I commented upon in our recent judgement in relation to allegations of bias by Coroner Doogan—

He goes on to quote paragraphs 90 and 91 of the transcript of the Full Court's judgment. I will read out some of the relevant parts; I will not read the lot. I will table a copy of the speech, but members can refer to the judgment. Justice Higgins quoted from the decision of the Full Court. It states that there:

... appears to be an increasing tendency for the boundaries between the courts and the executive to become blurred. Courts are not, of course, part of the public service. The courts as a group constitute one of the three arms of government, the others being the legislature and the executive. The role of the courts is to see that justice is done according to law, and that frequently requires them to stand between the citizen and the other arms of government.

The Chief Justice interpolates here, "Something which you, too, as legal practitioners will participate in." He continues:

Public confidence in the ability of the courts to dispense justice in a fair and impartial manner is largely dependent upon continuing recognition of their independence. There are obvious indications of such independence, including the fact that jurisdiction must be exercised according to law rather than government policy, and that judges and magistrates generally enjoy guaranteed tenure of office.

He then refers, in paragraphs 90 and 91, to grounds for concern, at an administrative level, that courts may be seen as sub-branches of a public service department. On page 3, he says:

It is in this court and within this tradition of separation of powers that you may be working as a legal practitioner.

He concludes with more observations about newly graduated and newly admitted practitioners. I seek leave to table the speech by the Chief Justice.

Leave granted.

MR STEFANIAK: The Chief Justice did not quote paragraphs 92 to 94 of the ruling, but that is relevant because that is where the justices talk about the issue of the separation of powers in relation to the coronial inquest. They said that the coroner did not know, and could not have known, that the two experts had, in fact, been hired by the government. That caused them some concern in terms of the separation of powers. It was not a huge issue, as it turned out, but there was a concern that, had their evidence been favourable to the government, that could have been a real bias in itself. That was the issue they seemed to speak of there.

The point is that the Chief Justice of the ACT, indeed two other learned justices, Justice Crispin and Justice Bennett, feel that there is a real problem with the separation of powers here in the ACT. A lot of lawyers feel the same way. Many members of the community are also concerned by the unprecedented action of this government getting involved in this appeal in the first place. The right thing for the Chief Minister to do is to stand aside as Attorney-General. That would be good for the legal system. I think it would be good for this government. It would be a sign that he is going to be totally at arms-length. Everyone would then have confidence that the judiciary is working independently and not at the whim of the government and the executive.

MR SPEAKER: The member's time has expired.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (5.01): Mr Speaker, I have circulated to members an amendment to Mr Stefaniak's motion. I move:

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

(1) notes:

- (a) comments on radio on 22 August 2005 by the Shadow Attorney-General that in the government becoming involved in the apprehended bias appeal against the Coroner 'there were big concerns that that was going against the doctrine of separation of powers';
- (b) further comments by the Shadow Attorney-General in this place, for example on 8 December 2004 that 'by joining in an appeal [against the Coroner]....[the Government] contravenes the separation of powers';
- (c) the reported view of noted ANU academic, Hugh Selby (*Canberra Times* 30 October 2004) that 'claims that a breach of the separation of powers is occurring are nothing more than a red herring';
- (d) a further reported view of a second expert in coroner inquiries, Dr Ian Freckleton (*Canberra Times* 1 February 2005) that the Government's action was 'valid and lawful'; and
- (e) the fact that in the comments of the Chief Justice of the Supreme Court, relied on by the Shadow Attorney-General, nowhere does the Chief Justice suggest that the Government's appeal against the Coroner was a breach of the separation of powers; and

(2) censures the Shadow Attorney-General for his blatant and repeated misleading of the people of Canberra and this Assembly."

Mr Stefaniak's motion quite deliberately misconstrues what the Chief Justice actually said by connecting some remarks about the separation of powers with non-existing interference by me in the administration of justice. I have not interfered with the administration of justice; nor has the Chief Justice said I did; nor has the Chief Justice connected his remarks about the separation of powers on Friday of last with me. He made no connection; nor is there a connection; nor has any practising lawyer that I know said that I have interfered with the administration of justice or overstepped the bounds of the separation of powers. I note that Mr Stefaniak tabled documents today. I have not noticed him table any documents supporting the allegation that there are lawyers or legal practitioners that have said or believe any such thing.

In fact, the president of the law society has said quite the opposite. In an interview recorded for radio broadcast on last Saturday, the president of the law society said that he did not believe that the Chief Minister had offended against the separation of powers doctrine because it was apparent that the government had not attempted to influence the outcome of proceedings. It had merely used the court processes that are available to all persons and when the court ruled against it, the government accepted the decision. The

law society president reaffirmed his consistent public position that this is not a separation of powers issue. In fact, when the government joined the application to the Supreme Court, it signalled that it accepted the separation of powers and was prepared to work within the existing judicial framework.

Further, two acknowledged experts in the law—unlike Mr Stefaniak’s anonymous legal practitioners—Hugh Selby and Dr Ian Freckleton from the ANU have said that arguments that the government is politically interfering in the coroner’s inquiry are baseless and that claims that a breach of the separation of powers is occurring are nothing more than a red herring or a furphy. Dr Freckleton said, on or about 1 February 2005, that an attorney-general had a right to ensure that justice was not only being done, but being seen to be done and to have a decision in a lower court tested in a higher court.

In addition, before the application went before the full bench of the Supreme Court, an order nisi, that is, an interim order calling upon the coroner to answer the case being made against her, was granted by a single judge, Justice Crispin. Before Justice Crispin could grant that order, he had to be satisfied that there were serious issues to be tried. Obviously he was satisfied, because he granted the order. In delivering the judgment, Justice Crispin said, “Having regard to the material annexed to the affidavits that have been filed in the proceedings, I have concluded that there are serious issues to be tried.” In the light of these comments from the president of the law society, two expert and notable lawyers and the ruling of Justice Crispin, how can it be said that I interfered in the administration of justice or that I somehow threatened the doctrine of the separation of powers? It is absolutely ludicrous, Mr Speaker.

In his speech to newly admitted legal practitioners on Friday, the Chief Justice repeated his concerns that, in some jurisdictions, the courts may be seen as mere sub-branches of a public service department. This is a repetition of part of the report by the Australian Institute of Judicial Administration entitled *The governance of Australian courts: a managerial perspective*. There has been a longstanding debate about how the governance of courts can best reflect the independence of the judiciary, but still hold the courts accountable for the expenditure of public funds. The AIJA report, which was published in 2004, in part, says:

... there are at least three major patterns ... within which are variations from system to system ... Specifically, in South Australia and the Commonwealth, there is a clear line at the point where basic resources are handed over by the Executive, with the judiciary clearly an administrative authority over the remaining activities. Among the remaining systems, New South Wales and Western Australia go further than the other States in the extent to which the Executive controls court staffing and infrastructure. In Victoria, Tasmania and Queensland, by contrast, authority over these functions, as with court operations, is shared in one form or another between the Executive and the judiciary. The major difference between, on the one hand, South Australia and the Commonwealth and the remaining States on the other, is the clarity of the line between the authority of the Executive and that of the judiciary. In the former, it is relatively clear; in the remaining States, the line is quite variable from one jurisdiction to another.

In other words, there is no one way of administering courts or recognising the distinction between the executive, legislature and judiciary. The way that has been adopted in the ACT since self-government, when Mr Stefaniak was Attorney General, and, before that,

under the commonwealth government, is well within the bounds of what happens elsewhere. The system in place in the ACT today is the system that was in place when Bill Stefaniak was the Attorney-General. The Chief Justice's remarks referred to in the decision of the Supreme Court deal with the issue of how funds can be committed and expended in the ACT. They are expended today in the same way they were expended when both Bill Stefaniak and Gary Humphries were Attorney-General of the ACT.

The extract was not about the decision to take action in relation to the coronial enquiry. It had nothing to do with it, although the full bench of the court did acknowledge that that was a difficult call. Constitutionally, funds can only be spent according to lawful appropriation. The process is not something we have dreamed up overnight. We remain consistent with the approach pursued by Gary Humphries and Bill Stefaniak. Appropriations for the purpose of funding the courts have always been made this way in the ACT, under this government, under every past ACT government and the commonwealth government before that. In this respect the ACT system is not unusual. Similar processes exist, as I said before, in every other state and territory in the commonwealth, with the exception of South Australia, where there is a different model.

The specific issue raised before the Supreme Court concerned who engaged the fire experts and under what terms they were engaged. An affidavit was placed before the Supreme Court establishing that the coroner and her counsel assisting chose the two experts, Mr Chaney and Mr Roach. The affidavit states that the coroner and counsel assisting gave instructions to the court administrator in relation to the experts they required and were fully aware of the processes used, which involved compliance with procurement procedures. I table that affidavit. It gives the detail of the process employed in the engagement of the experts. At no stage, ever, did the coroner, counsel assisting or any other party raise, as an issue of concern, the procurement process or the fact that the ACT was the formally contracted entity.

A related issue involving the formal appointment of experts under section 59 of the Coroners Act was raised in the bias proceedings in the Supreme Court, but this was a quite separate issue of compliance with the statute and was irrelevant to the question of the administrative arrangements that would underpin the statutory appointment. The judgement, as distinct from short newspaper reports of it, dated 15 August clearly acknowledges this. It states:

We accept that there is nothing in the section to prevent funding being made available by means of collateral contracts between experts appointed under s 59 and/or their employers and the ACT Government, but the section does seem to require that the appointment be made by the coroner personally.

The coroner chose Mr Chaney and approved Mr Roach's appointment. The full contracts of engagement show that the coroner wanted the expert engaged to do certain things that are set out in the contract. The expert was to report to the coroner. No matter in the report of the experts was to be released at any stage without the consent of the coroner.

The contract reads, "In accordance with the direction of the coroner or counsel assisting the coroner, the expert," will do a number of things. I table the contracts with the experts. The contracts are also on the government BASIS website. Anyone can look at those

contracts. The coroner was aware of that, and so informed the parties who asked for the production of the contracts.

The Chief Justice's remarks highlight the fact that there has been, and will continue to be, a debate about the best method of court governance. Under the traditional model the head of the jurisdiction is responsible for disposition of the court's business and the normal rules for government budget appropriations and accountability are retained for the expenditure of funds. The traditional model is not without its drawbacks. It can sometimes lead to duplication, tension and disagreement over funding, but not over the disposition of the court's business. That is solely a matter for the head of jurisdiction. However, of the states and territories, as I see it, only South Australia has adopted a different model. Every other state and the Northern Territory, and the ACT, have the traditional model.

Unlike those opposite, I understand and accept the doctrine of the separation of powers. I have written to the Chief Justice confirming my commitment to respecting the independence of the judiciary and inviting him to participate in dialogue on any aspects of the administrative arrangements in the ACT that cause him concern. I have consistently demonstrated in the performance of my duties as first law officer that I am committed to ensuring that our systems respect and protect the independence of the judiciary. I am happy to have a dialogue with the Chief Justice about these issues at any time.

I would also add that it is not uncommon, in fact, it is entirely proper, for an Attorney-General or a government to be a party to a coronial inquiry, to intervene in proceedings and to represent the interests of the law, the administration of justice and the community before the courts. It is one of the roles of the Attorney-General. Indeed, as I have often said in the past, it is my job to uphold the law. I would have been derelict in my duty if I had failed to act in the face of the overwhelming legal advice that I had.

It is the job of the courts to rule on these issues, and the ACT Supreme Court has done so. I did my job; the courts have done their job. It is my job, as Attorney-General, to accept the decision of the Supreme Court, and I have done so. As well, I have instructed the Government Solicitor's Office to do all it can to ensure that the bushfire coronial inquest proceedings are completed as expeditiously as possible.

I am happy to consider any constructive suggestions for improvement in the governance of ACT entities, but there is no single easy solution here. We are a small jurisdiction and the cost of new structures may simply be outside our reach. This may have been in Mr Stefaniak's mind when he was Attorney-General, when he, as part of the Liberal government's executive, deliberately and distinctly blurred the lines between the executive and judiciary by appointing a court registrar—a public servant and member of the executive—as a special magistrate, a member of the judiciary.

However, I will let that go, as these are important issues. They are too important to play the petty politics that we see exhibited here today. I am always happy to discuss these issues, but I will not change the current system so much that the courts are put beyond accountability for the expenditure of public monies. Nor does it mean that I can accept, without more evidence or justification, as somehow inappropriate in the ACT administrative arrangements that are acceptable and appropriate in every other Australian

state, except South Australia, and in the Northern Territory; that have not been considered an issue by any of the parties to the proceedings; and that have been fully disclosed—in fact, the contracts have been placed on a publicly accessible website.

This is an evolving debate and we are happy to participate. These matters are being explored in other jurisdictions as well. But Mr Stefaniak has repeatedly and blatantly distorted the argument. On 8 December 2004 he told the Assembly:

... we say ... he has exceeded his role by intervening here, by joining in this appeal. It goes contrary to the role of the Attorney-General ... is generally understood ...

What we are talking about here ... is a fundamental principle in relation to the separation of powers.

That is bunkum! In support of this argument, he had the hide to cite Dr Freckleton. Dr Freckleton, however, had not asserted that the action was a breach of the separation of powers. He never has; in fact, he has asserted to the contrary. He had merely pointed out that my action in joining the appeal was probably unprecedented, not that it was invalid or an unlawful option. But, most pointedly, in his media release of two days ago reflecting on the comments of the Chief Justice, Mr Stefaniak said:

These comments from the ACT's most senior judge confirm what community groups and the ACT Opposition have been saying since the Government involved itself in the appeal ... It's time now for the Attorney-General to acknowledge that he has compromised the separation of powers between the executive and judiciary, through his action in joining the ACT Government with the appeal ... against Coroner, Maria Doogan.

The comments of the Chief Justice do no such thing, and Mr Stefaniak must know that. He is not speaking the truth. Mr Stefaniak says I have breached the separation of powers, but what has Mr Stefaniak done with his behaviour?

Mr Stefaniak: Point of order Mr Speaker. Not speaking the truth.

MR SPEAKER: The substantive motion goes to the issue of misleading the people of Canberra and this Assembly; so I think it is appropriate. I mentioned the substantive motion. I should have said in the amendment. It has always been the practice here that if somebody wants to make these sorts of statements, they do so by way of a substantive motion. Part (2) of the amendment goes to the issue of misleading the people of Canberra and this Assembly.

MR STANHOPE: Mr Stefaniak says I have breached the separation of powers. But what has Mr Stefaniak done with his behaviour on this issue and in this motion he puts before the Assembly? The answer is simple and clear. He has distorted the words of the Chief Justice and politicised that office.

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

DR FOSKEY (Molonglo) (5.16): This motion from the Liberal Party asking the Attorney-General to stand aside would appear to be triggered by the front page of the *Canberra Times* on Saturday, with its headline that judicial freedom has been put at risk

and that Chief Justice Higgins's speech reported in that article was based on the Supreme Court's rejection of the legal action against the coroner on grounds of apprehension of bias. We have, in my office, looked at the Supreme Court's decision carefully. Much of the recent argument to censure the Attorney-General and now the call for him to step aside has centred on an accusation that he has transgressed the boundary between the courts and the executive, one of the separation of powers upon which our system of democracy has been built, by directing the ACT government to join the action against the coroner.

There were two substantive discussions of the issues of separation of powers in the judgment of the full bench delivered recently and then summarised in the *Canberra Times* article. Neither involved the Attorney-General, members of the cabinet or, indeed, the specific actions of chief executives. They are concerns, rather, about the blurring of distinctions between the department and the courts at a much more prosaic level. Indeed, they are concerns that are reflected more widely in the community which, to put it simply, demonstrate a public service which is used to more or less running the shop and failing to properly respect or be bothered with some of the finer distinctions about the courts, the parliament and the government.

This is not intended as a slur on the people in the ACT's public service who need to manage wide-ranging responsibilities on a fairly small scale; but, indeed, it is the very wide range and the small scale that give rise to some of the problems I am alluding to. Dan Stubbs, the immediate past director of the ACT Council of Social Service, made the point when he resigned from that position that policy decisions and ministerial responsibility are at times usurped by public servants. I would argue that this happens in part because the ministers are spread so thinly, in part because the matter at hand may appear to be a minor one and the solution might seem obvious, and in part because Canberra until fairly recently was run more or less exclusively by a government department.

I would also add that it does not appear that the courts are held in great esteem by the public service in the ACT. Again, I would say that this is in part the consequence of size and familiarity. Sometimes it seems familiarity can breed contempt, which is not always helpful.

I would like to remind the Assembly that in this case the court found it was a real problem that the coroner adopted independent experts that were, unbeknownst to her, appointed by the government and that, while that distinction was perhaps seen as of no great moment by government officers involved, it is indeed an important distinction. After some discussion on the importance of the courts being independent of the government's administration and being seen to be independent as well, the court went on to make the comment:

There are some grounds for concern that, at least on an administrative level, courts in some jurisdictions may be seen as mere sub-branches of a public service department.

Later, in a discussion about the dissemination of copies of submissions by a court officer, the court came back to "the potential for public confidence in the independence, and hence impartiality of courts to be undermined by administrative arrangements which

treat them as sub-branches of public service departments". In that discussion the court added:

In any other circumstances, a finding that such an event could give rise to an apprehension of bias might be inescapable.

It concluded, however, that in this case any inference that could be drawn from the event was not sufficiently weighty as to warrant a finding of bias. In neither instance were these comments particularly relevant to or damning of the actions of the Attorney-General.

I would, however, like to draw the Attorney-General's and the Assembly's attention to these comments as I believe they reflect systemic issues within our agencies. I would also add, to draw again on Dan Stubbs's analysis, that the separation of powers between the administration and the parliament is as fragile as that between administration and justice and that it is at the mundane level of business that the blurring of the line is most insidious and, in the end, most dangerous. If anything constructive is to come out of this deadlocked debate, it needs to be a profound examination of the culture of our services and institutions and the establishment of a project to clean up separation of roles and responsibilities, before we expand the Assembly perhaps and indeed offer an argument for its expansion.

The Supreme Court's decision, of course, also included quite an extensive discussion of the jurisdiction of the coroner. Without revisiting too much of my contribution to last week's debate, that discussion strengthens the argument for some investigation into the best way to deal with such wide-ranging issues in the future, including a review of the provisions of the Coroners Act itself.

This raises a question of court resources and expertise. I reiterate my conviction that a dedicated coroners court or more space in the court calendar made available for coroners to conduct their inquests would assist us all. It is often said that people involved in these inquests need closure and that stretching out an inquiry over three, four or more years is insufferable. Of course, this particular inquest is not longer than many. There are numerous stories around this town. The Bender family springs to mind, the families and friends having the detail of their loss and the events leading up to it strung out for years.

Much is made of the need for closure. The implication is somehow that people keep themselves distressed and unresolved until the inquest comes back with the right decision for them. The reality is the reverse. It is the process of the inquest that reopens and re-exposes the pain and the distress associated with the events; and the closure is about the process being concluded and, therefore, allowing people to get on with their lives. It is important, then, that this government work with the courts to ensure a faster and more resilient inquest process.

One aspect of all these tortuous inquests is that they involve individuals with legal counsel. Often they are senior government officers, concerned that they will be found responsible for the outcome, whose lives and reputations will also be destroyed or at the very least badly affected. It creates an environment of intense legal contest and scrutiny.

I should add that the Supreme Court's findings were not by any means entirely uncritical of the court. There are a number of instances where it seems clear that the justices might well have found the other way, if matters had proceeded further in the direction they were heading.

One of the concerns that came through in this decision was a failure to tread carefully enough around the legal issues around the central witnesses, the presentation of evidence and the management of the process. I think there are issues here for later discussion.

However, for this debate, I would like to suggest we consider the difference between natural justice and formal legal processes. As the Supreme Court judgment reminds us, the coroner's powers and processes are more free ranging than an adversarial legal case. In that context, we might look at a more robust approach to natural justice in order to assist the coroner and the community to get more quickly but fairly to the bottom of the matter. These, I believe, are the lessons of this process for the government and for the Assembly.

The ACT Greens did not support the Attorney-General involving the ACT government in the Supreme Court case, and we still believe that the legal advice or, at the very least, a more detailed explanation of the legal advice which promoted that action ought to be made available to the public. We welcome the tabling of some documents today but note that most of these are already on the public record. Nonetheless, there is nothing in the argument put by the court to lead me to believe that the Attorney-General ought to step aside.

In relation to the amendment put by the government, I will support paragraph 1 but I will not support paragraph 2. I think it is time that we got on with the issue of separation of powers and ceased going over and over this matter in a way which is meant just to score political advantage.

MR SESELJA (Molonglo) (5.26): I will be supporting Mr Stefaniak's motion. One of the reasons I think this motion was brought forward today is Chief Justice Higgins's comments in relation to the ACT government and how it has threatened the independence of the judiciary in the way that it handles some aspects of the 2003 bushfire inquiry. To quote from the Chief Justice:

Public confidence in the ability of the courts to dispense justice in a fair and impartial manner is largely dependent upon continuing recognition of their independence.

It is this aspect of the debate that the Attorney-General does not appear to understand. Public confidence in the judiciary is a concern. The Chief Justice, who, I am sure, would ordinarily be very cautious about criticising the government, is so concerned that he felt the need to speak out about the issue. I do not think it is to be taken lightly. That is exactly what I think the Attorney-General appeared to be doing yesterday in his non-answer to Mr Stefaniak's question on the issue.

There are some important parts of the judgment, I think, that need to be put on the record and that go to the importance of seeing this legal advice. It says in paragraph 64:

The sequence of events propounded by Mr Glisson provide little support for his contention that a lay observer could have formed an apprehension of bias.

Another paragraph goes on:

We are unable to see how the first respondent's comments could provide any ground for an apprehension of bias.

This is important because it does suggest that either the legal advice was not saying exactly what the Chief Minister or Attorney-General tells us it was saying or the legal advice was not very good. Either way, it is a concern.

As I said, public confidence is the key here. The Supreme Court did raise the issue about Coroner Doogan being misled over the independence of bushfire experts. And that is a serious issue as well, when the full bench of the Supreme Court says:

The coroner, when inquiring into deaths arising from one of the most serious disasters to face Canberra, has been misled. That is very serious.

That also erodes public confidence in judicial processes.

The other thing that erodes public confidence and blurs the separation of powers is when a government seeks to knock off a coroner because they do not like what she might find. What does that do for public confidence in the judiciary? If a government does not like a coroner, they seek to knock them off. At least it delays the process. If they knock them off, good; get a new coroner; maybe they will be a little more favourable.

I think the irony of the government's position on this is that they were arguing that a lay observer might perceive bias on the part of the coroner—an argument comprehensively rejected. But the very fact that it was argued by the government that the coroner was biased adds to the perception that she is biased. So it is self-perpetuating. By arguing that she is biased, they are adding to that public perception that they seem so concerned about.

The Attorney-General thinks that the coroner is biased. I think that might explain why he gave such a sheepish answer in the Assembly last week when he was asked a question about expressing confidence in the coroner. When he was asked if he had confidence in the coroner, he gave a very long answer and eventually said that he supported all judicial officers. Unconvincing stuff! But asked when he regained confidence in the coroner, he said that he had never lost it. But he thought she was biased. It was the contention of submissions made on his behalf that the coroner was biased. On the one hand, he thinks the coroner is biased; but, on the other hand, he has confidence in her.

Mr Stanhope: On a point of order: I know it is a broad debate but at no stage did the government suggest in their submissions that the coroner was biased. That is simply not true. The action was around a perception of bias.

MR SPEAKER: That is not a point of order, though. It is a debating point perhaps.

MR SESELJA: The Attorney-General does think that the coroner is biased and that is why they launched the action. He says it is all about an apprehension of bias. As I said before, actually joining in that action adds to that apprehension. He is so concerned about an apprehension of bias that he adds to that apprehension by joining an action saying she is biased. The Attorney-General finds himself in a difficult position as a result of this, and he was so reluctant to express full confidence because he realised the difficulty of his position. On the one hand, the coroner is biased; but, on the other hand, he has full confidence in her. That raises issues for the Attorney-General.

This is why Mr Stefaniak has quite reasonably been calling on the Attorney-General to step aside while this process is completed. I do not quite understand the reasoning for not doing that. Even if Mr Stanhope is able to make a reasonable legal argument on the basis that the community has concerns—and the community does have concerns—Mr Quinlan will no doubt get up, if he gets up to speak, and say the community does not have concerns because they still voted for the government, even though of course the legal action was launched just before the last election and no-one knew about it.

But the community does have concerns, and there is a perception. Even if Mr Stanhope is so confident that there is no legal problem, he should at least, for the sake of public confidence—public confidence in the judiciary and public confidence in him as first law officer—step aside; do as the motion asks and, instead of the usual stuff we get where a motion gets completely amended and changed from its original intent, support the motion; stand aside and allow this to run its course so that the public can have full confidence in this process as it goes forward.

MR QUINLAN (Molonglo—Treasurer, Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming) (5.32): I will borrow some of the thoughts of the Chief Minister, seeing that his speech was cut short by a point or order. Mr Stefaniak says that Mr Stanhope has breached the separation of powers. But what has Mr Stefaniak done, by his behaviour on this issue and in this motion that he puts before the Assembly? The answer is simple and clear: in so distorting the words of the Chief Justice, he has politicised that high office and committed the most glaring breach of the lines drawn in the Westminster system between the judiciary and the parliament. He has breached the separation of powers, not once but repeatedly.

It is simple, and it is blatant. Mr Stefaniak has misled the public, misled the Assembly misquoted the Chief Justice in this motion. He deserves the censure of the Assembly for doing so and for his continued efforts to make petty political points out of important governance issues.

It is unfortunate that the Chief Minister did not get time to deliver that himself but that is quite telling, because this whole proposition that we have in front of us is based on false premises. Even though Mr Seselja anticipates that what he is going to say is going to be criticised, I think it is naive of him to think that I will not criticise. This proposition is based on false premises all the way through.

First of all, and most importantly, the Chief Minister has clearly shown where you have misconstrued the words of the Chief Justice. I hoped somewhere you had the wit to know

what the Chief Justice was about and the concern about the control of the court versus the control of the executive over administrative matters. But to draw that in and connect that to the action taken by the government in support of the nine people who had an eminent judicial opinion on the coroner's inquiry so far is really distorting the picture in the extreme.

To claim that the community has major concern: you do not speak for the whole community. This action was on foot; this matter was a public matter at the last election. Yes, Mr Seselja, the community roundly rejected you and your lot—as I have pointed out before, worse than in Western Australian under Colin Barnett; worse than Denis Burke; the worst performance in Australia by a Liberal Party.

Yes, there are fire victims who are concerned. As I have said in this place in recent days, they are fire victims that you people are exploiting. This, to my mind, is one of the most unworthy processes that we are going through. I can recall, since the fire, talking to the Chief Minister from time to time, asking him about the coroner's inquiry. His answers were regularly: "I do not know; I'm not following it; I'm staying out of it."

I have seen him in this place take the hits at question time and not answer questions, when he could have quite clearly defended himself, because he did not want to open the floodgates on having a parallel inquiry in this place and because he did have respect for the separation of powers; he did have respect for the independence of the coroner's inquiry, which you did not have.

This high-sounding approach that you are taking flies in the face of the grubby politics that you guys have tried to play right from day one—grubby, the grubbiest of politics. This business about people on Red Hill on Friday night! Nonsense! Trying to make some bloody great mystery! "What has he got to hide?" stuff where you had nothing of substance! Totally unworthy!

Community! I do not think so. Maybe some people in the community! Yes, there will be supporters of your party out there who will write to the *Canberra Times*, as they do regularly, and express concern, but that does not mean an avalanche of opinion. I live in Weston Creek. I know a lot of fire victims. I know there are some that have yet to reach closure on this matter. But most have. Most are moving on with their lives and do not deserve to be misrepresented by you.

Mr Stanhope has pointed to this claim that it is the legal profession. You have got false premises all the way through this, which is the same as or consistent with the falsehoods that you have been peddling in public. It is based on the premise that somehow it implies that the government's involvement delayed the overall inquest. It did not. You know it; you do not want to recognise it; you would like to mislead people; you would like to put the spin on it that draws people to think, "Yes, the government delayed it."

You have tried to mislead people in relation to the costs when you have known better. How low can you get! Really, this is pretty damned low. But I have to say that the lowest dimension I find in the actions of those people across this place is the double standard, where there are crocodile tears shed for fire victims when nine people, who are directly involved in this inquiry, whose lives are likely to be far more affected than many of the fire victims, have no rights, according to this lot; their rights before the courts should be

compromised when they genuinely felt that they were not getting a fair go. Along the way, in relation to access to documents, it was demonstrated that they might not have been getting a fair go. Their rights do not matter to you.

Dr Foskey mentioned the pursuit of closure. Yes, the sooner, the better. But what we have here, what you want, is a process whereby the rights of people who could be very severely affected by this inquiry are to be ignored. Not for a moment do I believe that you have great concern for fire victims and that you are here today driven by concern for fire victims. I do not think you have got those standards. In all the criticism that the Chief Minister has copped, virtually every one of his critics qualifies it by saying, "Look, we realise he is a man of principle; we realise he is a man of integrity." Then they sling in the "but". They do not say that about you. Trust me. Quite the contrary!

This is the grubbiest of political exercises on your part, and it is exemplified by the falsity, the falsehoods that permeate the structure of your motion. You are damned by your own words in here, your misuse of the words of the Chief Justice and the outrageous misleading of the public in relation to the cause of delay and the overall cost to the public purse. This action that you are taking is genuinely disgraceful.

MR SPEAKER: Mr Corbell.

Mr Smyth: Mr Speaker, the tradition is to go from one side to the other. I was on my feet first. The tradition has always been one speaker for, one speaker against.

MR SPEAKER: The standing orders require me to call the person I first notice. I merely first noticed Mr Corbell.

Mr Smyth: So another tradition gone.

MR SPEAKER: It is not another tradition gone. I am not going to have it imputed that I have set myself up to breach traditions and conventions in this place; so I would like you to withdraw that. The first person I notice, I have got to give them the call. The standing orders require that.

Mr Smyth: I withdraw.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.43): I will be brief because I am sure that Mr Smyth wants to contribute to the debate. This is, in many instances, the classic conspiracy theory at play from the Liberal opposition. I have watched, with growing alarm over the past 12 to 18 months, the hysteria around what happened on 18 January 2003; who is to blame; and the campaign that has been increasingly wrapped up by the Liberal opposition to bring home, sheet home, personal responsibility to the Chief Minister; and, as part of that campaign, to say, "There is something being hidden. Everything points to something being hidden." It is classic conspiracy theory stuff.

There is something I have wanted to say for a long time and I am going to say it tonight. I was in Holder, at my home, on 18 January 2003. I am probably the only member of this place who was at home in one of the suburbs most directly affected on that day. I can assure you, Mr Speaker, and I can assure members, that, if the government, the

government of which I am a member, seriously believed that what was going to occur on 18 January was going to occur, I would not have been there. It just beggars belief that in some way there was some conspiracy and that the government knew: the government knew the fires were coming; the government knew they were going to impact on houses. My house was there.

What was I doing at midday on 18 January? I was sleeping in my home, with my children, with my partner. Where is the conspiracy? Where is it? Just ask yourself that basic, simple question. If the government seriously thought something was going to happen, surely I, as a member of the government, might have had some idea about it.

We go back to the allegations the Liberal opposition have made in past months about that cabinet briefing and cabinet being warned that something was going to happen and we did not tell anybody. I was at that briefing. We have put very clearly on the record what happened in that briefing. But there was no conspiracy. The sad fact for those opposite is that there was no conspiracy; there is no conspiracy. At every step along the line, this government has sought to ensure that the process has been conducted properly, in accordance with the best advice it can receive on it, so that we get the best possible outcome for the people of Canberra and to make sure that such an event never happens again in our community. That is our first, foremost and only consideration.

To suggest there is some sort of political agenda, about minimising damage, about hiding the truth, is just bunkum; just a massive conspiracy theory on the part of those opposite; and, as my colleague Mr Quinlan points out, only for the purpose of making political gain, political capital, trying to get themselves back into the debate about the good administration of this territory.

The other issues worthy of being raised in this debate, from my perspective, come to Mr Stanhope's amendment and, in particular, the repeated facts that he outlines in his amendment where the opposition, and in particular the shadow Attorney-General, has deliberately misled this community as to what is being said by the law officers of the territory; by what is being meant in particular actions that are taking place in relation to the coronial inquiry.

Mr Stanhope makes a very valid and important point that nowhere has the Chief Justice of the territory suggested that the government's action in joining the action in relation to the perception of bias against the coroner is a breach of the separation of powers—it simply is not—but Mr Stefaniak has wilfully ignored that, wilfully ignored the views of the Chief Justice, wilfully ignored the facts, to make a political point.

Further, of course, it is worth making the point also that in no way has there been a breach of the separation of powers. And this suggestion that the coroner is the government's coroner also misses a fundamental point. The coroner is an independent judicial officer—an independent judicial officer, not the government's coroner, not the government's official. The coroner is independent. The Magistrates Court is independent. It is an institution in and of itself. We have no control over who is the coroner in relation to a coronial inquiry. We have no inputs in relation to what approach the coroner adopts in particular issues, except through the submissions that the territory can make in any coronial inquiry. So it is simply misleading again to make that claim.

The final question I would briefly put is this: in what way would anything be served by the repeated call by the Liberal opposition for the Attorney-General to stand aside? What does that serve? What purpose does that serve, except to say that it is about political one-upmanship, about making a political point? It in no way impacts on the ability of the coroner to complete her inquiry; it in no way impacts on the ongoing activities in relation to that inquiry. It simply makes a political point.

So do not come into this place and suggest that this is about ensuring that the coronial inquiry can finish without hindrance or interference. There has been no hindrance; there has been no interference. At all stages the Attorney-General has behaved in a way consistent with the best possible advice made available to him, with no agenda except to ensure that the coronial process is above board, thorough and a detailed investigation into the issues that have arisen.

Mr Stanhope's amendment is the real issue that this Assembly should be considering today: the continued political campaign run by those opposite, not in the interests of the community but in the interests of their own political advancement.

MR SMYTH (Brindabella—Leader of the Opposition) (5.51): We have heard from the last two speakers the spin away from what it is that we are actually here to discuss today. Neither of them makes any mention, or they make little mention, of what it is that Mr Stefaniak has moved. We had the traditional invective from Mr Quinlan when he has got nothing better to say: "It is just grubby," like that is an excuse. "It is just grubby." We got from Mr Corbell words that in the main bear no relation to this motion.

I want to put it to the people: why are we here? We are here to discuss an issue about the separation of powers and the independence of the judiciary because somebody raised those issues in a public gathering. Who was it that raised those issues? It was the Chief Justice. The Chief Justice himself said, in front of a group of people being admitted to the Supreme Court:

It does seem, however, that the importance of the doctrine of the separation of powers and the independence of the judiciary are under threat.

He could have stopped there, but he did not. He goes on and makes the link when he says:

Indeed, as my brother Crispin, sister Bennett and I commented upon in our recent judgement in relation to allegations of bias by Coroner Doogan—

And he goes on with a quote from *Fingleton v Christian Ivanoff Pty Ltd*. The Chief Justice of the Supreme Court of the ACT makes the link; knowingly goes out of his way; makes a public speech; issues that speech that connects his fears over the importance of the doctrines of separation of powers and the independence of the judiciary being under threat in the case that he has recently offered a decision in with regard to allegations of bias by Coroner Doogan. We do not have to make it; it is there; it is there in the words of the Chief Justice.

The article that was run on the weekend by the *Canberra Times* puts that into a headline: “Judiciary freedom put at risk: judge blasts Government, fire inquiry”. The *Canberra Times* has not printed the correction letter from the Chief Justice, because I do not think they have received one. The Chief Justice has not denied the interpretation that two journalists from the *Canberra Times* have put, and he certainly must be aware of what is happening here in this place.

Mr Speaker, I appreciate that we are about to run out of time. I request that, when we move to vote on the amendment, the amendment be split into parts 1 and 2.

MR SPEAKER: You will have to move that.

Motion (by **Mr Smith**) negatived:

That the amendments be divided.

MR SMYTH: Such is life. One would expect that. Having ignored everything that is in Mr Stefaniak’s motion, we get the amendment from the Chief Minister. But let us look at what Mr Stefaniak’s motion actually says—something totally ignored by the Chief Minister. Point (1) (a) notes the concerns expressed by the Chief Justice of the Supreme Court regarding threats to the doctrine of separation of powers and the independence of the judiciary. It is a fact. I have just read it out of his speech. That is a statement of fact. Tick, Mr Stefaniak.

Part (b) notes the concerns expressed by the community, fire victims, and legal practitioners at the government’s unprecedented actions—it is an unprecedented action; that is correct—in initiating or joining the appeal against Coroner Doogan and the threat to the doctrine of separation of the executive and judicial powers as a result of that action. It is a fact. It is a fact that there is a threat; it is not something we are saying. We agree with the person who put this premise forward, the Chief Justice of the ACT who, in his own speech, makes the statement that it is under threat and then links it to his most recent decision regarding the bias of Coroner Doogan.

Mr Quinlan: That is a little leap you took there, sonny.

MR SMYTH: It is not a little leap, Mr Quinlan; it is consistent; it is on page 1, it is on page 2. You should read the speech, Mr Quinlan. It is the Chief Justice that makes the leap.

We get to point (2), which condemns the Attorney-General for his interference in the administration of justice in the ACT that has led to the Chief Justice expressing his concerns. The Chief Justice, of his own volition, made this statement. It has been reported in the *Canberra Times*: “Judge blasts government, fire inquiry”. The Chief Justice has not complained to the *Canberra Times* or, if he has, they have not printed it. Obviously the Chief Justice does not have any problem with the inference that has been drawn by the authors of the article in the *Canberra Times*; so I think point 2 is proven.

Point (3) calls on the Attorney-General to stand aside as Attorney-General for the duration of the coronial inquest into the January 2003 bushfires. When we had the

censure motion last week, I said the whole purpose of what the Chief Minister had done was to nobble the coroner, so that when the decision came down, whatever the decision was: “We can all throw up our hands and say, ‘It is tainted. We said there was a bias back then. We got it right then, and we are right now.’” I believe that has been the whole purpose of this. We have a Chief Minister who can, if he wishes, say that he now has not one but two sets of legal advice that said he was correct. But he refuses to share that legal advice. He says, “I will not do it.” You have to ask why he would not do it, because—

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

That the question be now put.

MR SMYTH: Yes, we get to the important bit and you move the gag. It is so typical of you. You said, “Honest, open and transparent,” and you throw the gag in every time.

Question resolved in the affirmative.

Question put:

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

The Assembly voted—

Ayes 7		Noes 6	
Mr Berry	Ms Porter	Mrs Burke	Mr Smyth
Mr Corbell	Mr Quinlan	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Pratt	
Ms MacDonald		Mr Seselja	

Question so resolved in the affirmative.

Amendment agreed to.

Question put:

That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 7		Noes 6	
Mr Berry	Ms Porter	Mrs Burke	Mr Smyth
Mr Corbell	Mr Quinlan	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Pratt	
Ms MacDonald		Mr Seselja	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

At 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put.

Adjournment

Canberra Hospital—psychiatric unit

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (6.01): In question time today Mr Smyth asked me a question in relation to what he alleged was a stabbing incident at the psychiatric services unit at the Canberra Hospital. Mr Smyth made this claim with absolutely no evidence to back it up. He decided that he would take the opportunity in question time, as Leader of the Opposition, to make the allegation, knowing that there was absolutely no substance to the allegation. This allegation is without foundation. There has been no stabbing incident in the past 24 hours at the psychiatric services unit at the Canberra Hospital. There has been no occasion in the past 24 hours where a knife was smuggled into the unit and involved in some stabbing incident.

But that does not stop Mr Smyth, as the shadow minister for health. Indeed, it seems to me that Mr Smyth is quite happy to use this place to make any allegation he likes that might in some way throw a bit of mud that might stick when it comes to the delivery of health services here in the ACT. I would have thought that a man who purports to be the next minister for health of the territory, the next Chief Minister of the territory and the person who is given the privilege in every sitting week to ask the first question without notice to a government member, would at least give some thought as to what it is he is asking. But time and again we have seen from this shadow minister a tendency to not worry about the facts, to not worry about whether or not it is true but simply to use this place and the protection it provides him to make an allegation.

The allegation he made today was without foundation, without any substance whatsoever. There was no stabbing incident at the psychiatric services unit in the past 24 hours. There was nothing of what he purported to take place. But it is not the first time that we have seen this from the shadow minister for health. Of course he made the claim—and his colleagues did—a couple of sitting days ago that there had been over 22,000 admissions for elective surgery in the past 12 months. What Mr Smyth and his colleagues failed to notice on that occasion as well was that they were looking at the wrong statistics; that they were not looking at admissions just for elective surgery, they were looking at admissions for a whole range of other in-patient activities, including renal services, including cancer care. But that did not seem to make any difference; they were still prepared to make the allegation, knowing—I think, deliberately—that they were wrong.

That is the style of politics we get now from those on the other side of the chamber: make the allegation; throw a bit of mud. It does not matter whether or not it is true; it does not matter whether or not it has got any factual basis; just throw it and see what happens. I think the Canberra community deserves better. I think it deserves better when it comes to a man who thinks he should be Chief Minister of the Australian Capital Territory. If he wants to question the government on the delivery of health care services, this is the forum to do it. And I welcome it. But I do not welcome allegations about

serious incidents in our health care system that are made without substance, without any proof as to their being correct or accurate.

What Mr Smyth did today was, quite simply, outrageous. To suggest a serious incident involving a person with a weapon and who was mentally ill, causing harm to themselves or others was without any substantiation.

Mr Smyth: But the weapon got in.

MR CORBELL: No, the weapon did not get in. The weapon was detected when the client presented to the psychiatric services unit. The question that could be asked is: what was happening prior to the client being presented to the PSU, given that the client was presented to the PSU by the Australian Federal Police? That is something that I will be asking some questions about because I am concerned—

Mr Smyth: Blame the police!

MR CORBELL: No, I am not blaming the police. What I am saying is that I am concerned that they were potentially put at risk because there was no process, or the process did not work, to detect the fact that the person involved was carrying a knife. Those are the facts of the matter. It is unfortunate that once again Mr Smyth does not seem to care about facts when it comes to making allegations in this place.

MR SPEAKER: The minister's time has expired.

Policing—Civic Parliamentary rugby team

MR STEFANIAK (Ginninderra) (6.06): There are a couple of matters. I regard the first one as a very unpleasant one. I was concerned to see on the front page and indeed the second page of the *Canberra Times* today a report in relation to an assault on a young university student aged 22 in the early hours of Saturday morning. In fact, at about 12.30, just a little bit after midnight, the young man was viciously assaulted by three thugs who apparently were dressed in some sort of camouflage gear. He and his mates had apparently been to the pictures. He was seriously injured and, indeed, remains in hospital. That in itself is disturbing enough. I think the paper went on to say that some other people were assaulted.

MR SPEAKER: Mr Stefaniak, you know the rules about referring to something that is going to find its way to the courts.

MR STEFANIAK: I do not think anyone has been apprehended. There was another incident there, which may or may not have involved the same people. It was a real concern to see the level of violence in our community and certainly the level of violence in Civic. I think everyone would like to see Civic as the hub of Canberra, where visitors can come and feel safe. This was not as a result of something happening perhaps in a nightspot, necessarily fuelled by alcohol; it was in the streets, on a main thoroughfare; it was not in a dark alley or anything like that. From the reports, it seemed to be a completely unprovoked attack.

I am particularly concerned at the response from the minister's office. The minister himself did not respond, but the response from the spokesperson was: "I urge everyone to take responsibility for their own actions." That is of concern. What on earth is wrong with an ordinary, law-abiding citizen coming out of a movie theatre? The person then goes off about his or her lawful business and is wantonly attacked in the street. What on earth could a person like that be expected to do to take further responsibility for their own actions? People should have the right to walk around our community at night and feel safe. I think it is a sad indictment of our society generally that they do not.

But I think it is also a sad indictment of this government that their only response can be to urge people to take responsibility for their own actions. That is really blaming the victim rather than looking at the problem. I think the problem might well be sheeted home—apart from a general propensity, unfortunately, these days for more violence in our community than there might have been 20, 30 or 40 years ago—to a lack of suitable response on behalf of our overstretched police force, our police force who, on current figures, are at least 100 under strength; who obviously have intense difficulties in going about the duties they quite clearly really want to do to protect our community, the difficulties imposed on them by a government that refuses to adequately resource this most crucial arm of society; the people who are at the end of the line, the thin blue line that protects us.

I am certainly calling on this government—I do not know whether they will be able to do it because of the lack of resourcing to our police force—to increase the number of patrols, especially around spots like Civic and to ensure that there is a visible police presence there. In the past that has occurred. Incidents like this simply do not occur if you have enough police, if they are there ready enough. If people see them, it makes it a lot harder for unprovoked attacks like this to occur. I am appalled that the government is attempting to blame the victims and is coming up with idiotic comments like urging ordinary, law-abiding citizens to take responsibility for their own actions. What on earth are they expected to do? Lock up their doors and not go out at night?

The second matter is just a quick one. In talking about people assisting the parliamentary rugby side last week, I left out one of the vets, one David Murray, who is a stalwart of the vets and who played an excellent game in Sydney, with the rest of us: my apologies to David. I have already bought him a schooner. I now include my thanks to him as well.

Attention deficit hyperactivity disorder

MS PORTER (Ginninderra) (6.11): I rise this evening to speak about ADD and ADHD. Last Saturday, it was my honour to represent the education minister, Katy Gallagher, and open an ADHD conference for teachers, support personnel and other professionals, organised by the Canberra and Queanbeyan ADD support group. Thanks to the farsighted and hard-working volunteer members of the support group, participants at the conference had the opportunity to learn from world authorities on ADD and ADHD—from presenters such as Professor Rosemary Tannock from the hospital for sick children in Toronto, Professor Michael Sawyer from the department of paediatrics at Adelaide University and Mr Mark Brandtman, an educational consultant specialising in ADHD and a father of three children who have been diagnosed with ADHD.

ADD and ADHD have been around for much longer than most of us realise. I understand it was not until the 1980s that the terms “attention deficit disorder” and “attention deficit hyperactivity disorder” came into being. Parents with children diagnosed with these conditions know the effects that this can have on their children’s education and social development. The effects may carry over into adulthood.

As a young mother living in indigenous communities in remote areas of the Northern Territory in the late 1960s and through to the late 1970s, I had a young son who, with the benefit of hindsight, I believe, may have been suffering from either ADD or ADHD. However, diagnosis of these disorders was not possible at the time. I would have been grateful had I been able to access the level of support that is now available through the work of organisations such as the Canberra and Queanbeyan ADD support group. I commend the work they do.

Michael Sawyer’s presentation focused on the use of medication and the prevalence of ADHD in Australia. We know there is a debate about the best way to assist children and adolescents with this condition: diet and medication, to name but two. Professor Tannock’s presentation focused on the classroom and the teaching and learning strategies that can be adopted to support students with ADHD. The knowledge that educators took away from the conference will, I am sure, enable them to better engage their students in learning, and thus lead to better educational outcomes.

Clearly the support of families, school and allied professionals is critical to achieving success. The conference enhanced the knowledge and skills of these groups by providing them with the latest research and methods for supporting young people with this condition. The conference contributed to the goals of the ACT government as articulated in the Canberra social plan. This plan aims to ensure that all members of the community have the opportunity to reach their potential and make their contribution to society. Conferences like this help those living with this condition reach that potential.

I commend the Canberra and Queanbeyan ADD support group for the role they play in assisting the carers of those who have been diagnosed with ADD and ADHD and for their work in educating the community about the issues relating to this disability.

Policing—Civic Bushfire inquiry

MR PRATT (Brindabella) (6.14): Before I get on to the subject that I want to talk about, I just pick up on Mr Stefaniak’s point that he made earlier about the victim being blamed and the fact that that is now becoming a bit of a defence for the inability of ACT Policing to be able to do the policing that it wants to do. I would simply echo those comments that he made.

I want to get up and tackle a point that Mr Corbell raised during the motion about the Attorney-General. He raised a couple of very interesting points. What I would like to say is that I do take Mr Corbell’s point. I take his point about his being at home. He, in a heartfelt way, described a little earlier this evening that he was home and was not aware that a firestorm was going to be hitting the suburbs. I do not think that I would disagree with that at all. I think he is quite right. I think the point that the opposition has

been making all along is that there was a failure of government to warn the community, based on a failure to understand what was coming—the level of the threat.

The point is: the comments that he made that the opposition believe there has been some filthy conspiracy, I think, are an exaggeration. We have never said that. We have been concerned about games being played in making sure that various inquiries have been impeded. That has been the concern. Our concern has been, fundamentally: why did the government fail to warn the ACT community, with the fire intelligence that must have been available from 16 January onwards, to ensure that steps could have been taken to minimise the disaster that was going to be hitting those frontline suburbs a couple of days later? Therefore, our concern has always been that the McLeod inquiry, which was established, was never going to be able to get to the bottom of all of those types of concerns. We needed to see those lessons brought out and applied so that future risk could be minimised.

So it is against that background that the opposition has been so concerned about, for example: why did the government fail to understand the macro factors which were there to be assessed in 2002, after the December 2001 fires, the lessons coming out of that; the frightening speed with which that fire ripped through the forest; and then the very strong drought indicators available in 2002? If you put all that together, they must have assessed that the ACT faced a very strong fire risk in the coming bushfire season December 2002-January 2003. And that was always our concern.

It was against that concern that we were not happy with the way the McLeod inquiry went. Certainly the McLeod inquiry did bring out some very good points. I must say that the government has moved quickly on a number of those recommendations and we certainly have a better situation now with the emergency services than we did prior to January 2003. But of course the community relied on the Doogan inquiry to go further and further. Why did the failure to warn occur? We needed to get right to the bottom of where all those emergency management systems failed, and that was what Doogan was at least going to be getting closer to doing than what McLeod had previously been able to do. So the community was depending on Doogan.

It was against the background of the delay with Doogan and now another further stretching out of that inquiry, with a third bushfire season approaching after January 2003, that we have been extremely concerned. Really, those are the issues and the principles that do underpin the concerns that the opposition has had and why we have taken certain actions in this place as a consequence.

Do not forget that this is not just about the victims of the fire. Our concern is not just about the victims of the fire; our concern is also about learning the lessons so that we can minimise the risk for the community in the future. That is where we are going with the concerns that we have been expressing.

Kokoda track walk

MRS BURKE (Molonglo) (6.19): Members may recall that a little while ago I mentioned two very courageous guys undertaking the Kokoda track walk, Ken Salo and David Dredge. In fact, that walk commenced on Sunday 21, August. They walked for a swift 6.5 hours on that day. The walk now is into its fourth day, on the itinerary I have

here. I think we need to pay tribute to these two men who are walking the original trail. The Kokoda track, as I think members would be aware, is located in Papua New Guinea and stretches from Port Moresby in the south to Buna in the north. The track is about 230 kilometres. From Port Moresby to Kokoda is approximately 130 kilometres. I think it is a brave effort on the part of David Dredge, who is the driving force behind this.

During the 2000 Olympics, the Olympic torch was carried along part of the Kokoda track, which, unfortunately, offended some people. This caused the track to be closed, as members may recall, for some 18 months. Negotiations with the Papua New Guinea and Australian governments resulted in the establishment of what is now known as the Kokoda Track Authority. Among other things, the constitution of the Kokoda Track Authority is to focus on the significance of the Kokoda track due to its part in World War II.

The significance of the walk, obviously, is highlighted by the fact that August marks the 60th anniversary of the victory in the Pacific during World War II. These two guys, along with other people that they will pick up along the walk, will be meeting up with government officials from Papua New Guinea and will be part of the celebrations to be held at Kagi village. The walk will take them from Owers Corner to Kokoda. Some officials and villagers will be walking on this part of the track. The troop will number around 10 to 15 people. By the time it reaches Kokoda, it is expected to grow to twice that number. Again, it is significant to note that the track that is walked will be the one that is grid referenced in the AIF and Japanese plans from 1942, 1943 and 1945, as opposed to what happened over the last 60 years and in the year 2000.

I think we should also thank Ian Peters of the Telstra countrywide organisation who has donated a satellite phone for the duration of the trip. This is with a view to possibly being able to do talkback along the journey. I think it is worth paying tribute to these men and to the people who have walked with them to support them and obviously support something that is very significant to many people who had a lot to do with World War II and to their families. I wish them well on their walk. They are due back in Australia on Sunday, 28 August—I am sure, for a well-earned rest.

Question resolved in the affirmative.

The Assembly adjourned at 6.23 pm.