



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 DECEMBER 1996

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The Assembly met at 10.30 am.

(Quorum formed)

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

PETITION

The Clerk: The following petition has been lodged for presentation:

By **Ms Horodny**, from 653 residents, requesting that the Assembly develop the Belconnen Soccer Centre in a location better suited to a sporting complex of its magnitude.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

National Soccer Centre

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that the development of the Belconnen Soccer Centre, to International standards, in McKellar section 71 will be detrimental to our local amenity. These concerns relate especially to: the large scale and extension plans, traffic volumes, crowd & traffic noise, overflow parking in residential streets, high intensity night lighting, pollution of Ginninderra Creek and Lake Ginninderra, irretrievable damage to the wetlands and a general disturbance of peace on weekends and late at night, seven days a week. Consequently we do NOT support the development of the Belconnen Soccer Centre in McKellar.

Your petitioners therefore request the Assembly to: develop this Soccer Centre in a location which is better suited to a sporting complex of this magnitude.

Petition received.

LAND ACQUISITION (NORTHBOURNE OVAL) BILL 1996

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.32): Mr Speaker, I ask for leave to present the Land Acquisition (Northbourne Oval) Bill 1996.

Leave granted.

MR HUMPHRIES: I thank members. I present the Land Acquisition (Northbourne Oval) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: Mr Speaker, I move:

That this Bill be agreed to in principle.

On 5 November this year I announced that, in order to put an end to the long-running dispute over the legal ownership of Northbourne Oval in Braddon, the Government would consider introducing into the Assembly before Christmas a Bill to provide for the acquisition of the lease and the issue of leases to appropriate parties. The present situation is untenable. While the dispute between the ACT Leagues Club and the Canberra and District Rugby League continues, the oval's intended use as a facility for the peak rugby league body in the Territory continues to be frustrated.

The Land Acquisition (Northbourne Oval) Bill 1996 provides for the compulsory acquisition of block 1, section 30 in the division of Braddon. The Bill provides for the declaration of an acquisition; the vesting of the relevant land in the Commonwealth and the entitlement to vacant possession; compensation to be payable to the holders of acquired interests; notification and registration of the acquisition; and the disposal of acquired interests. While certain provisions of the Lands Acquisition Act 1994 are expressly applied by the Bill, the operation of other provisions is excluded.

The Bill provides that the Executive may declare the relevant land to be acquired for the Commonwealth. Upon publication of the notice, the relevant land is vested in the Commonwealth and is freed from all other interests and encumbrances. The Executive is entitled to possession of the relevant land 28 days after publication of a notice of acquisition. Under this Bill, when the acquisition of the interest is notified, the interest of a person in the relevant land is converted into a right to compensation. The Bill requires the Executive, as soon as practicable after the acquisition of the relevant land, to serve notice of the acquisition on each person having an interest in the land. If those persons are not known, it is sufficient that notice be given to each person that can be ascertained. The Executive is required, within 28 days after publication of notice of the acquisition, to lodge particulars of the declaration of the acquisition with the Registrar-General. The Registrar-General is to give effect to the declaration and make appropriate entries in the records kept by the Registrar-General.

Compensation is provided for by the application of Part VI of the Lands Acquisition Act 1994. The Part will apply in relation to an acquisition under this Bill as if it were an acquisition under the Lands Acquisition Act. The Executive may dispose of an interest acquired under this Bill in accordance with the provisions of the Land (Planning and Environment) Act 1991. In disposing of an interest, the Executive is not required to comply with Part IX of the Lands Acquisition Act 1994. This Bill has effect despite anything contained in the Lands Acquisitions Act 1994.

I am well aware of the reaction that this legislation will attract, particularly from the current occupier of the lease; but I am determined to have the matter resolved. This Bill in no way challenges or compromises the power of the Supreme Court to determine the interests of the disputing parties. It provides only for the acquisition of the lease and compensation of persons according to their entitlement. Northbourne Oval should be used primarily as a sporting facility, not as a commercial car park. It should be occupied and used by the peak rugby league body in the Territory. By acquiring the lease and disposing of it to appropriate parties, the Government will ensure that this valuable Territory asset is put to its proper use. I commend the Bill to the Assembly, Mr Speaker, and indicate that I intend to bring it forward for debate on Thursday of this week.

Debate (on motion by **Ms McRae**) adjourned.

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL (NO. 2) 1996**

Debate resumed from 26 September 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (10.37): Mr Speaker, the Bill that is before us today actually establishes a licensing scheme for the sale of X-rated material in the Territory. I want to make it clear at the outset that in dealing with X-rated material we are dealing with a product which is legal, which is classified as X-rated under the Commonwealth censorship laws and which is probably best described as non-violent erotica. I know that is the term which the industry prefers. It is erotic material which depicts activity between consenting adults. There is no coercion shown in this material; there is no violence shown; there is no involvement of children. It is, as I say, a legally classified product under the Commonwealth's laws.

The material which is so classified has been the subject of a great deal of debate in this Assembly over the years. I think it is fair to say that only my own party's position on the availability of such material has been consistent over the years. We have held the view that adults have the right to view or to read legal material without censorship. I am very pleased, although somewhat surprised, to see that the Liberal Party has now come to that position as well. At their recent policy conference they, in effect, completely reversed their previous stance, which was to work towards the banning of this material in the Territory.

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Mr Speaker, I think it is also fair to say that probably nobody in this chamber likes this material very much. It is certainly not to my taste. After long experience in the Assembly, I think I can say with confidence that it is probably not to any of our tastes. Nevertheless, there is a demand for it in the ACT and elsewhere. It is a demand which I find quite inexplicable, but while the product is legally available I have no objection to that demand being met in a legal and regulated fashion.

We have seen a number of schemes come and go. The most recent, of course, was the regulatory and revenue scheme put in place by the former Alliance Government, which was effectively struck down in the High Court in the Capital Duplicators case. The striking down of that previous regime meant a great deal of lost revenue for this Territory, because until that point we had had a thriving industry, I am led to believe, and an industry which was paying a considerable amount to the Territory by way of revenue. It is important that we attempt both to regulate that industry in our Territory and to extract an appropriate contribution towards the Territory's coffers from that industry. The Opposition will be supporting the Government's legislation.

The Bill which the Attorney-General has brought forward actually widens the definition of X material to include films and CD-ROMs as well as videos in the licensing scheme. That is a move which I think is very timely. We have to keep up with new technology in this area, as in all other areas. The Bill also makes tighter provisions for the inspection of premises to ensure that the laws are being complied with. Unfortunately, we know only too well from recent events that those provisions are extremely necessary and that even while this industry enjoys a relatively privileged position in this Territory there are some - a small number - who would seek even to flout the legislation which we have here. I welcome the tighter provisions for the inspection of premises.

The Bill also restricts and puts conditions on the sale of films, publications and computer games, and at the same time it imposes the new revenue regime. The revenue regime, at first blush, might seem to be a very severe imposition, because it increases a \$50 per month licence fee to \$10,000 per year - a fairly massive increase. I think that when you take into account the previous legislation which was struck down, which was a tax on the retail side of X videos, then you can well understand that the Government needs to take additional measures to make up for the income from what the High Court has regarded as unacceptable - in fact, an excise. We will be supporting the Bill, particularly as it is a revenue Bill and is expected to raise some \$450,000 in a full year of operation. I believe that that is income which the Territory needs, and it is an appropriate contribution by this industry to the welfare of our Territory.

I was a little bit alarmed to see the Government, again at the eleventh hour, drop a whole range of amendments on members. In fact, I received them last Friday afternoon. This imposes a considerable difficulty upon private members who do not have the kind of staff or resources who can consider large changes at such a late hour. Nevertheless, I have now had an opportunity to examine those amendments in some detail, and they do not give me any difficulty.

Mr Speaker, I welcome this legislation, because it replaces legislation which was shown in the High Court to be unworkable. The High Court held that our previous X video regime was in fact an excise, which the Territory is not allowed to extract. I hope that this new regime does not meet with such legislative hurdles. It is my view that, even though the \$10,000 per annum licence fee appears substantial, given the overall revenue from it of only \$450,000 in a full year this is still an area of revenue where the Government has some scope to raise more funds. I know that there has been consultation with the industry and that the industry is relatively satisfied with the legislation that is before us; but, in view of the regime which it is replacing and the income from that previous regime, I think there is scope for greater revenue raising from this source in the future.

MR HUMPHRIES (Attorney-General) (10.44), in reply: Mr Speaker, in closing this debate, I thank the Opposition for its support for the Bill. I do not propose to elaborate on the comments I have made before about the Liberal Party's policy on X-rated videos. Whatever the policy on those videos, if it is to operate in the Territory and provide for an industry to bring benefits of some sort to the Territory, then it is important at the same time to extract benefits for the broader community through an appropriate regime of taxes and charges. I submit that the regime before the Assembly today is such a regime.

Ms Follett correctly refers to the failed attempt by the Alliance Government to secure a fairly heavy regime of taxation on the X-rated video industry. The Treasurer at the time described the imposition of this tax as loot for lust. I think that was the phrase that he used. It is true that the Government at the time felt that it was appropriate to take heavily from the industry if it were to operate in the Territory. The charges which are imposed under this regime are probably not overall as heavy as they were then, but they still constitute a fairly significant contribution back to the community from the industry to account for the economic benefits which it supposedly brings to the community.

The difference between the Alliance Government's regime and this regime is that the former regime was a franchise fee based on the turnover of the industry and its sales. That was struck down by the High Court in the Capital Duplicators case. The regime put before the Assembly today is a licence regime, such that any person wishing to obtain a licence for a particular retail outlet needs to pay a licence fee. That is a flat fee so that everybody, the smallest distributor and the biggest distributor alike, pays the same amount. It is arguably slightly less equitable than the former arrangement but, we hope, rather more legally durable than the former arrangement. I also confirm that there are some amendments to the Bill which I will speak to during the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (10.48): Mr Speaker, I ask for leave to move 11 amendments, circulated in my name, together.

Leave granted.

MR HUMPHRIES: I thank members. I move:

Page 2, line 18, clause 5, proposed subsection 20(2), insert “or copy” after “sell”.

New clause -

Page 2, line 20, after clause 5, insert the following clause in the Bill:

“Possession or copying of film

‘5A. Section 24 of the Principal Act is amended by omitting from subsection (2) all words after “film” (second occurring).’.”.

Page 3, line 18, clause 6, proposed section 54C, omit “an X film licence”, substitute “a licence to sell or copy, or to sell and copy, X films”.

Page 3, lines 26 to 30, clause 6, proposed subsection 54E(1), omit the proposed subsection, substitute the following subsection:

“(1) The Registrar shall, on application in accordance with section 54C -

- (a) grant a licence to sell or copy, or to sell and copy, X films; or
- (b) refuse to grant a licence to sell or copy, or to sell and copy, X films.”.

Page 4, line 27, clause 6, after proposed paragraph 54F(a), insert the following paragraph:

“(ab) whether the licence is granted in respect of the sale or copying, or the sale and copying, of X films;”

Page 4, lines 31 and 32, clause 6, proposed section 54G, omit all the words after “force”, substitute “for such period, not exceeding 12 months, as is specified in the licence”.

Page 5, line 13, clause 6, after proposed section 54H insert the following section:

“Payment by instalments

‘54HA. (1) Where, under section 54H, the Registrar renews a licence, the licensee may pay the determined fee by instalments.

‘(2) Instalment payments shall be paid on or before the due date.

‘(3) Where a person fails to pay an instalment by the due date, the Registrar shall, by notice to the licensee, suspend the licence.

‘(4) Where a person fails to pay an instalment within 30 days after the due date for the instalment, the Registrar shall cancel the licence.

‘(5) In this section -

“due date” means 1 February, 1 May, 1 August or 1 November.’.”.

Page 5, line 34, clause 6, after proposed section 54K insert the following section:

“Change of activity under a licence

‘54KA. (1) Where -

(a) a licensee is authorised under a licence to sell and copy X films; and

(b) the licensee ceases to sell or copy X films;

the licensee shall, not later than 28 days after he or she ceases to sell or copy X films -

(c) notify the Registrar in writing of that fact; and

(d) submit his or her licence to the Registrar.

‘(2) The Registrar shall, within 7 days after receipt of a notice under subsection (1), amend the licence and return it to the licensee.

‘(3) A licensee shall not, without reasonable excuse, contravene subsection (1).

Penalty: 20 penalty points.’.”.

Page 7, line 20, clause 6, after proposed subsection 54L(7) insert the following subsection:

“(8) The Registrar shall cancel a licensee’s licence on the written request of the licensee.”.

Page 7, line 23, clause 6, proposed subsection 54M(1), insert “or copy” after “sell”.

Page 11, lines 30 to 32, clause 12, subclause (2), omit the subclause, substitute the following subclauses:

“(2) A continued licence shall be taken to have been granted under section 54E of the Principal Act as amended by this Act.

(3) Subsection 20(2) of the Principal Act as amended by this Act does not apply in relation to the licensee under a continued licence in so far as it creates an offence relating to copying an X film.

(4) For the purposes of section 54H of the Principal Act as amended by this Act, if the application for renewal of a continued licence is accompanied by the determined fee appropriate for the renewal of a licence granted under section 54E of the Principal Act as so amended to sell and copy X films (a ‘combined licence’), the continued licence shall be taken to be a combined licence.

(5) In this section -

‘continued licence’ means a licence continued in force under subsection (1).”.

I also present a supplementary explanatory memorandum. Mr Speaker, the amendments prohibit the copying of films which have been refused classification and unclassified films; they require that a person be licensed before he or she may copy X films; and they enable a licence fee where a licence to sell or copy X films is renewed to be paid on a quarterly basis. The Government has decided to make these amendments to the Bill, which was introduced in September, following discussions with representatives of the X video industry. Until now duplicators of X films who were not also in the business of selling or exhibiting the films have not been regulated under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. However, in putting in place the new X video licensing regime which was announced as part of the budget,

the Government has decided that the fees charged should reflect the scale and nature of the businesses being operated by the X industry. For that reason, I propose that where an operator both sells and duplicates X videos the operator will pay a higher fee than the operator who simply sells or duplicates X videos.

Similarly, the determined fee will reflect the number of outlets from which a licensee conducts such activities. The fee scale I am proposing will ensure that smaller X video sellers or duplicators will not be disadvantaged, because the fees imposed on operations with multiple outlets which are both selling and duplicating will be much higher than those for a single retailing outlet. Presently, the Act requires a licence only for a person to sell X films. To give effect to the Government's decision, the Act needs to be changed to require a person to be licensed to copy X films. These amendments will give effect to that requirement.

The Government is also proposing to prohibit the copying of films which have been refused classification or are unclassified. Presently, it is not an offence for a person to copy such films, provided that they do not do so with the intention of selling or exhibiting the films. However, it would be anomalous if a person were required to be licensed to copy X films but could copy refused classification and unclassified films with impunity. I do not consider that it is acceptable for persons in the ACT to be duplicating such films, the sale and exhibition of which are illegal throughout the country. Even if the person doing the duplicating does not intend to sell the films, it is reasonable to assume that he or she would know that the person who has commissioned the duplicating work intends to sell or exhibit these films.

It is also possible that some duplicators who believe they are duplicating X films may be unwittingly duplicating refused classification or unclassified films. At present they have no reason to inquire as to the classification of the film, given that they face no penalty even if what they believe to be an X film turns out to be a refused classification film. A prohibition on the duplication of RC and unclassified films will place an onus on duplicators to ensure that the material they are duplicating is not refused classification or unclassified material.

I was concerned to hear recently that one duplicator who claimed that some of the material he was duplicating was to be exported to South Africa took the view that it did not matter whether the films had been classified or refused classification, because they would be sold in a country other than Australia. The Government does not want any material that could not be lawfully sold or exhibited in the ACT being duplicated here for export to another country. To condone or permit such a situation would be an abrogation of our responsibilities as members of the Australian and world communities. This is a view which is shared by the Federal Government, which is moving to amend customs regulations to prohibit the export of refused classification and unclassified films. For these reasons, the amendments include a prohibition on selling or copying RC or unclassified films other than for law enforcement purposes.

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Finally, the Government amendments facilitate the payment of a licence fee in quarterly instalments where a licence is renewed. New licensees will be liable to pay their annual fee up front. However, where a licence is renewed, the licensee may pay in quarterly instalments. Those who are presently licensed will therefore take the benefit of the option of making quarterly payments of their fees. These arrangements are intended to assist those who are already in the X video industry, and who will be subject to the greatly increased licence fee of \$10,000 for a licence to sell from one premises, with higher fees applying where more than one premises is licensed or the licence also covers copying. New entrants to the industry will know that they face the payment of their fees up front for the first year. Where fees are paid by instalment, failure to pay by the due date will result in suspension of the licence and, where an instalment is not paid within 30 days of the due date, the licence will be cancelled. I commend these amendments to the Assembly.

MS FOLLETT (10.53): The Opposition will be supporting these amendments, which deal basically with three issues. First of all, they deal with the licensing of people who are in the business of copying X films. I understand that within the X-rated industry in the ACT there are quite a number of such businesses. In fact, if you put any credence in the name of the business that took our previous regime to the High Court, Capital Duplicators, it is quite clear that they were also in the business of copying X films and that there is a substantial amount of business done in the ACT by way of copying of X films and subsequently selling them elsewhere.

The amendments also deal with another very necessary aspect of any regulatory regime, and that is the unclassified or refused classification material. Mr Speaker, these two kinds of material are in fact illegal products. It seems to me entirely appropriate that in the ACT we should not allow anybody to carry on a business which profits from the handling of illegal products. If we were, for instance, to come across a heroin operation in the ACT and the operator were to say, "We are just packaging it and sending it out of the ACT", I do not think we would say, "That is all right". It is quite clearly an illegal product and it would not be acceptable for them to be undertaking that kind of business and profiting by it. Material which has been refused classification - that is, it does not meet the guidelines of the Commonwealth censorship scheme, whether for reasons of violence, the degree of pornography, the involvement of children or whatever - is a very serious type of material which is banned. Material which is unclassified - that is, it has not been through the censorship regime and may contain material which is illegal - is also not acceptable. So it seems to me entirely reasonable that we prohibit the copying of such material and prohibit anybody from carrying on such a business in the ACT.

The final aspect of these amendments, the payment of licence fees by instalment, seems to me to be reasonable, particularly when it applies to businesses which are already in existence. I think it is probably quite sensible to require new businesses to pay the full fee up front, especially if you want to discourage fly-by-nighters or people who want to make a very short term killing in the ACT. I do not think that is the kind of industry we want to encourage here. The licence instalment plan seems to me to be reasonable, but I know that the Revenue Office will want to keep that under pretty close monitoring to make sure that it is working the way that the legislation intends it to work and that the revenue which the Government expects to gain from this legislation is in fact being achieved.

Mr Speaker, we will support these amendments. I wish, though, that the Government had in fact prepared its legislation in toto at the time that it tabled it in the Assembly some three months ago. It really does impose a burden on private members to have large-scale amendments proposed very late in the piece, especially, as in my case, after they have advised their colleagues of the content of the Government's legislation and suggested a course of action to them. I hope that this will not become a pattern with the Government. It is not a good way to ensure that the Assembly is properly informed and properly consulted on the Government's legislation. Nevertheless, on this occasion we will support the amendments.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

REMAND CENTRES (AMENDMENT) BILL (NO. 2) 1996

[COGNATE BILL:

MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1996]

Debate resumed from 21 November 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Magistrates Court (Amendment) Bill (No. 2) 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MS FOLLETT (10.59): These two Bills are designed to allow for detainees from the Belconnen Remand Centre to be moved interstate whilst they are still on remand. In the course of examining the two Bills, I actually conducted an extensive tour of the Belconnen Remand Centre and of Goulburn Gaol in order to assess the impact of the Bills and whether or not I should recommend to my colleagues that we support them. First of all, I want to thank the Minister and his officers for arranging both of those visits for me. I would also like to thank the officers from the Belconnen Remand Centre and from Goulburn Gaol for their extreme courtesy towards me and their enormous patience while I inspected their premises at some length. It was a pretty thorough job that I did, and I am very pleased indeed to have had that opportunity to inform myself very closely on the conditions which confront a very small proportion of the ACT's population but one which is often overlooked. I was impressed by the quality of the staff at both establishments. I was also somewhat taken aback to notice that, far from my expectation that conditions in the Belconnen Remand Centre would be better than those in Goulburn Gaol, they were in fact very similar.

When I first saw the Bills, I was inclined to oppose them. However, I am aware that this issue arose during a period of massive overcrowding at the Belconnen Remand Centre when detainees actually were sent to Goulburn Gaol and, on subsequent appeal to the courts, had to be brought back to the Belconnen Remand Centre because the courts held that the BRC administrator did not have the power to remove people interstate. I am concerned that overcrowding which gave rise to this whole Government legislation package has been a very serious issue at the Belconnen Remand Centre. We have debated that issue more than once. The facility, as we all know, is probably too old. It is not designed for current needs. Nevertheless, I am also aware that detainees at the Belconnen Remand Centre are severely disadvantaged during periods of overcrowding. I think that is something that members of the Assembly should take very seriously into account. While the Belconnen Remand Centre is overflowing, the detainees there do not have the kind of facilities and services which they have at other periods. In particular, they may have to sleep on the floor on a mattress. I can only imagine what it is like to be sleeping on a foam mattress on the floor of a concrete cell in the middle of winter, but it cannot be good. I cannot imagine myself enjoying that one little bit.

The detainees' visiting rights may be restricted because of the strain on staff caused by overcrowding and indeed also by budget constraints. There have been several periods when visitors' access to detainees has been severely curtailed, and I think that is a great disadvantage. It is also the case that during periods of overcrowding and staffing problems detainees often spend most of the day locked in their cells, so their periods of exercise and of other activities are severely curtailed.

Overcrowded conditions do have a very real and very negative effect on the detainees at the Belconnen Remand Centre. For that reason, I was prepared to consider the Government's legislation in a rather more kindly light. The alternatives that might be available within our Territory - for instance, the city watch-house and so on - are, if anything, rather more of a disadvantage to detainees than the overcrowded conditions at the Belconnen Remand Centre would be. I did inspect both facilities very closely, and I have to say that the remand facilities are pretty similar. The remandees in Goulburn actually have the option of working in one of the industrial settings there, although there is no compulsion for them to do so. They also face a major disadvantage in the distance from Canberra. Mr Speaker, I have circulated some amendments which I will speak on when I move them.

MS TUCKER (11.04): Basically, this Bill is about a short-term fix to a long-term problem of overcrowding in the Belconnen Remand Centre by making it administratively simpler to transfer a remandee from the Belconnen Remand Centre to the New South Wales system. The debate last week on the future of custodial facilities in the ACT has highlighted the need for an overall review and possibly a new facility for the ACT. There does seem to be general agreement in the Assembly that patching up the Remand Centre is not an appropriate longer-term option. While there will undoubtedly be debate on the most appropriate form and management of a new custodial facility, having consensus so far is a good start.

As Mr Humphries highlighted in his speech, there are a number of factors contributing to overcrowding at the Belconnen Remand Centre. Firstly, there is the unfortunate simple fact that the ACT is outgrowing the Remand Centre. As the Attorney-General's annual report states, total detainee days nearly doubled in 12 months, from 6,000 in 1994-95 to 11,000 in 1995-96. There is also the issue that was raised in our briefing and discussed in the Estimates Committee, that remandees are in a sense biding their time in the Remand Centre for a range of reasons, including the fact that time is often considered to be a defence's best friend, but also to avoid going to New South Wales. From what I have heard of some elements of the New South Wales prison system, who could blame them? We are not talking here about people who have been convicted; we are talking about remandees.

The Greens have a number of serious concerns with this Bill. Aside from the obvious issue of the appropriateness of sending unconvicted prisoners interstate in the first place, we are concerned about appeal rights over a decision and about the process for the administrator making a decision. It is of great concern to me. People, particularly people with a mental illness, in the Belconnen Remand Centre must be treated appropriately. Such things must be taken into consideration before any movement is considered. Many people in the community have already expressed their concern about the lack of a forensic facility. As members are well aware, it has been raised in many submissions to the Social Policy Committee inquiry into mental health services.

The New South Wales prison regulations were referred to by the Minister in his speech. I received a copy of those regulations. I was concerned that they did not address some of the issues I raise in our amendments. Our amendments will go some way towards addressing these concerns. I hope that regulations can be further developed in the future. There are a range of factors which I believe the administrator should consider before making a decision to transfer someone to a New South Wales prison. I have circulated an amendment with a list of criteria that we believe the administrator should consider.

MR MOORE (11.07): Mr Speaker, this has been a very interesting piece of legislation for me to consider. My immediate reaction to it was simply to vote against it. The reason my reaction started that way was that the Bill fixes a symptom; it does not deal with the problem. Unfortunately, we see this sort of approach from this Government too often. They find a problem and they look to solve the specific problem as they see it and often that solution is about the symptom, not about the fundamental problem itself. There is a real problem when the number of remandees over the last couple of years has increased by 100 per cent. We have to ask ourselves what is going on and why that is the case. Why have we had a sudden increase? I say "sudden" because over a very short period of a couple of years we have had a significant increase in the number of remandees. Has there been a huge increase in the number of crimes in the ACT? The statistics are telling us that there has not. Has there been a huge increase in police solving crimes? Perhaps that is the case. If that is the case, congratulations to the police. Perhaps it is some specific style of crime that they are solving. That is the job that we charge them with doing. Is there a problem in the Magistrates Court or the Supreme Court that means that people are being held longer and longer in remand? If that is the case, then surely as a democratic society we have to look at that very carefully.

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We are particularly critical of people who have not been found guilty being held in custody in other places. Certainly, I know that Mr Humphries and I - probably all members - have been involved in Amnesty International and writing letters to governments in other countries saying that they ought not to keep people detained when they have not been found guilty of an offence. We have to be very careful that we are not detaining people for any length of time. We are conscious that our courts are very reluctant to detain people who have not been found guilty of a crime. However, it is clearly an appropriate response in some circumstances. Nobody would say that Martin Bryant should have been left to walk the streets prior to his trial. That is one extreme on which we would all agree. At the other extreme, we would say that somebody who has been charged with a relatively minor traffic offence should not be detained in custody until their case comes before a court. Probably for a series of reasons, we have an increased number of people on remand over a longer time. Ms Follett spoke to that quite appropriately.

How do we solve this problem? The proposal put before us is that we allow these people to remain on detention but we find somewhere to put them, probably Goulburn Gaol. It is some years since I went through Goulburn Gaol. I did it when I was first elected.

Ms McRae: We can arrange for you to go again.

MR MOORE: Having spoken to Ms Follett about her relatively recent trip there, I believe it is indeed, as Ms McRae interjects, time for me to go again and have a look. I was horrified by what I saw in the main part of Goulburn Gaol when I went there in 1989 or 1990. I did not go into the remand section of Goulburn Gaol, which I understand is separate, so I will need to see that. When we are going through legislation that provides for two years' gaol or three years' gaol, it is important for us to understand exactly what that means and entails. Since my visit to Goulburn Gaol I have visited a number of modern gaols which I think were far better. I should be fair to Goulburn Gaol and say that there was a new section of Goulburn Gaol which was very different from the old gaol, with its old cells and bare cage inside old walls. Perhaps they have been able to continue modifying it.

The question before us is how we solve the problem with the Remand Centre. I think that comes back to the Government implementing a temporary solution to deal with the symptoms, because you have to deal with the symptoms, but then taking on the responsibility of working out and solving the problem as a whole. Perhaps it means more community service orders; perhaps it means a stronger search within the community to find ways to deal with keeping people out of gaol. It seems to me - and we had this debate when we talked about a gaol last week - that, if we can avoid what Ms Follett called the bricks-and-mortar solution for penalties, then we should avoid it. I strongly favour community service orders. I looked at what was done in Canberra a couple of years ago under the Labor administration and I was singularly impressed. I think that we need to work on that and enhance it so that the courts feel comfortable with such penalties as an alternative to the bricks-and-mortar solution of sending people to gaols in New South Wales and so that people are not inclined to ensure that they stay as long as they can in remand so that they do not have to go to gaols in New South Wales.

It is not just to do with a gaol being an awful gaol or a good gaol, although I am sure that has some role in it; it is to do with being separated from one's family. If you are in Goulburn Gaol and your spouse or children do not have access to a vehicle, it must be very difficult for them to visit you. It must be very difficult for a parent to take their children to visit somebody in an institution like Goulburn Gaol. Leaving Canberra just exacerbates all the problems that gaols create. That leads us into further debate about whether we have a gaol or not. That is something that Mr Humphries has tabled a discussion paper on.

Mr Speaker, I am very concerned about this solution. I think it should be a temporary solution. The Minister should report back to the Assembly, say, every six months on the numbers of people on remand, how many are detained in Canberra and how many have been moved out of Canberra. A commitment of that type would certainly make me much more comfortable about supporting legislation that I am particularly uncomfortable about.

MR HUMPHRIES (Attorney-General) (11.16), in reply: Mr Speaker, in closing this debate, I want to thank members for their contributions and make a few points about the way in which the legislation is intended to operate. Ms Tucker described the Bill as a short-term fix to a long-term problem. I would concede that that is essentially what the legislation is all about. I do not like having to arrange for inmates of our Remand Centre to be taken to places outside the ACT. I have commented repeatedly in this place about the inadequacy of the Remand Centre, as have other members, including Ms Follett. I think it is fairly well understood that the Remand Centre is rapidly reaching, if not long past, its use-by date and needs to be replaced with something far more appropriate to principles of contemporary incarceration leading into the twenty-first century.

That issue is a reasonably long-term project. I have indicated that I think that the ACT should try to aim to have its own correctional facility for full-time inmates by the turn of the century. I suggest that timetable because I do not think that it is appropriate for us to say, "We need a prison. Let us rush in and build one right now. We need a new remand centre. Let us rush in and build one right now". Given the factors we are dealing with, including increasing rates of incarceration and increasing rates of remand, we have to plan how we are going to deal with these issues into the distant future, not just for the next couple of years. We have to make appropriate plans and design a system which is going to meet those needs very well. I think that those who were responsible for building the Remand Centre back in the 1960s did not take those sorts of long-term considerations adequately into account.

Whatever the situation, Mr Speaker, we have the problem that we have too many people incarcerated in the Remand Centre and too few spaces for them to be kept there. We need to have a system for handling that overflow. I share the concerns that Ms Follett expressed, and I think Ms Tucker also expressed, that places like the city watch-house are not adequate alternatives to the Remand Centre. They are okay on a very short-term basis; but they do not have adequate exercise facilities, they do not have adequate recreational facilities for people incarcerated there, they do not have any capacity to provide education or work programs for the people on remand, and they do not have the capacity to provide proper catering to those on remand. Places like the watch-house are quite inadequate on a long-term basis.

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It seems to me that the only adequate basis for dealing with those problems is to consider the New South Wales system. The remand centre at Goulburn is the appropriate alternative in circumstances where we find ourselves unable to adequately and humanely accommodate people in the centre at Belconnen. The question that arises from that is: In what circumstances should a person be transferred from the ACT into the New South Wales system? I should make it clear to members of this place that those decisions about what is best for the total inmate population of the Remand Centre and what is best for particular inmates who are proposed for transfer are issues that I believe very firmly ought to be in the hands of the administrator of the ACT correctional system. I do not believe it is a process in which politicians should get involved. I do not believe it is a process in which the courts ought to be involved either. I remind the Assembly that there is no system elsewhere in Australia where the courts have a role in determining the movement of prisoners between centres, except on an administrative review basis, that is, when a decision is made with mala fides or something of that kind.

What is in the best interests of the system as a whole and who should move to cater for that need are decisions made by those who administer the system, and I propose the same in this case. The complication for the ACT is that our movement of prisoners is across the border between the ACT and New South Wales. I would suggest to members that it is appropriate that we nonetheless provide for some discretion to those who administer our system, to the administrator of the system in particular, to exercise that judgment in appropriate circumstances. I indicate that in that sense I intend to accept Ms Follett's amendment to the effect that that power not be delegated below the administrator in the case of interstate transfers.

Mr Speaker, how we deal with those things is very difficult. This legislation has arisen from a view taken by the Supreme Court that because the legislation was unclear on the subject of who decided on this issue it had an inherent jurisdiction to make a decision about whether particular prisoners might be transferred to New South Wales. I do not comment on the law as applied by His Honour in that case, but I think that, if there is an omission from the legislation that makes it unclear whether there is a power for the system to make decisions in that area, this legislation should be carried today to make it clear that that omission is not intended and that there ought to be a power to make a decision about those things.

Ms Tucker said that she was concerned about appeal rights. I suggest to her that it is very difficult to build in appeal rights against transfer between centres when those are decisions which customarily are made around this country by administrators of systems, not by judges and magistrates. In my view, there is a great danger in transferring those things into the hands of judges and magistrates. It is not done elsewhere, and it is a process that inevitably involves a great deal of cost and time.

The matter that was before Justice Higgins in the Supreme Court took a total of five days to resolve. If the system is overcrowded and there is an immediate problem because people have been sent by the courts into the Remand Centre, five days of appearances before the court and discussion and debate before a court, particularly the Supreme Court, are not an appropriate way of dealing with those problems. That fails to meet the objective of the legislation. I believe that prisoners have rights. There are processes to protect those rights, and I am quite happy to enhance those rights in an

orderly fashion as we see fit in this place; but I do not believe that the management of an immediate accommodation or other problem in the centre should be a matter that is transferred into the judicial system. It just is not the way that I think this sort of thing should be handled.

Mr Moore: It is about protecting against arbitrary punishment decisions.

MR HUMPHRIES: To take Mr Moore's interjection, I agree that the system should not impose an additional form of punishment on inmates because it is proposed to transfer them from one place to another. I quite agree that that should not be the case. Someone should not be transferred as a way of punishing them, for example, for bad behaviour per se. Nonetheless, on occasions, if there is a disruption, for example, in a centre and it is in the interests of the centre that particular individuals be separated from the centre or that there be a capacity to relieve pressure on the centre, it may be the decision of the administrator of the system that the person who in fact has been the source of the problem be transferred. That should not be seen as punishment of that person, but should be seen as a logical way of dealing with a particular problem. If a person is causing a problem in the centre, it makes little sense to transfer other people out of the centre to deal with that problem. It makes sense to deal with that particular person or persons.

Mr Speaker, I do not profess to have a great deal of expertise in the management of prisoner issues. That is not my job. It is, with respect, not the job of any other person in this place. It is, however, the job of those people we pay to run our correctional facilities. They are people I have a great deal of faith in. They have shown considerable good judgment and I believe they are very competent to deal with these sorts of issues. I commend their judgment, so to speak.

I want to comment on one final matter that Mr Moore raised. He said that people ought not to be held in custody for long periods without trial. I quite agree with that; but I think it is important to distinguish the situation that, for example, members of Amnesty have been involved with in other campaigns from what happens in this place. Everybody who is in the Remand Centre - without exception, I think it is true to say - has been charged with some offence. They know what they are charged with. They have had the opportunity to appear before a court. They know what it is they have to do to resolve the charges which have been laid against them.

Sometimes it is important to bear in mind that people choose to be in the Remand Centre. The reason they often choose to be there is that they have been arrested for an offence which they believe, probably on good grounds because of some experience with the system, is going to result in a conviction and a period of imprisonment for them. They know that the service of a period at the Remand Centre will count towards their ultimate period of service in the prison system, and they sometimes quite consciously make the decision to leave a trial of the issues for quite some time because they would rather be in the Remand Centre than serving their sentence in, say, a gaol in New South Wales. We have to bear in mind that that is the fact. I reject the suggestion that the system is responsible for keeping people there for that period of time. Sometimes the people themselves make a conscious decision to stay in the Remand Centre.

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There are complex issues here, but I commend this legislation to the house. It is important that we provide a system that is flexible enough to meet these problems. We are sometimes dealing with a quite explosive situation where violence is imminent or indeed has occurred. We must be able to manage this sensibly and quickly. That entails having people running the system who are capable of exercising judgment in appropriate circumstances. I believe we have such people at the moment. We also have to make sure that their judgment can be exercised quickly and appropriately. That is what this legislation essentially does.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 3, by leave, taken together, and agreed to.

Clause 4

MS FOLLETT (11.28): I move:

Page 2, lines 4 to 7, proposed subsection 7(2), omit the proposed subsection, substitute the following subsection:

- “(2) The Administrator may -
- (a) if he or she considers it appropriate to do so - arrange for the transfer of a person remanded into the Administrator’s custody from a remand centre or other institution within the Territory to another remand centre or institution within the Territory; or
 - (b) if a person remanded into the Administrator’s custody cannot be reasonably accommodated in a remand centre or other institution in the Territory - arrange for the transfer of the person to a remand centre or institution outside the Territory.”.

Mr Speaker, in moving this amendment, I want to make it very clear to the Government that I expect and the Opposition expects that the step of removing remandees from Canberra to Goulburn will be taken only in extreme circumstances and only as an absolutely last resort. I do not accept a great deal of what Mr Humphries has just said about the need to remove a troublemaker or to defuse an explosive situation. I think that we must expect that the Belconnen Remand Centre will deal with difficult issues within its own centre as best it can, without resort to sending people interstate. It is my greatest

fear for this legislation that the Assembly is considering that the ability to send people to Goulburn will be used to teach certain remandees a lesson. That is absolutely what I do not want to see. My amendment proposes that only in circumstances where Canberra's facilities are full can you even contemplate sending somebody interstate. I think that that is a reasonable constraint to put on both the Government and our corrections system. As I have said, I do not want to see this legislation brought into play in any but the most exceptional circumstances. It is not to become routine, and I do not believe that it should ever be brought into play in order to punish or to teach a lesson to a particular remandee.

There are huge disadvantages to people on remand being sent to Goulburn Gaol. The most obvious disadvantage is the distance that it is from Canberra. It is an hour by road. This would make it extremely difficult for a remandee to enjoy the kinds of facilities and access to services that anybody in Canberra would enjoy. For instance, visiting rights would be severely curtailed for a remandee who was taken to Goulburn; but, perhaps more significantly, that person's ability to prepare for their defence and consult with legal advisers would be severely constrained. Mr Speaker, I have already said that I accept that detainees in Belconnen during periods of severe overcrowding suffer enormous disadvantage, but the disadvantage is worsened considerably by their removal to Goulburn. Their removal is indeed just a short-term emergency measure.

Mr Speaker, it is my wish, through this amendment, to constrain the operation of this legislation. I make no apology for that. It is my view that only in circumstances where remandees cannot be accommodated in this Territory should we even contemplate sending them elsewhere. When Mr Humphries said that it is not up to politicians to interfere in this process and it is not up to the courts, he was being somewhat disingenuous. He has involved us politicians by putting the legislation before us. Were we expected just to swallow it whole? That is not the way we do things in this Assembly. When you ask us to consider a very serious matter like transferring to the New South Wales prison system remandees who have not been convicted, I for one, and I know many others as well, want to go into it chapter and verse.

Mr Humphries: They go to the remand centre, not the prison.

MS FOLLETT: I accept Mr Humphries's interjection. Remandees who are taken to Goulburn Gaol will be held in the remand facility at Goulburn Gaol rather than in the gaol. That is certainly true. Nevertheless, it is a very significant step to remove them from our Territory, our court system and our legal system to another State. That step should be taken only in extreme circumstances.

I share Mr Humphries's view about the expertise and professionalism of all of the staff involved in the corrections system. I have spoken to many of them. I was very impressed by them, as I am indeed impressed by the staff at Goulburn Gaol. Nevertheless, we have been asked to legislate, and I think it is entirely appropriate for us to say to the Government, "If you want to do this, we are going to constrain your ability to do it". The courts are already involved by having ruled that the administrator did not have the power to remove people from Canberra to Goulburn. For Mr Humphries to say that it is not a matter for the courts is again only a superficial look at the issue. The courts have already been asked to intervene, and they have.

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I believe that my amendment is the minimum constraint that we ought to impose on the Government; but it is a very necessary constraint, in my view, in order to prevent the removal of a remandee, a person who has been charged but not convicted, from their own community to an interstate institution. I think that is a major disadvantage for them and should be contemplated only when our own facilities are, in effect, exhausted. Those are the circumstances in which I move this amendment. I commend it to the Assembly.

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

MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1996

Debate resumed from 21 November 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

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

BLOOD DONATION (TRANSMITTABLE DISEASES) (AMENDMENT) BILL 1996

Debate resumed from 21 November 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR BERRY (11.35): Mr Speaker, the Opposition will be supporting this Bill. It refocuses the legislation onto a range of diseases rather than the acquired immune deficiency syndrome, as was mentioned in the 1985 Act. It recognises that other diseases are well and truly on the agenda when it comes to transmission by bodily fluids, and blood donation is an area where there are risks. At the same time the proposed amendment does not interfere with the liabilities of the various players in the area of blood donations. For example, the Red Cross Society would still be liable were it to be negligent in the provision of blood, and hospitals and medical practitioners will still be liable pursuant to the provisions of the 1985 Act. So, Mr Speaker, these amendments will not interfere with those liabilities. They go another step, Mr Speaker, and allow the Executive to make regulations for the purposes of the Act. Mrs Carnell said in her speech that that would permit the Executive to add other diseases to the list of transmittable diseases mentioned in the legislation, which I do not need to repeat here.

One other issue arose during my consideration of this Bill, Mr Speaker, and that was the breadth of consultation on the process. Bearing in mind the Liberal Government's commitment to open and full consultation with the community, I thought that in the past there had been some breaches of that commitment, so I decided to check in one or two places. I took the trouble to ring the ACT branch of the AMA who, I thought, surely would have been consulted on an issue such as this. Well, what do you know?

They were not consulted. But are you surprised? A chorus of “No”. It would have been a little helpful if we had been given a list of the people who had been consulted. In this case it would not have been too much trouble because I think the list was pretty short. In my consideration of this issue I have given an example of the very hollow nature of the Government’s commitment to full and wide consultation, open council-style government and all of that other stuff that was unleashed on the ACT community at the last election. Mr Speaker, I repeat that the Opposition will be supporting these amendments.

MR MOORE (11.39): Mr Speaker, I rise to support the legislation. I think it is appropriate that protection is in place for not just the HIV/AIDS virus but also a range of other diseases. I did have some concern with the legislation when I first read it. The following definition is being inserted into the legislation by paragraph 6(f):

... “‘Transmittable disease’ means any of the following diseases:

...

AIDS in any of its forms, hepatitis B, hepatitis C and so on -

(f) any other prescribed disease.”.

It occurred to me that it would be appropriate that it be notified in the *Gazette* and made a disallowable instrument.

I approached, through my office, Parliamentary Counsel to draw up an amendment to that effect. Parliamentary Counsel has assured us that, in fact, any other prescribed disease must go through that process. I have accepted that on this occasion. However, having had some time to think about that, Mr Speaker, it seems to me that it is appropriate that such information is in legislation. It just makes it easier to read. It is all right for people who are constantly using the Acts Interpretation Act and so on; but it does not hurt us to reiterate these things so that it is very clear to somebody who objects that there is a process to go through, not only for the public servants involved in the process, and not only for the Minister. We may well wind up with a brand new Minister in this portfolio after the next election. Even if Mrs Carnell were to be re-elected, one would have to be surprised if she took on the health portfolio a second time.

Mr Berry: If you would come to your senses we would get one a lot sooner.

Mr Humphries: Do you want to be Health Minister, Michael? We can arrange that.

MR MOORE: I am sure Mr Berry would be happy to help Mrs Carnell make - - -

Mr Berry: I did not say that.

MR SPEAKER: Order!

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MR MOORE: I am sure Mr Berry would be happy to help Mrs Carnell make the decision not to be Health Minister as well. Should there be a new Minister, it just makes very clear the responsibilities in the legislation. I think we should be relaxed about allowing things in legislation that in one sense are repetitive but in another sense make it easy to read.

In no way does that take away from my support for the legislation. Mr Speaker, I think it is very important that we have this sort of protection in place, but it is also important that the Assembly keep an eye on what other forms of diseases are prescribed. The process is in place; but, of course, that is much more difficult when legislation is brought before the Assembly in the same fashion that this Bill has been brought before the Assembly.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (11.42), in reply: Mr Speaker, I thank the Assembly for their support on this legislation. This legislation obviously became necessary a little while ago. As has already been said, testing for conditions or diseases has significantly improved since 1985. Certainly, there have been intensive developments in blood testing technology since that time. I think it is very important to ensure that legal protection exists when blood is tested for such things as HIV 1 and 2, hepatitis B, hepatitis C, human T cell lymphoma, viruses 1 and 2, and syphilis, and, potentially, other conditions in the future.

The Bill has been developed to expand the protection provided by this Act to include those transmittable blood-borne diseases that are tested for by the Australian Red Cross Society. The Red Cross Society believed it was really important for this legislation to be in place. They certainly have been very supportive of putting it into this house. The same sort of legislation exists in other States, to ensure that the same sort of protection occurs where testing for those sorts of conditions exists. We believe it is an appropriate way to go. We believe it protects the Australian Red Cross Society when they do the right thing and test appropriately. It certainly in no way removes liability when the appropriate techniques are not followed. I think that is a good balance, Mr Speaker, and it is one that this legislation achieves. I would like to thank all those in the Assembly for their support for this important piece of legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SOCIAL POLICY - STANDING COMMITTEE
Report on School Without Walls

MS TUCKER (11.44): I present Report No. 3 of the Standing Committee on Social Policy entitled "The implications of the proposed restructure of the School Without Walls (SWOW) for the alternative education needs of secondary students in the ACT", which includes a dissenting report from Mr Hird, MLA, together with a copy of the extracts of the minutes of proceedings. I ask for leave to move a motion authorising the publication of the report.

Leave granted.

MS TUCKER: I move:

That the Assembly authorises the publication of Report No. 3 of the Standing Committee on Social Policy entitled "The implications of the proposed restructure of the School Without Walls (SWOW) for the alternative education needs of secondary students in the ACT".

Question resolved in the affirmative.

MS TUCKER: I move:

That the report be noted.

Mr Speaker, today I am very pleased to be able to table this report on the inquiry into the implications of the proposed restructure of the School Without Walls for the alternative education needs of secondary students in the ACT. The terms of reference included looking at the review process surrounding the proposed restructuring as well as the implications of this proposed restructure for the broader alternative education needs of secondary students in the ACT.

The committee chose to take on this inquiry in response to community concern that the review process had been unsatisfactory. The committee sought to gain clarification on a number of issues related to the review process and to the reasons for the review. The recommendations show that the committee indeed acknowledged particular concerns that were raised by the department and the Australian Education Union. The committee acknowledged these concerns by supporting the department's proposal to administratively link with another school and the need to further develop curriculum for younger students at SWOW. However, the committee was very concerned about the lack of thorough analysis done by the department before it proposed the so-called refocus of SWOW, particularly in relation to the relocation to Dickson College.

It must be kept in mind that for 23 years in the ACT governments have recognised the value of diversity in education by being flexible enough to support the School Without Walls. It is the only public alternative school for high school students. SWOW was seen to be valuable not only because it provided a place for development of an alternative education model, but also because it offered an educational opportunity for students who, for whatever reason, were not able to fit into mainstream schools.

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Mr Speaker, the committee had the opportunity to hear first-hand from a number of students and their parents why that alternative option was critically important to them. Students were definitely at risk of dropping out of school altogether if this option had not been available. Some students are very vulnerable because of past traumas in their lives and would not feel safe in a mainstream school. The department has claimed that it supports all these concerns and that, indeed, the integrity of SWOW will not be adversely affected by what they called a refocus.

Through the course of the inquiry it became very clear that inadequate background work had been done, particularly in relation to the relocation to Dickson. It was a “see how it goes and change it accordingly” approach. There was also no guarantee of continued discrete resourcing for SWOW, no guarantee of its own board, no certainty about the role of the principal of Dickson, no certainty about how segregated or integrated the group would be, no research done to show what has worked in other schools in this particular area - that is, integration or segregation. Does segregation cause more targeting of a group or is it actually able to work?

There was no explanation put to the committee of how putting a small group of younger students, many of whom are quite vulnerable, in the middle of a large campus of 600 college-age students would benefit that smaller group of younger students. The review report itself had no argument to support the co-location of SWOW at Dickson. In fact, the review report contradicted some of its own recommendations. It is difficult to see how any committee could support this so-called refocus with such little supporting evidence or information. Mr Speaker, it is well to remember that there is a growing acknowledgment that our predominant school system is failing a number of students, particularly in the middle years. If our education system is to be appropriate and responsive to the needs of all students, it is essential that there be diversity within it. SWOW has offered an alternative and a place to develop new ways of meeting the needs of students.

As I have said, the committee acknowledged concerns in some areas of duty of care and curriculum development for younger students. The department has continued to send younger students to SWOW, however, so the committee was left with questions about why they were continuing to send these young students if they were not happy with the situation. Probably the reason has partly to do with the fact that there was nowhere else for these students. The committee could not see this valuable option put at such risk by such a poorly thought out refocus.

Our first recommendation came directly from the Select Committee on Estimates and it is related to the need for the department to develop a clear policy on community consultation relating to school reviews. This recommendation and our last recommendation - that is, that an independent facilitator be brought in to assist in any unresolved matters between the school community and the department - are in response to the unsatisfactory review process and consequent difficulties in negotiations between the school community and the department.

Mr Speaker, another issue of concern to the committee was the uncertainty about the resourcing of SWOW. If the refocus of SWOW is actually to mean that it becomes an off-line program of Dickson, then its future is indeed shaky. In the department's own submission it has stated that two such programs had folded recently due to lack of resources and teacher burnout. Initially it was proposed that Years 11 and 12 would not be part of the refocused SWOW. However, the department appears to have changed its mind on that, and the committee is pleased about this decision, although we have, as well, included it as a recommendation.

There were 27 submissions received and a number of public hearings were held, including one at the school premises. I would like to thank the school for inviting the committee to the school for that hearing, because it gave us an opportunity to listen to a large number of students who I do not think would have addressed the committee if we had been in the committee room here.

Regrettably, before these hearings began, Mr Hird alleged that Ms Reilly had a conflict of interest and withdrew from the committee. This allegation was never tested in the Assembly. Mr Hird then rejoined the committee for the last hearing, while still maintaining the allegation of conflict of interest. This was a rather unusual process and not one that was easy to work with. Despite all of this, I am very pleased to say that this was a very thorough inquiry and that this is an important report for educational options now and into the future for the ACT.

I do not believe that Mr Hird's dissenting report addresses the substantive issues of this inquiry. I also reject his assertion that the committee did not address the terms of reference of this inquiry. It was not explained in his report how he believed the terms of reference were not addressed. If he is referring to the aspect of the inquiry which was to look at the broader implications for alternative education in the ACT from the refocus of SWOW, I will make it quite clear again - it has been made clear before - that it was never the committee's intention to undertake a broad inquiry into various models of alternative education. Obviously, in the short timeframe available to the committee, this would not have been possible. I would like to conclude by thanking everyone who participated in the inquiry, my colleagues on the committee, and especially the committee secretary, Judith Henderson, who, as always, worked extremely hard in assisting the committee.

MS REILLY (11.54): Mr Speaker, it is interesting to note who is here and who is not. I also would like to comment on the report that is before the Assembly at the moment. I would like the Assembly to note that this report is the result of many hours of careful deliberation and many submissions. We received 27 submissions in relation to this report, the same number of submissions that we received on the inquiry we have going on in relation to the Commonwealth-State Disability Agreement - another important issue for this community. I think the number of submissions indicates the level of concern within the community about this proposed school closure. If the community was not so concerned we would not have the number of submissions and the number of people putting their time into looking at this inquiry. In relation to that, I wish to thank Judith Henderson, the secretary of the committee, and also the Education Department and all those who put in submissions, because everyone put in a lot of work in this inquiry. Let us acknowledge everybody's work in this, rather than yelling out unnecessary comments.

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This is an extremely difficult and sensitive issue because this school has played an important part in the education system in the ACT for many years. It has a unique role. It has got almost to the extent now, in 1996, of having a unique role in the whole of Australia. It is unusual in the sense that you have an alternative school within the public education system. That should not be the only basis for why we should continue to have this school, but it is something to keep in mind. As I said, SWOW has been here for 23 years and it has been successfully providing alternative education in the ACT for all of those years. It has also been important in that it has allowed local decision-making. It has also recognised the need for diversity within the education system. I think this is something to keep in mind. It is a recognition that not all schools are the same, and that not all children attending the schools are the same. You cannot have one education system that is going to fit every child.

I think it was disappointing to see in the paper this morning that we are looking at our college system and going for uniformity there. I think "choice" is another word that is used so often. Diversity in our education system is important. One of the people who spoke to the inquiry was an alternative educator at the University of Canberra. He mentioned a number of positive parts of SWOW, and I think this is something to keep in mind. This is what Dr Tim Hardy said:

I think it is a reflection on the commitment and the quality of the educators who have been involved in the education in the School Without Walls. It also indicates that the system here in the ACT for 23 years has supported or, if not directly supported, has tolerated and has had flexibility in the way that it has operated to allow such an institution to exist. I think, thirdly, that the fact that it has existed for 23 years indicates that there has been a continuing need for this sort of education in the ACT. When you look at the enrolment numbers over that period of time, although they have gone up and down somewhat, it has been a continuing demonstration of need there. Fourthly, and most importantly, I think, the fact that it has survived has shown that the arrangements between the school and the system have worked; however, they have actually worked for that long period of time and allowed it to exist.

That is one of the things that are interesting - that it has been working. It has worked for a long time. You wonder why, now, there is this need to get rid of it. Some of the changes that are being suggested mean that SWOW will no longer exist.

Submissions that came from students, both past and present, spoke glowingly of their time at SWOW, or their current time at SWOW, and their various reasons for attending this school as opposed to the other schools within the system, the importance of self-directed learning, and the importance of the secure and supportive environment which is free from the harassment which is often a feature of the larger high schools in the ACT system. This is not saying that all the other schools should not be free of harassment, but children who have special needs and who have certain vulnerabilities often need the opportunities that are provided at schools such as SWOW.

The other thing that was interesting in relation to the school and the history of the school is that it has been the subject of reviews in the past. There was a review in 1983 and another in 1991. The other interesting part of it is that some of the issues that are current today were current in previous reviews. These were things like the curriculum for younger students; the needs of students with learning problems; the resourcing and support for staff in curriculum development; that the school should not be a dumping ground for children; and the role of the general meeting. So what we are talking about is not a new situation. Some of these issues, combined with the success of the school, have been going for a number of years.

After we listened very carefully to what the Education Department had to say and what the SWOW community had to say, it is difficult to understand why the conclusion was reached in this review in 1996 to close the school. They are not just moving the school; they are closing the school, because the changes that are being made are gross. The question has to be asked: Why has the Minister come to the conclusion that SWOW should close? One can look at the site and wonder whether that is the issue, or whether it is too hard to look at some of the issues around SWOW.

I want to refer now to the review process. One thing that stands out is the unbelievable haste of this review and the lack of communication between the Education Department, the school board at SWOW and the school community at SWOW. If you look at the review you will see that it took three weeks. It was only over a three-week period. It was an extremely hasty review for such an important issue as a school closure. Many of the people in the SWOW community felt that they did not have the opportunity to meet and consult with the review committee. There was some concern expressed by a number of people about the difficulties of contacting the people doing the review. It was also very disappointing for a number of people that the outcomes of the review were reported in the *Canberra Times* and that Dickson College appeared to know about them before they were available to the SWOW community. This lack of involvement, not keeping the SWOW community involved in this process, is very sad. It was an unfortunate outcome of the review. It meant that it was very difficult to look at the issues of SWOW.

It is also very difficult to understand how the conclusions were reached to relocate the school to Dickson College and to take away Years 11 and 12. The review report does not indicate that these conclusions were being reached, particularly on the relocation, which was not mentioned at all in the review report. Apart from the hastiness of the review, you have to look at the history of SWOW and the Department of Education's role over the years in this situation. As I mentioned before, if you look at some of the findings of previous reviews and you look at the current review, some of the findings are no different. You would have to ask why some of these issues have not been fully addressed over previous years, and why, in respect of the findings of the review in 1996, there was no strategy to address these reviews, apart from closing the school and moving it elsewhere.

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The impression you get from talking to the Education Department officials and the school community and looking at the previous reviews is that there has been no organised strategic plan to address the problems and issues that have been raised in relation to SWOW. In fact, it appears that a number of ad hoc actions were taken at various times that have had no follow-up. There are various things that could be looked at in previous years, but I will not go over those in detail. I am quite sure that the Minister is aware of them. These were ad hoc actions that do not seem to have been followed through. When one thing does not work, all stops. Then you try another thing, and then you try another thing; but there is no strategy. There is no plan to look at how any concerns that may have been raised in previous reviews could be addressed.

I think this is one of the characteristics of the current review that was undertaken by the Education Department. Even though there now has been a steering committee set up, because of the nature of the review and the way it was carried out, it is very difficult for that steering committee to work together. One of the important parts of the inquiry by the committee was the difficulties that have arisen from the steering committee. Rather than everybody trundling along, following their own barrows, you should get a facilitator to try to bring the various views together. The inquiry needs to look at the details of those responses. I think it is a pity that the response by Mr Hird, in his report, does not take account of what is being achieved by this inquiry.

It was an opportunity for everybody involved with the SWOW community to put a point of view at a public hearing and to find a solution to what is, for some of the people involved in the SWOW community, a very traumatic process. Rather than a knee-jerk reaction that has typified some of the previous reviews of SWOW, this should be an opportunity to find a solution; to look at the SWOW community, to look at what SWOW is providing in terms of alternative education in the ACT, and to ensure that that can continue, and continue in a better way.

One of the characteristics mentioned in a number of the submissions is the size of the school and the importance of that in a large education system. To take that small group of students and co-locate them at a larger school like Dickson College, where you have a number of different characteristics such as age and the sizes of the SWOW community and Dickson College, and to think this might work, is to take a very short-sighted view of what is happening at SWOW at this time. One of the things that were argued strongly in this inquiry was the relocation to Dickson College. I think it is a pity that this particular recommendation is not being looked at carefully; that there is not going to be a response relating to the physical location of SWOW. Obviously, a number of issues have been raised in relation to SWOW over the years, and these are being addressed through the recommendations of this inquiry, but it needs to look at the relocation to Dickson College and the resources that will be attached to that relocation.

Already we have two instances in the ACT school system as a whole where programs that were targeted at special needs children within the high schools have failed. They have failed through lack of resources and through the teachers involved not being fully supported. What is going to be important with any refocusing of SWOW is its physical location and its resources. I urge the Government to look at these closely when they consider this report. I urge support from members for this report.

MR HIRD (12.07): Mr Speaker, the School Without Walls was established during 1974 following a meeting in 1973 - the year before - of an interested group of parents, students and teachers seeking to provide an alternative to the traditional education system that would cater for self-motivated senior secondary students whose preferred learning styles were not being provided for adequately in what were then Years 7 to 12 secondary schools. Since then the secondary college sector has evolved with considerable flexibility to meet student needs in this age group. The decreasing numbers of secondary college students seeking alternative education at SWOW is evidence of this.

In my dissenting report I say, in relation to the committee's recommendation 6.50:

School Without Walls is a government school which is being relocated. The name should move with the school as it did when the school moved locations in 1974 and 1981.

This school is not closing. Over time, Mr Speaker, student profiles have changed. The majority of SWOW enrolments are students of high school age who have a range of social, behavioural and learning needs quite different from earlier SWOW students of 23 years ago. A significant number have learning problems and lack the skills necessary for independent learning. Student enrolment was over 100 in the early 1990s, but the May 1996 enrolment audit indicated an enrolment of 46, made up of 32 high school students and 14 college students. The reduction in student numbers has meant a comparable reduction in staff, and with it the range of curriculum options available to students. The majority of students currently enrolled at SWOW are high school age students, many of whom were at risk of leaving school early, before Year 10, because mainstream schools could not cater for their needs.

Because of all these factors, a review was conducted in July of this year. The review found that the furniture and fittings at SWOW are very run down and there is a very limited range of educational resources and equipment. The physical environment does not appear to be conducive to learning. In relation to the curriculum, options are limited and do not cover the eight key learning areas. The review also found that there was a need for an alternative educational environment which caters more effectively for the needs of students, improves the viability of SWOW by increasing course options, provides a supportive administrative and professional structure for staff, and ensures the continuity of SWOW as an alternative learning environment, as it was set up to be many years ago, in 1974.

The review recommended that SWOW be relocated to Dickson College; that provision for Years 11 and 12 be phased out and the education program be refocused on the needs of students in Years 8 to 10; that students incurring extra travel be provided with bus passes to the end of the 1997 school year; that existing teaching positions be spilled and vacancies advertised so that the new direction and focus for SWOW can be recognised and staffed appropriately; that SWOW be administratively linked to Dickson College and the feasibility of establishing an alternative school facility on the south side be investigated. The review also made a number of recommendations designed to provide the staff and students of SWOW with a supportive and professional structure which will enhance the continuity of the school as an alternative learning environment.

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A steering committee is in place to oversee the establishment of an alternative high school program to be located at Dickson College and to commence at the beginning of the 1997 school year. The steering committee consists of experienced and knowledgeable educators, administrators and people who understand alternative approaches to educating students of high school age. The steering committee is chaired by the Director of Schools, Northside, and its members include an experienced alternative educator, the principal, the board chair, a teacher observer and a student from Dickson College. The current SWOW board chair and a current student, a teacher and a parent observer of SWOW are also members of the steering committee. In addition, the steering committee will be able to coopt persons with relevant expertise and understanding to assist them in their task.

A working group headed by the Southside Director of Schools has been formed to investigate an alternative high school program for the southern districts. Its membership includes high school principals and representatives of Youth Connection and the AEU. This school is not closing but expanding. A Level 2 executive teaching position has been established for term 4 to work exclusively on curriculum and educational arrangements for the alternative high school program. The task of the executive teacher will be to develop an educational blueprint for the establishment of the new program. In close cooperation with the steering committee, the planning teacher will develop the framework necessary for the creation of a viable and exciting program which caters for students who are unsuited to mainstream schooling.

I do not believe that the Minister or the department are turning their backs on the needs of the parents, the teachers or the students of SWOW. However, I do agree that we as a community have a responsibility for what is known as the duty of care. In order to make myself more in tune with the needs of SWOW and also with what had been indicated to my learned colleagues - that there was a problem with the relocation of SWOW to the Dickson College - I joined with them and was pleasantly surprised with the warm approach taken by the principal and staff of Dickson College and the lengths to which they were going to find accommodation for these students.

I also made myself aware of the duty of care statement at the existing SWOW location. I was met by the principal or the coordinator, the person responsible for the day-to-day running of the school and the needs of the students at that educational institution. I must say that when I asked how many students were actually under the care of that person I was shocked to find that an answer was not readily available. He could not readily tell me how many students were there or were not there. This can be verified very easily by an unfortunate recent incident at another school within our system where a student went missing and drowned. The need to know where students are is paramount. Not only the teachers need to know where students are. Parents and the community need to know. The duty of care stops squarely with my colleague the Minister, Mr Stefaniak, as he has said. I commend the Minister for his approach to this statement about the duty of care.

I also looked at and questioned the curriculum and the development of the curriculum. I was informed that it covered arts, computing, woodwork and metalwork. I then visited those areas. There was an active arts department. The computer area was an active computer area, but the library certainly needed a lot to be done to it. It was very easy to brush off the needs of the students, but if they have computers they need the manuals. As to the woodworking area, it was non-existent. Indeed, it was full of cobwebs. It had not been used for some years and was located to the rear of the existing building. The equipment in the metalwork area could have found a place in a metalwork museum. If it was used it could be dangerous not only to the students but also to the teachers. *(Extension of time granted)* As for the problems about mixing with mainstream students, I witnessed students mixing with students at the vocational education institution next-door.

I believe that what the Minister and the department are doing is positive. At the end of the day we, as a community, have a responsibility to the parents of those students under that duty of care. It was clear to me, from my investigations, that that was not being observed. To say that it is the end of an era or an end of the school because it is moving from Ainslie to Dickson is incorrect, as this school has moved on two other occasions. It is clear that the Education Department does not want to wash its hands of it. It sees it as an alternative educational facility which is there for the students. Those students are under our care. It is our duty to make sure that they are educated. We have a responsibility to the community, to the students and to their parents to make certain that we know exactly where they are and what they are doing.

I commend the report and my dissenting report. I would like to thank those who gave up their time to give evidence before our committee. I also thank my colleagues and the secretary, Judy Henderson. I commend the report as tabled with the dissenting report.

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

Sitting suspended from 12.21 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Library Service

MR WHITECROSS: My question without notice is to the Deputy Chief Minister, Mr De Domenico. Minister, I refer to your announcement - perhaps your department's announcement, since it was bad news - on the weekend that you were going to reduce library opening hours and your claim that you were doing this because in a survey the library customers all asked you to. Apparently, they said that they would rather you increased expenditure on books than kept the library open for the current number of hours. Minister, do you concede that the proposed increased expenditure on books for the ACT Library Service only redresses the cuts made in last year's budget and that cutting of opening hours is nothing more - - -

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Mrs Carnell: There were no cuts. We just stopped people overexpending their budgets.

MR WHITECROSS: Mr Speaker, even in interjections she cannot help misleading the house.

Mrs Carnell: On a point of order, Mr Speaker: Mr Whitecross might like to show how I was misleading the house, before he makes unwarranted comments.

MR SPEAKER: There is no point of order, Chief Minister. Proceed, Mr Whitecross.

MR WHITECROSS: Mr Speaker, my question was - - -

Mr Humphries: On a point of order, Mr Speaker: There was a serious point in the Chief Minister's request, and that is that to suggest that the Chief Minister is misleading the house is a matter that ought to be withdrawn.

MR SPEAKER: I am not sure that it was "misleading the house", Mr Humphries. It was a question, and he was still working up towards it.

Mr Humphries: I think the words were, "Even in an interjection she cannot help misleading the house". That is a pretty strong suggestion, I think, Mr Speaker.

MR SPEAKER: Withdraw that, Mr Whitecross.

MR WHITECROSS: I withdraw that Mrs Carnell cannot help misleading the house.

Mr Kaine: You are attempting to mislead the house with your question.

MR SPEAKER: Order! Proceed with your question, Mr Whitecross, and there will be no interjections from the Government.

MR WHITECROSS: Thank you, Mr Speaker; I appreciate your protection.

Mr Kaine: On a point of order, Mr Speaker: Do I interpret from your last comment that, no matter what the standing orders say, no member of the Government may interject at any time? Is that your ruling?

MR SPEAKER: I will be the judge of that.

Mr Kaine: I am just looking for a ruling.

MR SPEAKER: If you want a ruling, I will rule on it. Continue, Mr Whitecross.

MR WHITECROSS: I refer to the announcement by the Government on the weekend that they are going to reduce library opening hours, allegedly because in a survey customers had asked them to. They would rather have increased expenditure on books than keep the current library hours. Minister, do you concede that the increased expenditure on books that is proposed only redresses the cuts made in the 1995 budget

and that cutting opening hours is therefore nothing more than your Government's continuing ideological commitment to cutting funding to the Library Service? Furthermore, do you agree that 800 self-selected respondents out of 133,000 library users - that is 0.6 per cent of library users - to a bogus survey is not likely to give a true reflection of what ACT library users really want?

MR DE DOMENICO: I thank the Leader of the Opposition, Mr Whitecross, for his question. Can I say, first of all, that I disagree with all his assumptions. That is point No. 1, in answer to his assumptions.

Mr Whitecross: Facts.

MR DE DOMENICO: No. I am glad Mr Whitecross interjects. First of all, Mr Whitecross suggests that a survey of 800 people is a bogus survey, I think, or a bodgie survey, without realising that it is a quite healthy survey. Yes, the Government will reduce the hours that libraries are open currently because the survey did suggest that people prefer to use libraries on Saturdays and Sundays, for example, rather than in the morning during the week. Most people who work do not have an ability to use libraries between nine and five. So that is commonsense.

Yes, we did spend less money on books than we did last year, but we spent more money on high-tech than we did last year as well. No, the Government has no intention of closing down any libraries; but yes, we will change things from time to time, in line with what the community wishes us to do. The fact that the Opposition does not like that is tough. Within our existing resources, we need to find a way to improve both the use of information technology and the quality of the library collections, as well as review opening hours to better suit the needs of the public. We will do that notwithstanding what the Opposition might think from time to time.

MR WHITECROSS: I ask a supplementary question, Minister. Did you and your department receive any professional advice on the construction of this so-called survey in order to ensure that you genuinely found out the wishes of library users? Do you concede that this survey, which consisted of two leading questions, was only a cynical exercise in railroading library users - the small number who bothered even to reply to your survey - into agreeing with cuts that your department had already predetermined?

MR SPEAKER: That is hypothetical. Also, do not answer with the expression of opinion that is being sought.

MR WHITECROSS: On a point of order, Mr Speaker: How is a question about whether the Government received professional advice a hypothetical question?

MR SPEAKER: Go on with the rest of it.

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MR WHITECROSS: And how is a question hypothetical which asks the Minister to confirm whether or not he believes that this survey was just a cynical exercise, with leading questions to railroad library users into agreeing with cuts the Government had decided?

MR SPEAKER: That is an expression of opinion, Mr Whitecross.

MR WHITECROSS: That is not a hypothetical question, Mr Speaker; it is a yes-no question.

MR DE DOMENICO: Mr Speaker, I do not believe that it is a cynical exercise. It is an exercise the Government does and it is called consultation, I think. You actually ask people how they would prefer the service they use to be. Interestingly, we also asked questions of those people who do not use the Library Service. We said to them, "Why do you not use the Library Service?". Some of them said, "Perhaps if you were open on Saturday afternoons and Sundays we might be inclined to use the library. We cannot use it Monday to Friday because we work".

This Government is proud of the fact that it consults with the community and it is also proud of the fact that when we do consult with the community we listen to what the people say and we do change things to adjust to what people say. Members opposite do not like change, I know. Had they liked change, they would have done something about it during their five years in office, or four years, or whatever it was. This Government from time to time will make mistakes, and when we have we have always stood up in this place and said, "We are wrong; we are sorry", or whatever. This time the Government will react on the survey. We will do what the people want us to do. We will reduce opening hours at certain times during the day - instead of opening on Monday mornings and Tuesday mornings, for example, we will open on Saturday afternoons and Sundays. Why will we do that? Because that is when people want to use their libraries.

Strategic Plan

MR MOORE: Mr Speaker, my question is to the Chief Minister and refers to the ACT strategic plan, which was released publicly yesterday. I specifically refer to the comments in the *Canberra Times*, where I noticed that it had received quite fulsome support from all those with vested interests, namely, the business and property groups. I quote Mr Ossie Kleinig of the Canberra Business Council:

We are in agreement with virtually everything. In fact, it could have been written from the files of the council and its predecessor, the Canberra Association for Regional Development. Most of the points it contains have been our policy at least since self-government.

Chief Minister, considering that and considering that those without vested interests have roundly criticised the ACT strategic plan, would you agree that it is primarily focused on local sectional interests in the business community and excludes the interests of the broader community?

MRS CARNELL: All I can say is, "Thank you, Dorothy". I could not have asked for a question I would rather have had today. Mr Moore, I am absolutely fascinated by the comments you and others have made about a document that is not insignificant and has taken a number of months to put together. Those opposite and others in this Assembly were quite willing to make comments on it, and quite fulsome comments, when they simply could not have read the document in the timeframe they had. We launched the strategic plan yesterday. There is probably some indication that maybe we should not be talking about it in question time when I am going to table it straight after question time, but I think that is something we can put aside. I am very happy to talk about it.

This is a strategic plan for which this Government started the consultation period quite a number of months ago - I think it must be over 12 months now. We took the approach that what we needed for a strategic approach in the ACT to determine which way this city was heading was initially to ask the people, to ask Canberrans - not to ask the Business Council necessarily, the people who sit around the table here. We went down the path of asking the people of Canberra what they wanted for their city, where they believed Canberra should be heading. We had 12 community forums, including two advertised public meetings in July. My understanding is that over 200 people turned up at those public meetings. We had focus groups so that we could make sure that we took the information we got from some of the questionnaires and fleshed it out, as you do in focus groups. We had workshops.

We interviewed fully quite a number of prominent Canberrans to ask them what they thought. We put out a questionnaire in the *Chronicles*. I think about 100,000 of those go out in the ACT, and we were very pleased to have 1,200 responses to that questionnaire. That is a very significant response rate, which shows that a lot of Canberrans really care about the direction in which their city is going. The thing that was very interesting about those responses was that all those groups said that the thing that mattered in this city at the moment was jobs and how we were going to get a strategic direction based upon having a sound economic base for Canberra in the future. Mr Moore made the comment that the Business Council is the only entity that might have been asked about this. He forgot about the advertised public meetings, the Canberra public - all those sorts of things.

One thing that is interesting is that only one of the planks of the strategic plan is about economic development. The other strategies concentrate on such things as ecological sustainability, social equity and the regional partnership. It is very hard for me to believe that somehow those things are ingrained in Business Council philosophy or, for that matter, Liberal Party philosophy totally. I would have thought everybody in this place supported ecological sustainability, social equality and, of course, the regional partnership issues.

I have often heard Ms Follett and others on the other side of the house, and Mr Moore as well, say that they believe that the future of jobs in this city is in the private sector. Probably the only people who have not suggested that jobs growth in this city - - -

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Ms Follett: Jobs growth. I think those were the words I used.

MRS CARNELL: I accept Ms Follett's comments there. What we are talking about is jobs growth. If we are to have jobs growth in this city, it will be in the private sector. I think we have all agreed on that - maybe not the Greens, but everybody else has agreed that that is the case. In the strategic plan, we have moved away from a plan that is based upon where we might put the next major town centre, where we might put the next 10,000 people who move to Canberra because some Federal government has decided to move another department back to Canberra - the sorts of things that have been the basis of Canberra's growth in the past. I think we have all accepted that, under the previous Labor Government and certainly under the current coalition Government, the chances of having growth in the public sector in the ACT simply do not exist.

We set out to come up with a plan for Canberra that was not based on 10 per cent growth factors, that was not based upon the largess of the Federal Government. I think since self-government both Federal governments have put the cheque book with the ACT's name on it in the bottom drawer.

Mr Moore: On a point of order, Mr Speaker: I was quite specific in my question to the Chief Minister. I know she has a ministerial statement to make later. That is fine; she can do that then, when we can also criticise it. My question asked whether it is primarily focused on business or not. She is starting to give us an answer that perhaps it is not because they paid some lip-service to ecologically sustainable development. I had a quite specific question, and I am not interested, at this stage, in her statement. I will be interested to hear that when the time comes in the Assembly.

MRS CARNELL: What was the specific question, Mr Speaker?

Mr Berry: Further to the point of order, Mr Speaker: I draw your attention to standing order 118(b). It says:

... the Speaker may direct a Member to terminate an answer if of the opinion that these provisions are being contravened or that the Member has had a sufficient opportunity to answer the question.

MR SPEAKER: Thank you for drawing my attention to standing orders, Mr Berry. There is no point of order on that point.

MRS CARNELL: Mr Speaker, I thought Mr Moore had asked me to answer the question whether we had paid attention only to the Business Council or the small business approach in this document. I thought I was going through - I accept in depth - whom we had asked. I have made it quite clear that we have asked Canberrans, we have asked people from all walks of life in the ACT. What they are all saying now is that they do not believe we can retain the city we all love if we do not get the economic basis correct.

MR MOORE: I have a supplementary question, Mr Speaker. I am pleased, Chief Minister, that you actually asked all those people, but would you not agree that it is a shame you did not listen to them all?

MRS CARNELL: Mr Speaker, I am very happy to answer that question. If Mr Moore would like to see the responses - - -

Mr Moore: I am pleased you asked them for their opinion.

MRS CARNELL: Mr Speaker, if Mr Moore wants to ask a supplementary question he has to accept that he just might get an answer.

MR SPEAKER: Proceed.

MRS CARNELL: The responses we got in the 1,200 questionnaires that came back from the focus groups, from prominent Canberrans from all walks of life, right from prominent sportspeople through to people who work in the media, people who work in the community sector, were very consistent. The consistency in all of them was that jobs and economic growth for the city were a country mile ahead of any other issue of concern to any of them now. That is the basis of the whole document. The document does not come - - -

Mr Moore: That is just your spin on it.

MRS CARNELL: The document is not on a basis of spin, as Mr Moore says. The document is based upon a number of things. It is based upon sustainability, it is based upon accessibility, livability, ensuring that we retain the things all of us care about in this city - the environment, the quality of life - in an environment of approximately one per cent growth. That is an enormous change in this city, an enormous affordability gap. Unless some of us are willing, and this Government is, to take this issue head-on, quite seriously, it will go from bad to worse, and we are not willing to let that happen.

Job Advertisements

MR HIRD: My question is to the Minister for Industrial Relations, Mr De Domenico. I noticed an article in the *Canberra Times* this morning reporting a 2.3 per cent increase in job advertisements in the ACT during the month of November. Is it the case that Canberra businesses are starting to feel confident about the future of the Territory under the Carnell Government, or should we continue to take heed of the doom and gloom merchants opposite?

MR DE DOMENICO: I thank Mr Hird for his question. I did see the article in this morning's *Canberra Times*. I also read at length the figures from the ANZ Bank survey. For the fourth month in a row, the number of job advertisements placed in the ACT has risen. The latest ANZ job advertisement series showed an increase of 2.3 per cent on the previous month - as Mr Hird suggested, a very positive and encouraging result. For those who can understand the figures, the latest ANZ job advertisement figures again confirm that much of the uncertainty associated with the Federal election and the Federal budget now seems to be over, or is starting to abate, and Canberra businesses are starting to feel confident about their future. This Assembly has passed a budget that is unashamedly jobs oriented, and it is already starting to bear fruit.

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Whilst many Canberrans are still doing it hard, economic indicators such as retail figures - - -

Mr Berry: That is why the retailers are having their post-Christmas sales before Christmas.

MR DE DOMENICO: Mr Berry interjects. Whilst some Canberrans are doing it hard, economic indicators such as retail figures and building approvals are now far more positive than they were six months ago. That is something we can all feel good about, or we should feel good about. This side of the house feels pretty good about that. No-one would deny that Canberrans have experienced some pain over recent times, and we have said so - much of it at the hands of the Federal Government, and we have said so.

However, businesses are starting to tell us that they are confident about their future and are starting to employ more people. That is not hearsay. Businesses, if you talk to them, will tell you that. Just last month we saw the release of the *Yellow Pages* small business index, which showed that the majority of businesses in the ACT were confident about their future, compared to only 17 per cent who felt that way at the end of the June-August quarter. So in the June-August quarter, 17 per cent felt okay, but, according to the *Yellow Pages* index, there are now many more.

In the face of what appears to be good news, what appears to be a light at the end of the tunnel, what do we hear from the Whitecross-led Opposition? Do we hear "Well done, Government" - we do not expect that - or at least "Things are starting to improve, but there is a long way to go."? No, we do not hear that at all. In today's *Canberra Times*, we read of Mr Berry saying:

... the ACT position could not be described as anything better than shaky given the Howard axe which hangs over our economy and the Carnell budget which provides no answers for the unemployed in the ACT.

As the Chief Minister just said, I thought the next paragraph would tell me what the alternative government would do, but it was blank. There was nothing there.

Mr Berry: Do not blame me. The *Canberra Times* wrote the article.

MR DE DOMENICO: Now Mr Berry blames the *Canberra Times*. It was the *Canberra Times* that reported what he said. Shame on you, *Canberra Times*; how dare you report what Mr Berry said! Shame on you! Mind you, it was a very small article because he did not say much, but still, shame on you for reporting what he said. Possibly the most irresponsible thing Mr Berry could say he said. That is not unusual for Mr Berry. If I were a local businessperson still and I were stupid enough to listen to anything that came out of Mr Berry's mouth - the big if, I grant you - maybe today I would think twice about employing a new staff member; maybe I would think twice about expanding my business, about signing that new contract.

Mr Berry has partners in crime in the Opposition. Yesterday, the Opposition spokesman on economic matters - not Mr Berry but Mr Wood - accused this Government of incompetence in the way it was handling the Territory's economy. He went on to say that we have to stop relying on hype and put real measures in place to get the economy moving - a typically ill-informed comment that we have come to expect. Did Mr Wood go on to say which real measures? Does he know what real measures he is talking about? The answer is "Of course not", because, from page one of the Labor Party manual, when you are in opposition you just disagree for the sake of disagreeing and hope to God that if you disagree long enough someone is going to report what you have to say.

What Mr Wood refers to when he mentions hype is what the rest of us in the real world realise is the importance of being confident in the future, of talking up the economy. When Mr Wood talks about putting real measures in place to get the economy moving, I assume he is referring to initiatives such as, for example, the temporary traineeship scheme which places in temporary traineeship positions in the government service young people who are aged between 15 and 19 years and have been unemployed for at least six months. Mr Wood, the target for this year was 50 places, but we have been able to make 54 placements. We target 50 places, we place 54 people, and Mr Wood says that we have not done anything. That is one thing. Another example Mr Wood might care to take notes about is the women's work force development scheme. This scheme aims to place in temporary positions in the government service women seeking to re-enter the work force and has already been highly successful. That is point two. Point three is that Youth Joblink, run in conjunction with the Chamber of Commerce - shock, horror! - has recently placed its 500th young unemployed person into a job in the private sector. But that is the business community. We should not take that into account; is that right? These are all called initiatives.

Ms Follett: Mr Speaker, I raise a point of order. I know it is difficult to take a point of relevance in such a blatant Dorothy Dix style, but my recollection of the question asked by Mr De Domenico's colleague some 15 minutes ago is that it related only to job advertisements - or, as he would put it, advertisements - not to anything Mr Wood may or may not have said. There is a point of relevance.

MR DE DOMENICO: Mr Speaker, on that point of order: Can I suggest that Ms Follett, had she been listening to the question, would have heard Mr Hird ask also about confidence in the future of the ACT economy. I am answering on what the Government has done in terms of jobs initiatives in a budget that was passed by this Assembly. I suggest that there is no point of order.

MR SPEAKER: No, there is no point of order.

MR DE DOMENICO: While those in the Opposition spend their time plagiarising catchy slogans from movies - by the way, you are no Robert Redford, Mr Whitecross, but that does not matter - this Government continues to work with the business community to put in place policies that will directly lead to further increases in employment opportunities.

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The Government announced last week the winning tenderer for the Business Link initiative, to be run in conjunction once again with the business mentoring program. Both are very exciting projects that specifically call on the expertise of the business community in providing guidance to emerging businesses. We announced that last week. Not resting on our laurels, today the Government has approved an additional \$289,000 worth of funding for a range of employment programs designed to assist disadvantaged clients to find meaningful and long-term employment. These are real initiatives, not the hype Mr Wood would have us believe.

As the Chief Minister said yesterday when she launched the ACT strategic plan, and in answer to Mr Moore's question today, this is not the 1970s. We cannot go back to the days of 10 per cent population growth and massive government spending. The focus this Government will continue to place on jobs for Canberrans is a recognition of the undeniably difficult situation the Territory finds itself in. We look forward to the day when we hear from Mr Whitecross and his colleagues, if they are ever in government. However, I do not think there is a single Canberran who is holding his or her breath. You can picture the photographer who printed that lovely brochure everyone raves on about. The printer probably said, "When are you going to give us Mr Whitecross's picture? I have the mock-up ready". Do you know what the answer would be? It would be, "What do you mean? It is his picture".

Health Fees - Determinations

MR BERRY: My question is directed to the Minister for Health. Minister, you gazetted Determination No. 227 to overcome the flaws in Determinations Nos 106 and 136 in relation to health fees. The legal validity of Determination No. 227 is now in doubt and with it the legality of all the health fees collected from July this year. Will the Bill you introduce to patch up the problems created by your flawed Determination No. 227 also take into account the problems identified with Determination No. 240, your later attempt to patch up the problems with Determination No. 227, which was also criticised by the Scrutiny of Bills Committee?

MRS CARNELL: I suspect that that question is out of order. I answered it last week and suggested to this Assembly that I was seeking legal advice on the issue; that I was not going to accept Mr Berry's legal advice. I know that that sounds a strange thing to do; but I feel very strongly that, between the Scrutiny of Bills Committee, Professor Whalan and the people who work in Mr Humphries's department - those people who do have LLBs, who do have qualifications in this area - I should take their advice and not the advice of Mr Berry, or Master Berry, if he is trying to emulate one of his colleagues.

MR BERRY: Perhaps the Chief Minister might like me to ask the question again so she can have another go.

MR SPEAKER: No; I think the Chief Minister has answered the question.

MR BERRY: I will ask a supplementary question. When will you introduce a Bill to remove all the legal doubts and this comedy of errors, once and for all?

MRS CARNELL: When I have seen the legal advice that I indicated to this Assembly I had sought last Tuesday. I have to admit that at this moment I have not seen the legal advice on the issue. The preliminary legal advice the Attorney-General spoke about when he spoke on this issue indicated that Determination No. 227 was valid, but we did seek further legal advice, just to be sure on this issue. At this stage, I have not seen the advice.

Regional Social Plan

MS HORODNY: My question is to the Minister for the Environment, Land and Planning. For nearly two years, the Government has been working on a regional social plan, in conjunction with councils in this region. There have been a number of meetings, a draft report has been prepared, and a conference was planned, which was cancelled at very short notice because the whole project was abandoned. Could you please explain why this project was abandoned and what the Government's position as the regional leader and the key player in this plan was in relation to abandoning the project? Can you inform the Assembly how much ACT Government money was wasted in working on a social plan, which was then thrown away after two years' work?

MR HUMPHRIES: I thank Ms Horodny for that question. It is a very good question. Ms Horodny will be aware that there was a meeting of the regional leaders forum a few weeks ago. I am not sure whether Ms Horodny was present yesterday for the launch of the strategic plan in the reception room of the Assembly, but she would have heard the chairman of what is now called the Australian Capital Region Development Council, Collin Freeland, point out that the regional leaders forum was the most positive development that has occurred in the area of cross-border cooperation in this part of southern New South Wales in many years. He praised the Chief Minister for having taken that initiative.

That regional leaders forum met a few weeks ago, and I understand that it was deeply concerned about elements of the regional social plan that had been developed up to that point. I have not discussed it in detail with the Chief Minister, but I understand that the Chief Minister agreed to reconsider the direction being taken with respect to that plan and, if necessary, to accommodate the concerns the regional leaders have raised. I intend to discuss with the Chief Minister an appropriate response to that problem. Clearly, there is no point in having a regional social plan if the leaders of other parts of our region are not comfortable with the process being used there. It therefore behoves us to sit down with them and work out what problems there are, how we might overcome them, and where we go from here to develop a way of collectively dealing with the social problems in our region.

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MS HORODNY: I ask a supplementary question. Can you tell the Assembly what the timeline is for the process you have just outlined?

MR HUMPHRIES: There is no timeline, Mr Speaker. I will have to talk to the Chief Minister and work through with her what the issues are that this gives rise to. That really depends on what issues are given rise to and whether we need to engage in further consultation with those regional leaders about those sorts of issues.

MRS CARNELL: I can add slightly to that. We will be reporting back at the next regional leaders forum, which I think will be in February or March.

Secondary Colleges

MS McRAE: My question is to the Minister for Education. Mr Stefaniak, could you inform the house who was consulted prior to the changes to college terms and assessment arrangements? How will those changes affect the colleges that have to change, particularly Narrabundah and Hawker, from three terms to two? Have next year's programs already been modified, and how is it going to affect the international baccalaureate program at Narrabundah?

MR STEFANIAK: I thank the member for the question. There have been ongoing discussions this year about these issues between the central office of Education and Training, the Board of Senior Secondary Studies, and the college principals. Also, the department has sought input on the proposed changes from college and high school boards, the ACT Parents and Citizens Association and the Australian Education Union. In relation to the proposed changes, might I say at the outset that the ACT Year 12 certificate is a very high-quality award which is nationally recognised for university entrance. The certification process for the Year 12 certificate - - -

Ms McRae: That is not what I asked, Mr Stefaniak. I asked about two terms going to three and three to two.

MR STEFANIAK: Yes. It is very important, Ms McRae, when we consider that the Year 12 certificate is a crucially important record for students and employers to validate student educational achievements and to enable students to make sound career and further education decisions. It is very important that these certificates are readily understood by students, employers and parents and are fair to all students.

At present, Ms McRae, as you are well aware, seven of our nine colleges have semesters. Hawker and Narrabundah have trimesters. One of the problems that have been raised with me by the department is that with a trimester set-up you can have a few more subjects on your higher school certificate than you would if you were in a college that offered simply semesters. That may lead to a perception, real or otherwise, of some possible advantage or disadvantage to other students, and I think it is very important that we have a system that is as fair as possible to all our students. It is also important, obviously, that the relevant parties be involved in this. The proposed changes - and they are proposed, so I am interested to hear people's views on them - reflect broad agreement

between the Board of Senior Secondary Studies and the department about the need for some adjustment to college arrangements to achieve a more coordinated, consistent approach in the interests of fairness to students, transparency and also an efficient use of resources.

In terms of such things as the international baccalaureate, I would be interested to hear views on what possible effect this would have on that. That is certainly something that is not obvious.

Ms McRae: I asked you. You are in charge.

MR STEFANIAK: I wonder whether it would have any effect, Ms McRae. I note in relation to the college that offers that program that, whilst it is on a trimester program, it still has the same holiday breaks as everyone else. I have spoken to a couple of people from Narrabundah about this, and no-one has indicated that this arrangement would have any effect on that. Obviously, there are some people in some of the colleges who would like the system to continue as it is; but there is general agreement, from what I am advised, that there is a need for some standardisation, and especially for fairness and equity right across the board. A Year 12 certificate is a crucial thing to a young person leaving school in terms of a job or to carry on to further education. It is important that we take whatever steps are necessary to make sure that that is as fair as is humanly possible.

That being said, the changes propose that all colleges follow a single curriculum structure for two 18-week semesters a year and be allowed to offer half-semester units, that the colleges follow a common approach to calculating and reporting unit and course scores, and also that they follow common standards of assessing and reporting student learning outcomes through the use of course frameworks. I do not really see that there is anything absolutely earth-shattering about that. We have an excellent college system, but I think it is important to ensure that it is as fair and equitable as possible. The vast range of courses offered and the ability for students to take those courses continue. Indeed, these particular proposals do have the advantage, when a student might transfer from one college to another, of assisting in that process.

MS McRAE: Mr Stefaniak, I will ask the question again. How does it affect - - -

Mrs Carnell: You cannot do that. It is out of order.

MS McRAE: This will be a supplementary question, Mr Speaker.

Mrs Carnell: Thank you.

MS McRAE: Thank you, Madam Speaker!

Mrs Carnell: Any time.

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MS McRAE: It is good that you have a helper there, Mr Speaker. I would hate to see you survive without that sort of assistance. It is extremely helpful. The question was: Who was consulted? Mr Stefaniak has confirmed that prospective students were not consulted. The question asked how students who are going to enrol in Hawker and Narrabundah and who were not consulted about the proposed changes are going to realign their courses for two terms rather than three. It makes quite a difference to subject choice. They were not consulted. Further to my supplementary question, why did you not announce these changes, since you are the Minister?

MR STEFANIAK: I think perhaps the changes might have been prematurely announced, although there has been a lot of discussion on this. Quite sensibly, it does surprise me that there was some report on it. Also in terms of when the changes will start, it is very important that colleges have ample time to prepare for such things as differences in courses and any lead-up work that needs to occur. That is why nothing in terms of any new courses will start until 1998. That is crucially important, Ms McRae.

Disability Services House - Industrial Action

MR KAINE: My question is to the Chief Minister and Minister for Health and Community Care. Minister, a strike has been going on for some days now conducted by members of the Health Services Union in connection with a group house for people with disabilities. Can you advise the Assembly how this dispute came about and what is the basis of the dispute? Given that the impact of the strike is felt mainly by people who are disabled, can you tell us what the Government is doing to resolve the situation quickly?

MRS CARNELL: Thank you very much, Mr Kaine. Mr Speaker, I wish this whole sad and sorry affair had never happened, and I hope everybody in this Assembly will feel the same. It has caused great distress to some of the most vulnerable members of our community - people with disabilities and their families and guardians. It has also caused a great deal of embarrassment, or I hope it has caused a great deal of embarrassment, to the trade union movement in Canberra, and for that I make no apologies whatsoever.

It is important that I outline for the Assembly exactly how this dispute has come about, particularly in light of the criticisms made by Ms Tucker and certain other individuals about the Government's supposed lack of commitment to providing an appropriate environment in our group houses. The Department of Health and Community Care has recently been made aware of allegations concerning the welfare of a particular resident at a particular group house in South Canberra. Program management has become concerned because, within a short period of time, a number of things have been reported. No. 1 is that unexplained bruising has been found on a particular resident; No. 2 is that a complaint was received by a disability program staff member from a particular resident, and a disability program staff member reported concerns about client management practices which may have involved some fairly rough handling.

In response to the serious concerns and in line with the program's duty of care to clients, the following actions have been taken: One, advice was sought from the Community Advocate, who is the guardian of two of the residents concerned, and at the end of this answer, I will read the Community Advocate's response into *Hansard*; two, it was agreed that police should be informed in order that these allegations could be professionally investigated; three, police interviewed a resident; four, police then sought the cooperation of the disability program in asking staff members to attend for an interview; five, staff met with the accommodation support manager, who offered support and access to the employee assistance program; six, only one staff member attended for a police interview, and HSUA assistance was sought by the rest of the staff. In view of the refusal by staff to be interviewed by police and because of the need to safeguard clients and staff until this situation was resolved, management arranged for staff to work at other houses as a temporary measure. These proposed arrangements do not involve any changes in rosters, other than to sleepovers, which are not required in the other house. Last, staff members refused to comply with directions to work in another house and a picket line was put in place at the house. This is a residential house. It is out in the suburbs in Canberra. It is the home of the people with disabilities who live there.

Some allegations of abuse which are made in direct care circumstances are unfounded - we do not doubt that - but it is very important that whenever there are allegations of abuse they are properly investigated. We must make sure in these circumstances that everybody is treated fairly. However, many program clients are extremely vulnerable. They are not in a position, often, to say what they believe. They are not in a position to stand up for their rights. I believe very strongly that in this situation management in Disability Services did exactly the right thing. But what happened? What is the situation? As of lunchtime today, we have a picket on a residential house, the home of people with disabilities in this city. We have a situation where the professional nursing service that has been questioned, at least by Ms Tucker, is having to staff that house at this moment because the people who work for Disability Services are unwilling to do so. Those people are having to cross the picket line to get into the house to make sure that the people with disabilities have appropriate care.

Mr Berry: You are pathetic. Why do you not sort out the industrial problem instead of revving it up?

MRS CARNELL: Mr Berry might think this is not important, but I can tell you that I believe that this is important. These people have the same rights as anybody else, and they have the right to live in a residential situation without a picket line at their front door. It simply is not acceptable.

Rather than my making comments on what I think, it would be appropriate to answer Mr Kaine's question by reading the letter from the Community Advocate, Heather McGregor. She wrote a letter to the Health Services Union on 9 September, in which she said:

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I am writing to express very strong condemnation of your members' -

that is, the Health Services Union members -

decision to carry out strike action outside the home of citizens who are very vulnerable. I regard this action to be a breach of their right to privacy, a violation of their right to be treated with dignity and extremely insensitive to their needs and their interests.

It is the case that a resident has been physically assaulted. Physical assault is a matter which should be investigated by the police because it is against the law.

It would have been expected that your members cooperate with the police investigation given that, without a confession, all carers and people who have had contact with the victim are potential suspects. Your members, in not cooperating, risk attracting the criticism that they have something to hide.

People with disabilities deserve the best possible care and protection and, in all respects, should be afforded the same respectful responses demanded by all citizens. A physical assault is a serious matter and must be responded to seriously by the police.

Nobody would deny that your members have a very difficult and often dangerous job. Nobody would deny their right to strike. It is the fact that they have chosen to demonstrate outside the home of people with disabilities which is extremely unprofessional and inappropriate.

I would ask all of the people in this house, but particularly Ms Tucker, who has made comments in this area before, to support immediately and publicly the action of the management of Disability Services and immediately stop this situation, as the Community Advocate says, which is unfair to people with disabilities. Those people should be treated with dignity, and this act is extremely insensitive and unacceptable.

Road Safety Education Campaign

MS FOLLETT: My question is directed to the Minister for Police and Emergency Services, Mr Humphries. Minister, in view of the disastrous road toll in the ACT so far this year, will you reconsider the position you put to the Estimates Committee on the use of funds raised through the road rescue fee and ensure that part of that estimated \$2.4m is allocated towards a road safety education campaign?

MR HUMPHRIES: I thank Ms Follett for the question. I seem to recall that my advice to the Estimates Committee was that the view of the Government was that there are certain priorities for the spending of the money raised from the road rescue fee. They include the creation of a full-time fifth ambulance crew in the Territory - a long-promised goal - and some upgrade of trauma care at the Canberra Hospital, and other things beyond that which relate to road trauma would be considered, depending on priorities. It is true that the ACT has had a fairly serious rise in its accident rate in the course of this year. There has been a total of 15 deaths on our roads - that includes Jervis Bay - or about 4.3 people killed per 100,000 population. That is an increase on previous years, certainly, and a matter of considerable concern. I might point out, however, to keep it in perspective, that that is still the lowest rate of road deaths of any State in Australia. The next safest jurisdiction after the ACT is Victoria, with 9.3 people killed per 100,000, compared with our 4.3. So, although it is an increase on our previous base, it is not exactly a crisis in terms at least of what is happening in other States.

We need to consider how we will bring down that high road toll. I certainly am concerned to talk to parties involved in the alleviation of those issues, and they range across a large number of government agencies. Ms Follett's suggestion was that there ought to be some attention given to a higher police presence in these areas. Members will be aware that Operation Raid, which is a joint operation with New South Wales, is being given priority by the Australian Federal Police, and we will ensure that our effort in that respect is kept to a high standard.

However, I think the issues Ms Follett raises are concerns that should be taken seriously by the Government, and I am prepared to consider whether we should direct additional resources into this area. Clearly, that may or may not entail some hypothecation of the money taken from the road rescue fee. Wherever the money comes from, it ought to be considered in the context of the problems we have had in recent days, and I am prepared to consider what Ms Follett has put to me.

MS FOLLETT: I ask a supplementary question, Mr Speaker, and it is really just to re-emphasise the point. Minister, in speaking on the road rescue fee, you did concede, in relation to the possible expenditure of the money, "In a sense, it depends on how the bidding for the use of that money within the Government works out". My question to you is: Will you bid for that money to be used for increased road safety? Have you made such a bid and, if so, what is the extent of your bid?

MR HUMPHRIES: Mr Speaker, I think I have answered that question already. I have said that it is possible the Government will take the view that the road toll warrants a higher level of reaction than we have put in place already. A number of issues have already been flagged to members of the Assembly, including changing the drivers licensing arrangements, which we see as part of the continuum of issues that deal with this problem. I have indicated already that we will have a look at that issue and, if it is appropriate to bid for resources from that pool, that will be a matter we will give consideration to.

Government Data - Privacy

MS TUCKER: Mr Speaker, my question is to Mr Humphries as Attorney-General, and I did give the Minister some notice of this question. An issue of emerging concern is privacy and the protection of government data, particularly with an increasing number of transactions being carried out electronically. As members will be aware, some of the most sensitive records of personal information are kept by State government agencies. The current data protection arrangements in Australia are apparently not particularly adequate, and the ACT is no exception. I understand that the Commonwealth Privacy Act has only limited application to the ACT. In Victoria, a Data Protection Advisory Council is examining data protection regimes around the world with a view to recommending an appropriate legislative regime for data protection and privacy. Would the Minister please inform the Assembly of the current framework for protection of ACT government data, including the application of the Commonwealth Privacy Act to the ACT? Secondly, what plans has the ACT Government to follow the Victorian initiative and come up with a more appropriate legislative framework for ACT government data protection and privacy?

MR HUMPHRIES: I thank Ms Tucker for this question. I had better make it clear that the ACT does not have any privacy legislation. The legislation we use to protect privacy in respect of at least the Government's handling of material and information in the ACT is by direct application of the Commonwealth's Privacy Act. I think you suggested in your question that there were some omissions or weaknesses in that application. The application is quite comprehensive as far as government agencies are concerned and also, I believe, applies to statutory corporations and to semi-government bodies within the ACT. It does not apply, of course, to private sector organisations or holders of information, and I will come back to that in a moment. That is the only area I would describe as a weakness in the general structure of the legislation in the ACT at the present time. As far as other information which is caught by the Commonwealth legislation is concerned, it is true to say that, generally speaking, information is private, whether it is captured in a handwritten or typed form on a file, say, or whether it is captured in a database stored electronically somewhere. There are some areas in which that analogy between those two means of capturing information breaks down; but, generally speaking, it is true that if it is privacy protected in one form it will be privacy protected in another form as well.

I note that the Victorian Government has established a body to examine these issues. The Data Protection Advisory Council has been appointed to report to the Victorian Minister for Multimedia later this month on issues concerning privacy protection, particularly to do with electronic data. It is important to bear in mind that Victoria does not have privacy legislation. In that respect, we are a great deal better covered for those issues than is Victoria. They have had a much less vigorous privacy protection regime than we do, and I would see the Victorian advisory council as being part of the process of catching up with what most other States have done; perhaps trying to leapfrog ahead in some respects, but certainly catching up in the broad sense. Generally, I think our legislation is adequate at the present time. I am prepared to look at what the Victorian advisory council advises the Victorian Government, if that is published, to see whether that gives rise to issues we ought to pick up here. If it does, I am certainly prepared at least to consider doing that.

In terms of the private sector's exposure to the privacy regime, I was recently written to by the Commonwealth Attorney-General, Daryl Williams, raising the possibility that there could be some examination of this issue with respect to the private sector. I gather that he believes that there should be an extension of the legislation, or at least a consideration of that. I would be very interested to see how that transpires because, of course, we are covered by the Commonwealth legislation. If they believe that there can be an extension, that would apply most probably in the ACT, and I think the Government would be very willing to consider an extension in the ACT in line with any Commonwealth initiative. Mr Speaker, I do not think I would concede that there are gaping holes in our privacy legislation at the moment, although I am always open to suggestions about specific problems that we should or could address.

Youth - Entertainment Facilities

MR OSBORNE: My question is to the Minister for Children's and Youth Services, Mr Stefaniak, and I have given him notice of this question. Minister, I met recently with two groups of Year 10 students from St Clare's College, who expressed to me their disappointment about the current lack of late evening entertainment and activities for young people under the age of 18. At present, only one nightclub in Civic provides for this age group on a regular basis, while two other facilities offer regular activities, which are unfortunately often on a school night. The students have made some suggestions, such as the need for discos and nightclubs for young people under the drinking age; the availability of amusement centres that are open late on Friday and Saturday nights; a centrally located permanent venue where local bands can play, without the added problems of bar facilities; and the provision of sufficient security at this type of venue for young people. Minister, how can you, as the Minister responsible for youth affairs, and your Government assist in answering the queries of these young people and also assist in the process of encouraging businesses to cater for this age group and provide more suitable venues for our young people to socialise and feel secure around Canberra?

MR STEFANIAK: I thank the member for the question. It is a very good question. Since time immemorial, young people have felt that there are simply not enough things for them to do, especially things they would like to do and are unable to do. In terms of youth services, there are a lot of things young people can do, and I will initially address that and then speak about some of the very good points Mr Osborne raises.

Apart from various welfare support services, and that is not the focus of Mr Osborne's question, there is a wide range of recreational activities provided through such non-government groups as the YWCA, the YMCA, the Duke of Edinburgh Award, at which a lot of the St Clare's girls have done exceptionally well, the Police and Citizens Youth Club, which caters for some young people who go to things like the Blue Light discos, youth adventure holidays, the Canberra Youth Theatre Company, the scouts and the guides. As well as that, Mr Osborne, we are in the process of developing - and I hope to be able to make an announcement in the next few weeks - an alcohol-free nightspot in Civic for young people.

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I have given Mr Osborne a copy of this magazine, and I will table page 10 of it. The magazine is *bma*. It is a magazine for young people and it is free. It comes out on a regular basis. It is Canberra's three-monthly entertainment guide. It highlights activities which young people might be interested in and lists whether they have to be over 18 or under 18. I will quote from page 10 of the December issue. The heading is "transit U 18" - which is under 18 - "If you are under 18 you can attend this gig". It goes on to say:

It's ALL local, ALL ages and it's ALL happening on Saturday December seven at the Civic Youth Cafe. Strap yourself in and prepare to sample the best in current and emerging local music. This is TRANSIT.

Then it goes through a few groups who are performing there.

Mrs Carnell: This Friday night in Commonwealth Park.

MR STEFANIAK: The Chief Minister says also this Friday night in Commonwealth Park. So, there are certain things on already. I think it is often a matter of young people not being completely aware of exactly what is on.

The magazine that I have tabled is a very good publication, especially geared towards young people. Obviously, there are a number of other things that could occur. I would be delighted, Mr Osborne, and so would anyone in the Government, to assist in the process of encouraging businesses to cater for this age group and to look towards providing more suitable venues for our young people. There are a number of venues. Perhaps they could be publicised more. We constantly hear of the need for additional facilities, and certainly that is something I would be very happy to assist in. I thank you for raising this issue.

MR OSBORNE: I have a supplementary question. Minister, can I take it that that is an assurance from you that, if any ideas or any issues come up, you will consult with high school and college students, whether it be through your youth advisory committee or directly by you? So, can I take that as an assurance that you will do that - that you will consult with them and listen?

MR STEFANIAK: Yes, indeed, Mr Osborne. As you are well aware, I meet, when I can, with the very effective Ministerial Youth Advisory Council, which is chaired by Mal Meninga, who is putting in a great effort there and who is certainly an inspiration to the young people on that committee. I recently had a meeting with the five young people on that committee, three of whom are college age students, from the government and private sectors, one of whom is at TAFE and one of whom is a youth worker. I will be delighted to pass this on and consult further with them about that. Also, as you say, Mr Osborne, if any young people out there at high school or college have some ideas, I would be happy if they would just write in to me with those ideas. Also, I note that you were keen for these ideas to be taken up by my colleagues and also very much by the local business community for their consideration and implementation. I am happy to pass on those ideas to such organisations as the Canberra Business Council and other groups there.

Works and Commercial Services - Corporatisation

MR WOOD: Mr Speaker, my question, which is to Mr De Domenico, is about the transfer of Works and Commercial Services personnel to Totalcare. Minister, when will you report to the Assembly on the due diligence process? Will the changeover still go ahead on 1 January 1997? If it does go ahead, will you report to the Assembly before the end of the current sitting period?

MR DE DOMENICO: Mr Speaker, I will report to the Assembly on the due diligence process when it is finished. If it is finished before the Assembly gets up, Mr Wood, I will certainly report back to the Assembly. But I will give you an undertaking that, once it is finished - the aim is to get the transfer across by January next year - I will let you in on all the details. So, the answer to your question is that when it is totally finished I will report back to the Assembly.

MR WOOD: I have a supplementary question, Mr Speaker. Last week, in question time, you confirmed that workers would transfer under the existing EBA. I thank you for that advice. I refer to your response in the recent Estimates Committee, when you said that all existing staff numbers would be maintained and there would be no involuntary redundancies. Does this remain the case?

MR DE DOMENICO: Yes.

Quamby Youth Centre

MS REILLY: My question, Mr Speaker, is to Mr Stefaniak, Minister for Youth Services. Minister, you announced that you were to erect an electric fence at the Quamby Youth Centre, and your statements suggested that you thought that was the best method to stop the number of escapes from Quamby. Can you inform the Assembly what the full cost of this fence will be and when it will start in operation?

MR STEFANIAK: I thank the member for the question. I am trying to find the actual total figure, which I did have here. I believe that it is in the vicinity of \$80,000 all-up. I was driving past there a couple of weeks ago, and the fence seemed to be half up. I understand that it should soon be complete, or virtually complete, Ms Reilly. I certainly have asked Mr White, who is running that area, to advise me when the fence will be completed. I expect that to be imminent.

The actual cost is \$85,000, I understand, Ms Reilly. I expect the upgrading of the perimeter fence to be completed shortly. I think it is the most sensible and humane way of addressing the very real problem we have had over the last couple of years, in terms of escapes.

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Ms Follett: It is an absolute disgrace.

MR STEFANIAK: It is not an absolute disgrace, Ms Follett. I do not think the Police Association or the community, or even the young people themselves would thank you for that comment. It is, I think, about the most appropriate way of dealing with this. I am not going to go into all the other things that are happening there, because you are probably well aware of them, Ms Reilly; but I think it is, in all the circumstances, the most appropriate measure to take to address the vast majority of escapes since the new Quamby was opened over two years ago.

MS REILLY: Mr Speaker, I have a supplementary question. Can I have an answer as to why the costs of the fence have changed from \$30,000, which you announced initially, to \$85,000? It is a quite considerable increase in cost. Will you inform the Assembly when you know the date of its opening?

MR STEFANIAK: I certainly will. In fact, that is probably going to be in the next 48 hours, in which case, obviously, I will inform the Assembly. But, if not, as soon as I am advised that it is operational, I will certainly advise you, Ms Reilly, and I will also advise the public by means of a press release.

I understand, Ms Reilly, that the \$30,000 that was mentioned was an estimate - a very optimistic estimate, perhaps - that was made some time ago. However, I think the cost of \$85,000 is eminently cheaper than what might have been better to start with - a proper wall around there - which I understand would have cost in excess of \$1m. Of all the other options, Ms Reilly, the only cheaper option than this would be razor wire, and I do not think any of us would want anything like that. So, in terms of what is the most cost effective and appropriate, I think you will find, Ms Reilly, that the cost of any other type of fence would be quite horrific. We are talking of upwards of \$1m. This certainly is the most reasonable and cost-effective means of securing the perimeter of Quamby, which I think is in everyone's interests, including the interests of the young people themselves.

Mrs Carnell: I request that any further questions be placed on the notice paper.

Armed Hold-ups

MR HUMPHRIES: Mr Speaker, in question time last week I took a question from Mr Osborne about armed robberies. I want to add to my answer. A forum is being conducted by the Australian Federal Police at the Winchester Centre tomorrow to which members of the various industries that have been hit by the spate of armed robberies have been invited. The idea is to promote discussion on a range of security and investigation issues. The AFP is keen to canvass the issue of procedures to be followed by bank staff during and following an armed robbery. It therefore is one of those things being done to deal with the problem Mr Osborne raised.

School Canteens - Firefighting Equipment

MR STEFANIAK: On 4 December Ms McRae asked me a question in relation to the Nicholls Primary School canteen - - -

Ms McRae: I did not name it in my question.

MR STEFANIAK: You did not?

Ms McRae: No. You have now.

MR STEFANIAK: I have now. I understand that the school in question has a fire extinguisher and a fire blanket. I am also advised that in that particular canteen no food is cooked; it is meant only to be heated. There are no regulatory requirements either under the Building Code of Australia or from the ACT Fire Brigade for fire extinguishers and fire blankets to be placed in school canteens. That is because school canteens are not used for cooking, only for heating food. They do not have to store large quantities - over five litres - of cooking fats and oils. Canteens are fitted with thermal fire detectors connected to the school's fire board, which is monitored by the Fire Brigade. The canteen in question, Ms McRae, if in fact that is the one you wanted to know about, has a fire extinguisher and a fire blanket.

PAPER

MR WHITECROSS (Leader of the Opposition): I seek leave to table a copy of Mr De Domenico's survey with the three leading questions.

Leave granted.

MR WHITECROSS: I table the paper.

CANBERRA: A CAPITAL FUTURE **Paper**

MRS CARNELL (Chief Minister) (3.41): Mr Speaker, for the information of members, I present *Canberra: A Capital Future* and move:

That the Assembly takes note of the paper.

Mr Speaker, I am delighted to be tabling the ACT strategic plan. The development of this was a joint exercise between the ACT and the Commonwealth Government. *Canberra: A Capital Future* is more than a traditional physical land use plan. It integrates economic, social and environmental strategies into a whole-of-government plan. It is not a historical document destined for the bookshelves of bureaucrats;

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it is a living plan. The plan was developed after extensive community consultation conducted through seminars, workshops, public meetings, surveys, focus groups and meetings with stakeholders and interest groups. In all forms of consultation the message was the same - the need to secure the ACT's economic future.

Mr Speaker, Canberrans recognise that without a secure economic outlook they cannot afford to continue to enjoy the lifestyle and the level of services that they have come to expect. We need to focus on breaking down the impediments to economic growth and to pursue a partnership with the business sector and the broader community. The ACT's national capital role and our position as the hub of the Australian capital region mean that we must also be outward looking. *Canberra: A Capital Future* recognises all of Canberra's roles with a set of concrete actions for the ACT Government to meet community expectations and a set of actions to encourage the Federal Government to do this as well.

Almost a year ago, in response to the Stein inquiry and the Mant/Collins review of planning functions, the Government decided to establish a whole-of-government strategic planning function in my department. *Canberra: A Capital Future* is more than just a land use plan. We have gone considerably further than that.

Mr Moore: It is a Business Council plan.

MRS CARNELL: Mr Moore does not seem to like this. He does not seem to like a situation where the community has said what they believe - - -

Mr Moore: The business community.

MRS CARNELL: Not the business community, but 1,200 Canberrans via a survey, public meetings, seminars, and the list goes on. Mr Speaker, what Canberrans say in this particular strategic plan is that they know that they cannot maintain the sort of Canberra that they want to live in if we do not get the economic development or the economic future of this city - - -

Mr Moore: Nobody is disagreeing with that part.

MRS CARNELL: Then you do not have to interrupt. We believe that this strategic plan brings together what the community want for their city and what is possible in the ACT. I will be very happy to table for members today the questionnaire that went out to Canberrans asking them to give us their views for facing our future. This is the reality - - -

Mr Whitecross: What about the results? Are you going to table them, too?

MRS CARNELL: I am actually very happy to show members of the Assembly the results of the community consultation. Mr Speaker, it is very interesting that all groups said that what they understood was important for this city was to make sure that our economic future was solid and that we had jobs for Canberra. They also said that health, education, transport and issues like that were important but not nearly as important as ensuring that our economic future was solid and that we had jobs both for ourselves

and for our children. A strategic plan is not a document that sits on the shelf; it is not a document that gathers dust. It is a document that is added on to; that continues to grow. We believe that by getting the input of Canberrans, by asking Canberrans to give us their views. I am very happy to table the "Give Us Your Views" document from "National Capital Beyond 2000 : Facing our Future" just to show all members of the Assembly that they, too, can give us their views.

The document I have presented today is an action document. It is a document that takes the approach that has been taken in the past by this Government and by all those around this Assembly to concentrate on making sure that we have a sound economic future, that we have jobs for ourselves and our kids, that we maintain the environment, that we have a sustainable future, that we ensure that services are accessible, that the city is livable and that our services are affordable. All of those things are the basis of this plan. It is an action plan; it is a plan that will change over time.

This is a plan that we hope the Federal Government will come on board with, as we believe they will. Already the Minister, Warwick Smith, and the Prime Minister have said that they support the general direction of this approach. We believe that that is an appropriate approach. We believed strongly that we could not wait, and we would not wait, another three months or four months for the Federal Government to get through their bureaucratic process of coordinating comments from all of their departments. Mr Speaker, I believe very strongly that Canberra, right now, needs to focus on what we want for our city and to get on with the job of making sure it is a reality.

Mr Speaker, the Government is proud of this strategic plan. It is the most significant long-term planning exercise in the Territory since self-government. Some in this house do not seem to like the document because it does not back up their preconceived views of what Canberrans want. If any of those people are interested in looking at what Canberrans actually said, looking at what feedback we actually had from the surveys and so on, they are more than welcome to have a look at that information. Mr Speaker, this is not a spin from government. If it is a spin from anybody, it is a spin from the people of Canberra. I believe this is an important document, and it certainly will be the basis for Government decision-making in the future.

MR WHITECROSS (Leader of the Opposition) (3.49): Mr Speaker, there could be nothing more important to Canberra at this stage in its life than a strategic plan. Given the debates that have occurred over the last several years on planning, given the debates that have occurred over the last several years on economic development and given the more recent crisis in the Canberra economy precipitated by the lack of commitment to the economic future of Canberra by the Commonwealth Government and the ACT Government, there could be nothing more important than a strategic plan. A strategic plan would take the objectives which we have all agreed on in the Territory Plan, it would take the objectives of the Canberra in the year 2020 project undertaken under the previous Government which were endorsed by the whole Assembly, and it would map out for us the steps, the strategies and the plans for progressing us towards those objectives.

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Planning in the ACT is not a new thing. Planning in the ACT is something we have had with us for a very long time. Planning has always been integral to the development of strategic plans which look ahead to the short term and the medium term. "Every five years" is the common language. The message of Stein and the message of the 2020 reports is that every five years we need to go back and have another look at our strategic planning, to ensure that we are moving in the right directions, to set a course, to decide what we are going to do next.

I want to take a minute to highlight some of the major themes in planning in the ACT which have been the subject of consensus in this place and in the Canberra community for some time. These are themes that we as an Assembly and the community as a whole have agreed to in the past: Canberra's continued development in the form of separate towns, each with a town centre; the introduction of measures of facility urban consolidation; the maintenance of a hierarchy of commercial centres where Civic is the dominant business, retail, entertainment, cultural and tourist centre; decentralisation of employment opportunities; location of industrial areas generally on the fringe of towns; maintenance of a clear hierarchy of national arterial and other roads; reservation of a route for an intertown public transport system; achievement of high standards of urban design; continued protection and enhancement of the national capital open space system; planning of rural areas to provide a distinctive landscape setting for the national capital; conservation of the Territory's natural cultural heritage; maintenance and improvement of environmental quality; and provision of an essential infrastructure and careful management of natural resources, especially water, to ensure the orderly development of the national capital.

They are objectives which we as a community have again and again signed on to and which successive governments have signed on to. The purpose of strategic planning is to take those goals, most recently set out in the Territory Plan, and to map out what we are going to do next towards achieving those objectives. What are the next steps we are going to take towards achieving those objectives? In 1993 the current Government produced reports on Canberra in the year 2020. They contained a preferred future for the year 2020 and a probable future for the year 2003 - that is, 10 years after the reports were done. They talked about the need to develop strategies for moving towards those goals. This is our heritage as we come to look at the Government's so-called strategic plan. This is the consensus upon which the Government ought to be building. These are the foundation stones on which any strategic plan should be built.

The tragedy of the situation we find ourselves in today is that the Government has not produced a strategic plan at all. The Government has not built on those foundation stones of the Territory Plan or Canberra in the year 2020 project. It has not taken as its starting point that consensus. It has not mapped out the next steps we need to take towards achieving the goals which we have agreed on over the years. Instead, it has set out some short-term agendas of the current Government to meet the immediate needs of key constituencies of the Government.

Mr Speaker, a strategic plan has other characteristics. A strategic plan ought to command broad community support. One thing I can guarantee is that this plan will not command broad community support. This plan is about a contest over the resources of this city, and a highly political contest at that. A real strategic plan in the nation's capital would

involve the Commonwealth of Australia in the plan. It would take them with it. It would ensure that they were part of the consensus. After all, they are the largest employer in the Territory, employing about a third of our work force. After all, they have significant planning interests in the Territory through Commonwealth land and designated land. After all, it is the nation's capital and it ought to be something that the Commonwealth of Australia takes a key interest in, ensuring that Canberra remains as a point of pride, a good place to live and a model for the future. A real strategic plan would have proper priorities and strategies for implementing some of the goals set out in the plan. This so-called strategic plan simply does not do any of these things.

I want to touch on a couple of my concerns with this plan. First, this plan and this Government send fundamentally contradictory messages to the Canberra community. On the one hand, they say, "Our economic future is rosy. We have a great future in this Territory". Mr De Domenico said in question time, "We are going to talk the economy up". With that language they seem to promise prosperity; they seem to promise an optimistic future. Yet in this plan and in the rhetoric of the Government they do something contradictory to that. They preach despair. They preach reduced levels of service. They preach again and again that you cannot have what you want; that you are not going to get the services that you have come to expect; that you are living beyond your means. These are fundamentally contradictory messages - one of prosperity and one of poverty. The Government cannot succeed until it can resolve that contradiction in its own mind.

Another concern of mine with this plan is its apparent contradiction when it says, "We cannot afford services. We have an affordability gap. We are in real trouble". However, when you turn the page it talks about an obvious opportunity to make the ACT a more attractive place to do business by pitching taxes and charges below those in New South Wales. That is, it is saying, "We do not have the money to provide you citizens with the services that you expect, but we do have the money to give tax breaks to business". That is a fundamental contradiction, a real problem for this report and for building the consensus necessary for this report.

A curious example of the contradictions in this report is the rhetoric about the importance of Commonwealth involvement in this report and of taking the Commonwealth with us. It says, "Foster the relationship with the national government". Then when you turn the page, it says:

Given the potential impact of ... 'downsizing' on the Canberra economy, a great deal of additional work needs to be done on the underlying drivers in order to better anticipate the nature of the future reform.

That is a bit confusing. The Government should tell us how many more jobs they are going to cut and how many more investment projects in the national capital they are going to shelve. The report goes on to say:

This research should be undertaken by the Commonwealth ...

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The Commonwealth have not signed on to this report, of course. It goes on to say:

The commissioning of this research by the Commonwealth would provide a clear and unequivocal demonstration of its ongoing commitment to the future of Canberra as the nation's capital.

In other words, if John Howard came clean and told us how many jobs he was going to cut in Canberra, that would somehow amount to an unequivocal demonstration of his ongoing commitment to the future of Canberra. Perhaps it would, but that is not the ongoing commitment we were hoping for.

Mr Smith, in explaining why he was not going to sign on to this report, said that he could not be associated with it because it has not gone through the process of consultation with government departments. He went on to say that it would probably have to go to Cabinet because there were so many things in it which were going to cost the Commonwealth money. He said he would rather that it did not happen. You cannot bring down a strategic plan which talks about the importance of fostering a relationship with the national government, when the first thing you do is say, "We do not care if the national government is not with us. We are ploughing ahead anyway". It is fundamental to the importance of this document that the Commonwealth be signed on from the beginning; that it be genuinely based on a consensus.

Mr Speaker, there are some other curiosities in this report that I should refer to. One of the objectives I referred to earlier is the continued development of Canberra in the form of separate towns. Each of those towns is meant to have its own employment opportunities as well as commercial opportunities. I would have thought a strategic plan, if it were a serious plan, would make some genuine attempt to talk about how we were going to go about progressing that aim, with all the benefits of improved amenity for the residents, relieving pressure on road systems, making public transport more accessible to people and supporting business in town centres. I would have thought a strategic plan would have made some steps towards that, but this plan does not. This strategic plan makes this interesting observation:

... there is now more employment at the city's urban 'core', whose buildings in the infrastructure are ageing and require significant upgrading or replacement.

Is that not an opportunity to say, "If you are going to spend lots of money on upgrading or replacing buildings, why do we not put them somewhere which will better achieve the objectives of our Territory Plan"? Yet they have not done it. They have not contemplated it. It is not there. (*Extension of time granted*)

Mr Speaker, yet another curiosity and a concern for me in this report is its dealing with the road system. The report talks in these terms:

... Canberra's past reliance on road systems aimed simply at satisfying ever-increasing demand for private travel is no longer appropriate.

A better approach is to aim for an affordable balance between the provision of new roads and the creation of a more effective public transport system, as a genuine alternative to private car use.

Bearing in mind that they have not addressed any of those other issues I have been touching on, that on the face of it seems a reasonable idea. However, when you actually stand back and look at it in the light of the Government's policies, it becomes a little bit more worrying. This report suggests that we spend less on road infrastructure - on maintenance and on new roads. It says, "Perhaps people should catch the buses more". Yet what have we seen over the last two years of this Government? We have seen a consistent and concerted attack on the public transport system in this Territory. Having launched, over the past two years, a consistent and concerted attack on the public transport system in this city, they are now apparently going to run down the roads and say, "You should all catch the buses". That is the underlying message here.

There is a third solution offered in this report, and that is to move all the people. The third solution is urban infill, to move people close to the town centres and close to Civic so that it will be easier to catch the buses. Never mind about having the buses transporting people from the suburbs where they live. They will move the people to the buses instead of the buses to the people. There is nothing wrong with properly measured urban infill, but talking about urban infill as an alternative to providing an effective and efficient public transport system is not good enough. Talking about that as an alternative to proper maintenance of our road system is not good enough either.

There is a lot more to be said about this report, and I am sure that there is a lot more that will be said. I wish that the Government had come into this place today with a report which could genuinely command the broad support of the community and which had engaged the Commonwealth in an ongoing commitment to this city, a commitment to meeting its responsibilities as a corporate citizen and a commitment to some pride in their own national capital. I wish that the Government had come into this place with a document which genuinely mapped out strategies, which genuinely showed how we were going to move towards implementing the principles set out in the Territory Plan, the principles set out in the vision statements produced by the Canberra in the year 2020 project. The Government has missed an important opportunity to produce a document which could take this city forward at a time when this city, more than ever before, needs direction, both to create certainty and confidence for the residents of this city and to create an environment in which business can truly prosper and can truly be confident. I wish that they had done it, and I am sorry that they have not.

MR MOORE (4.08): It is interesting that the Chief Minister continues as the chief spin doctor in Canberra. The reaction to *Canberra: A Capital Future* should not come as any surprise. The committee that I chair, the Planning and Environment Committee, was given draft copies of this document and briefed on it some two months ago. We wrote over it. We sat down with some of your officers and we went through it, and we said, "There are major problems with this document".

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Mrs Carnell: There were things you did not like.

MR MOORE: The Chief Minister says, "There were things you did not like". It is supposed to be a participatory process. You should have a genuine strategic plan that can take all of Canberra through into our future, rather than just a Liberal Party manifesto. It is all about what other members of this Assembly like. That seems to be the part that you have missed. Your arrogance has grown to such a great extent that you do not even know it. You were warned what was wrong with it and you decided to ignore it.

Mrs Carnell: Imagine what happens if we do not agree with Michael Moore.

MR MOORE: The Chief Minister says, "What happens if we disagree with Michael Moore?". It is not a question of disagreeing with Michael Moore. I think you will find out that it is a question about whether you agree with the Assembly as a whole or you disagree with the Assembly as a whole. Let me tell you, Chief Minister, that if you disagree with the Assembly as a whole you start to skate on very thin ice.

Mrs Carnell: Go ahead.

MR MOORE: Thank you for your invitation to continue. That is exactly what I am going to do. You continually talk about your poll in which you interviewed 1,200 people and asked them a series of very important questions. You got some very important answers and they ought not to be ignored. Nobody here is saying that they ought to be ignored.

Mrs Carnell: This is what came out of it.

MR MOORE: I will get to it. Do not just wave it at me. You have ignored it in this document; that is the trouble.

Mrs Carnell: No, we have not.

MR MOORE: Do not just say, "We have not". Listen and you might learn something. The one problem that we have with you is that you have forgotten how to listen. When you were in opposition you always talked about people listening. You said that nobody would listen to the community other than you. You have forgotten how to listen. Those 1,200 people told you that economic development was important and that jobs were important. Nobody here disagrees with that. You have translated that into the philosophy of the ecorats, the dry economic rationalists. That is exactly what you are - an ecorat. You have said that the only way to give everybody a job is to fund small business, to fund other business, to make sure business gets tax breaks. It is business, business, business, business.

Ossie Kleinig makes it very clear in today's paper. I quoted him at question time and I quote him again:

We are in agreement with virtually everything. In fact, it could have been written from the files of the council and its predecessor, the Canberra Association for Regional Development. Most of the points it contains have been our policy at least since self-government.

You have set a spin on what people said to you in a genuine fashion. They responded genuinely in what they thought and I thought was a serious exercise. The Chief Minister, in the same sort of spin, continues to say to other members of the Assembly, "You have not even had time to read it. You were out making comments when you had not had time to read it". Of course we had time to read it. When I sat down while you were speaking in the press conference when you released it the other day, I was able to go through every single page and test it against the draft copy that I had been given two months ago and to see that the changes had been absolutely minimal - not only minimal, but minuscule. Do not continue to put that sort of spin on. Continuing the spin is this discourse that you set up about what is affordable and what is not affordable. "Affordable" is a relative term. It is not a question of affordability at all, which is the spin you have put on here. It is a question of priorities, Chief Minister. It has always been a question of priorities.

It gives me a great deal of anguish to come here today and to move an amendment in relation to the strategic plan. It gives me a great deal of anguish to do what I can to ensure that the Assembly does not adopt this. Why?

Mrs Carnell: We have not asked the Assembly to adopt it.

MR MOORE: You have not asked the Assembly, but the Assembly is going to tell you, Chief Minister.

Mrs Carnell: We have asked you just to note it.

MR MOORE: That is right. You have asked the Assembly to take note of the paper. This is an opportune time for me to move my amendment. The Chief Minister asked the Assembly to take note of the paper. I move the following amendment:

Add the words "as Liberal Party ideology and is not adopted by the Assembly".

The motion will then read:

That the Assembly takes note of the paper as Liberal Party ideology and is not adopted by the Assembly.

That makes it very clear that it just is not good enough. I could have used the word "reject", but I accept that there is some quite good work in the document. We will get to that, but unfortunately it is overwhelmed by this underlying discourse and underlying philosophy of the ecorats. I am disappointed to have to say that.

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Before anybody else was talking about strategic planning, in 1992 I launched an election platform fundamentally based on strategic planning. I am going to quote a few bits from that election platform:

Strategic Planning should be a central function of the ACT Government.

...

This strategy should set the social priorities of the community.

- . There will be an overall strategic plan for the Territory, encompassing a vision for Canberra and the ACT to the year 2020 ...
- . Government actions, whether as entrepreneurs, facilitators, service providers or regulators, will be directed by the objectives of the strategic plan.

I went on to say:

Strategic planning is an holistic approach to the development of a city and its hinterland.

Then I set out how I saw strategic planning. That was taken up in the 2020 report. There is a description of how to do strategic planning on page 8 of the report to the Legislative Assembly for the Australian Capital Territory from the Government at the time. It actually tells you how to do it. Was it done that way? No; we had an entirely different method of going about it. Why did we have an entirely different method? You thought you would be smart and get Liberal Party ideology up instead and use it as an excuse to say, "This is our strategic plan". You are trying to move along Liberal Party ideology instead of moving the whole of the Assembly with you in a participatory process.

That election platform was not the end of it. You may recall, Mr Speaker, that my colleague Helen Szuty put a motion to the Assembly which resulted in the two excellent documents, *Canberra 2020: Vision for Prosperity* and *Choosing Our Future*. The Government's response was adopted by the Assembly as a whole, because it was the style of document that could be. To develop a strategic plan really only required as the next step a statement on how you would go about implementing that. This Government could not do that.

While they were sitting around thinking about it, the Planning and Environment Committee, after we encouraged them to do it, said, "We are not going to wait for this whole-of-government strategic plan. We have to have in place at least a subsection of that on a strategy for urban development within Canberra". The Chief Minister is quite right in saying that it is a subsection. Not too long after the committee had announced that that was the process they were going to use and the path they were going to go down, the Chief Minister with, as I recall it, Mr Howe, the then Deputy Prime Minister,

announced that there was going to be a combined strategic plan done between the Commonwealth and the ACT. At that point I said that it was appropriate for us in the Planning Committee to put our work on hold so that this could be developed in conjunction with the Commonwealth, because it was so critical. It seemed to me to be a perfectly good idea. I made quite supportive comments at the time, saying that this was the way to go.

I also said that this had to be done very carefully and not just with consultation but with participation of key players. It is not enough to say, "We have done our survey. We have seen what people said and we have made our decision. We were heading in that direction anyway". We need participation in the process. Since you have done that so badly, this Assembly will now become more involved in the participatory process, and we hope that we can assist you to get this right. At the moment you have got it wrong. It is yet another thing that you have got wrong this week. Although it is not referred to in this document, this week you are talking about perpetual leasehold. How important is planning when in the very same week you are getting rid of the Chief Planner? Canberra, the most renowned city in the world for planning, will be one of the few cities in the world that do not have a chief planner. We will get to that debate, Mr Speaker. I know that it is on the notice paper and I would not want to pre-empt debate on it.

I want to be quite specific about urban strategic planning. I have taken a great deal of interest in that particular aspect of strategic planning. I do not undermine the fact that you have dealt with ecological integrity and issues like that, all of which had to be dealt with. I think there is already broad agreement on them in this Assembly, although we will be looking for ways to enhance them. Indeed, later today, on behalf of the Planning and Environment Committee, I will be tabling a report about environmental accounting and how that can assist. (*Extension of time granted*) Urban strategic planning, as I have said on quite a number of occasions, requires three main principles - how much development, where and when. This does not offer that. It does not answer those fundamental questions. It is not a strategic plan. That is the difficulty and that is why I would distance myself from it. It gives me great anguish to have to distance myself from it. I share Mr Whitecross's view that strategic planning is a very important part of how we should be going.

If we had a majority government that was looking forward to many years in government in the ACT, as indeed one perhaps could argue that the Howard Government is in the Federal sphere, it might say, "We can do what we want, because we have a mandate to do so". The mandate here was for a genuine strategic plan that had the participation of all members of the Assembly. I think there was a far better method of doing it than that taken up by the Government. The Assembly Planning and Environment Committee was seeking a way to employ a consultant on a very short consultancy to assist us to write this up. When it was taken over by government, a new section was formed. Over the year I presume that salaries would have been of the order of \$150,000.

Mr Speaker, that says something about a Chief Minister who went to the people promising them council-style government. Talk about the spin doctor! If anything ever made it clear about her being a spin doctor, that would have to be the best. If she had been genuine, she would have assigned those people to an Assembly committee to do it.

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Mrs Carnell: What did you say about our *Governing Canberra* document? You threw that out as well.

MR MOORE: You may recall my comment when you began talking about council-style government, Chief Minister. Because I knew what you really meant by it, I said, "Who cares whether I am a MLA or a MLC, a member of the Legislative Assembly or a member of the Legislative Council? If you are a member of a legislative council in Australia, you get 'Honourable' in front of your name". It seemed to me that that was the pitch you really had in mind; but you put on it the spin that you were going to provide a local council, which was never for one minute your intention, and never would be. No matter how you dress it up, it is obvious to anybody who looks at this Assembly and at the way you act that that was never your intention.

A genuine strategic plan requires proper participation. People should take their copy of *Canberra: A Capital Future* and cross out "ACT Strategic Plan". Let us leave it as *Canberra: A Capital Future*, a bit of Liberal Party ideology with some ideas for the future. There are some good ideas in it, but it is not a strategic plan and it ought not to be dressed up as one.

MS HORODNY (4.25): Like other non-Liberal Party members in this Assembly, I am very disappointed with this document. This document is not a strategic plan, and there is no hope of it being a strategic plan in the form that it is in. When I came to this Assembly, and even before that time, I heard from all quarters of the community that we needed a strategic plan. I believe that we in the ACT very desperately need a strategic plan. I have been vocal about such a need of the ACT. A real strategic plan would look at where Canberrans want to be. This document does not do that.

Mrs Carnell has talked about consultation. She has talked about two meetings where there were 200 people. Are you really proud of a meeting of 200 people for a document that is supposed to be the most important document that has come out of this Government? I personally think that is pathetic. Mrs Carnell, with all the resources that you have, I would have thought that as one of the first things you did you would have hired a consultant or done some research to investigate how to consult.

Mrs Carnell: We did.

Ms McRae: Mr Speaker, I raise a point of order. I have never heard Ms Horodny interrupt anyone. Perhaps a bit of order would be in order.

MR SPEAKER: I uphold the point of order.

MS HORODNY: Thank you, Ms McRae. Mrs Carnell, if there is such a consultancy report, I would ask you to table that document here. There is no evidence in this strategic plan of any sort of work that went into - - -

Mrs Carnell: It is here.

MS HORODNY: No, Mrs Carnell. Perhaps you should read that. That is not a consultancy report on how to - - -

Mrs Carnell: Yes, it is. It is about setting the scene, what a strategic plan is, why we need a strategic plan, how long we are planning for.

MR SPEAKER: Ms Horodny, you cannot expect not to have interjections if you encourage them. Would you get on with your comments.

MS HORODNY: You are right, Mr Speaker. As I was saying, it would be a very good idea for a supposedly important document to get the formula right, to research how we ask the people of the ACT what they want. The people of the ACT really deserve some respect and dignity on this issue. It is the people of the ACT who have to carry this strategic plan. They have to believe in this document. They have to believe that it is going to deliver something. There is no way that anyone would have any faith in this document or its ability to deliver anything real in the ACT.

The other thing that you need to understand is that, if you ask the community to look at what the needs are of the ACT and ask the community to prioritise them, you will find that the community do not just ask for a whole lot of things that they know cannot be paid for. If you give people respect, you will find that they understand very well that there are economic realities; that there is a bottom line; that we do not have a bottomless bucket of money out there to work with. If you take into account what people have to say, you might even find - in fact, you probably will find - if you ask people where they think this money would come from - some very creative ideas and some very real solutions, including trade-offs to do with taxes and other fees in the ACT.

Mrs Carnell's mantra at the moment is the economic future of the ACT. Her other mantra is jobs at absolutely any cost. There are no conditions ever on that, Mrs Carnell. Yet there is supposed to be ecological sustainability. We are supposed to have social sustainability. All we hear about is this mantra, "Jobs at any cost". There is no concern from Mrs Carnell regarding what we do in creating jobs. What sorts of businesses do we want to attract? Any sort at all? Are we very happy to accept any sort of polluting, degrading industries in the ACT? Will we start accepting waste from other cities? Is that what we are prepared to do? If it is any sort of business, then there are no restrictions. You have put no guidelines down. You have never said that we want quality jobs; that we want jobs that are ecologically sustainable. Mrs Carnell, if we truly wanted a sustainable city, then we could start with some real secondary resource recovery. We could have our recycling estate, instead of burying our resources at the landfill.

This document has not been a joint exercise. It is a bit of a charade for Mrs Carnell to say that it has been a joint exercise when we do not see any evidence of the Commonwealth Government supporting it or in any way endorsing any of the contents of the document. I understand fully that we are suffering economic hardships in the ACT.

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We are, throughout the whole country. In the ACT we have unique problems that we are trying to deal with. Mrs Carnell is absolutely right when she says that we have inherited certain problems and that we inherited a certain infrastructure that we now have to maintain. I agree that that is a real issue of concern. Canberra, being the capital of Australia, has been dumped by the Federal Government. We as a community are expected to support this city to a level that will maintain it as the national capital. That is not possible. This is the national capital. The Federal Government need to acknowledge that this is what it is, and they need to take an interest in and maintain a financial commitment to this city.

I agree that there are problems here. We have inherited a huge road system that we now have to maintain. We have inherited huge green open spaces that we have to water and mow. I agree that they are real problems, but there are creative solutions to managing our urban open spaces.

Mr De Domenico: What are they?

MS HORODNY: There are solutions, Mr De Domenico. As for our road system, the only solution we seem to have is to build more roads. Only two suburbs of Gungahlin give you a direct bus service to Civic. In the other suburbs people have to go to Civic via Belconnen. That is obviously not viable. It is obvious that in Gungahlin more people need to buy cars than would really like to. I have spoken to many people in Gungahlin who are not happy with having to buy a second car, but they have absolutely no choice. Your solution is to say, "Let us build the John Dedman Parkway. Let us forget about buses. We do not like empty buses. They cost too much. We do not mind roads because they are good for jobs. We like high-tech solutions". This Government loves high-tech solutions.

Mr De Domenico: Every motorist loves roads. You have to provide things that people want.

MS HORODNY: No, it is not what people want, Mr De Domenico. You obviously have not been speaking to the people. Under the supposed ecological sustainability principles and ideas in this document we are happy to build mega-roads, instead of providing buses to solve the transport problems in Canberra. Instead of implementing an energy-saving strategy, we want a gas-fired power station. We want to build things. That is the whole solution that you have for this city. We want more business; we want more jobs at any cost.

Mr De Domenico: Tell us how you would create some jobs.

MS HORODNY: There are no real solutions in this document, Mr De Domenico. I am not happy with this document. I do not see that anyone in the community will be happy with it. There are no answers in it. You would not want to look to this to save Canberra. It is not going to save Canberra. The process has been so poor. You have not taken the Commonwealth with you. You have not taken the Assembly with you. *(Extension of time granted)* You certainly have not taken the community with you.

This is doomed to failure, I am afraid. There is nothing in it to salvage. The whole problem with going through the process that you have gone through is that you have not considered that to put through a strategic plan you need to bring everyone with you. To make sure that the formula is right, you need to make sure that the process is right. If you have it wrong at that basic level, you are not going to get anywhere.

MS McRAE (4.36): Mr Speaker, I wish to move the amendment circulated in my name and to explain. The amendment reads:

“I move that before the report is noted, and further the government re-do the ACT Strategic Plan and bring it back to the Assembly with:

- (a) a clear commitment to the agreed outcomes of the 1993 Assembly’s 2020 report;
- (b) the commitment of the Commonwealth to the strategic plan for the ACT.”.

What I would like to do is rename this plan as well. As Mr Moore said, it has nothing to do with an ACT strategic plan. It is an economic plan. It is a simplistic answer to one problem. That is why it is not a strategic plan. It offers very little to the people of the ACT. An economic plan is one that is focused on jobs. I would like to remind members of times well within all our lifetimes, perhaps 25 years ago, when there was full employment and when the economy was thriving. What sorts of times did we have then? We paid no heed to ecological sustainability and no heed to the waste we were building up and destroying our cities with. Discrimination was rife. Migrants were never taught English in the workplace. There was no EEO. There were barriers to women’s employment. We had a society which did not offer to all its citizens the full range of choices that people want now. People with disabilities were in asylums, and aged persons could not get appropriate care. But everybody who wanted a job had a job. So, simply to talk about jobs has nothing to do with strategic planning.

People’s needs are complex and varied. When we are talking about the ACT community strategic plan we are talking about the full range of those complex needs which require attention and cannot be ignored. This document is a simplistic answer to one issue which does not deal in any way strategically with the full range of issues that any community wants dealt with. That is why I am pulling people back to the 2020 report where, in fact, the community, working very closely with the business sector, with the Government and with the Assembly, went through the full range of those complex issues that make up the quality of life in our community and in every community in Australia and the world.

People care about child care. People care about workplace practices. People care about transport practices. People care about the quality of the suburban life. People care about care for others. They do not simply and simplistically care about one issue and one issue only. They may put one up as their priority issue, and I respect that; but that does not give the Government the right to cop out on it and to simply end up with an economic plan which does not deal with the real issues of a community which should have been dealt with in a strategic plan. This is a management plan. This is a picture of what government is either doing or able to do or wants to do. It involves no-one from the

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Assembly and, of course, Mrs Carnell could point out that we did not pass a resolution about the brief we were given. It was a confidential brief which was given to us to provide feedback, and we were treated with disdain. It involves no-one from the Assembly and it makes no commitment to the full range of the needs of the people of the ACT.

When one looks at exactly what the Government is committing itself to, the plan becomes even more disappointing. The first major heading under the implementation plan is partnership. The call is for a forum. It calls for all manner of institutions to work together. It may come as a surprise to the Government, and it obviously has since they have gone to all the trouble of detailing it in the report, that since the beginning of self-government, and well before, these institutions have worked together. They have been talking to and working with each other for years and years. What is more, they have been involved in formal pre-budget processes. They have helped previous governments, as they did the current one, in the formulation of the budget and in the preparation of things of great concern to the ACT. So let us form a forum. Let us put a label on it. What difference will that make to anything? Nothing. What has this to do with strategic planning? None. Why do we need a strategic plan to say that we will form a forum? What nonsense! You could form a forum any day of the week. We have those people working together, and working extremely well.

A suggestion is made that the Government and the Chief Minister should meet regularly, not only with each other but with the Prime Minister. What a novel idea; as if Mrs Carnell has never spoken to the Prime Minister. How many front pages of the *Canberra Times* have we seen her on, talking to the PM or exhorting the PM? What about our previous Chief Minister? I think we would find just as many of her talking to Mr Keating, and so on. What a novel idea: We need a strategic plan to tell our Chief Minister to go and talk to the Prime Minister. Pull my other leg; it squeaks a lot louder. Nonsense! For the last seven years every Chief Minister has spoken to the Prime Minister. There has been cooperation at government and agency level between the Federal government and the local government. People have talked, and people will continue to talk, and we do not need a strategic plan to say, "Go away, boys and girls, and talk to each other".

To move on, this document says:

This Strategic Plan re-emphasises the critical importance of the central, "metropolitan core" of Canberra.

Re-emphasises from where? Since when was the metropolitan centre of Canberra ever the heart of our life in the ACT? Mr Whitecross pointed out the Y plan. What about the Territory Plan? What about every effort that we have witnessed in this Assembly, particularly from my erstwhile colleague today, Mr Moore, to resist the development of a metropolitan centre because he rightly represented his constituents who resented any move by this Government to change the fundamental nature of Canberra, to change from town centres. This is not a re-emphasis of the critical importance of the metropolitan centre; it is an abandonment of the town centres and an attempt to repaint the

Territory Plan and what everyone has striven for in this Assembly, which is a fair cop for each of their electorates and no one centring. Canberra is not Melbourne, it is not Sydney; and, whilst many people would wish it that way, we are nowhere near having consensus or agreement that that is what should be.

This partnership idea gets worse. Some gratuitous advice is handed out to Belconnen: Belconnen's interests could work together to work for Belconnen Town Centre. Surprise, surprise; there is a group that already meets there, to which even I, as an Opposition member, am invited, and which cares deeply about the future of Belconnen. If anybody had listened when they put this plan together, we would by now have bombed the Belconnen bus shelter, as Mr Hird has been calling for for years and years, and as Mr Berry and I have, and replanned things there. But all the emphasis, of course, is on this so-called metropolitan core, and some gratuitous advice is offered to other town centres.

As if all this is not enough, we find out, after Mr Humphries has paid out good money to a consultant to do a review of the LAPACs, what does he get? He gets some gratuitous advice in here too. Do you know what Mr Humphries can now do? These LAPACs, which he has fought for and defended - he called the consultants stupid to ever deny democratic rights - are now going to be amalgamated with the community councils. What a novel idea! Whoever thought of that? Nobody in the community, nobody in the LAPACs, nobody in the community councils, nobody. Nobody said, "Please, sir, I want to work with the LAPACs". What nonsense! Community councils exist for the community, LAPACs exist for a completely different purpose, and we need a strategic plan to say, "Too bad what Mr Humphries has done in terms of his review; too bad what the community councils are there for and that they get elected and are good volunteers; we have a wonderful idea. We are going to put them together". And do you know what? We are even going to get an area manager. How terribly, terribly cute! So out at Belconnen and Tuggeranong we will all sit down and be quiet and let the metropolitan plan continue whilst we all talk to each other and make sure that no aspirations of any other town centres get dealt with because the metropolitan plan has to be fulfilled. Nobody on earth has ever spelt out why that should be.

We move from partnership to making things happen. Having spectacularly failed to keep the Commonwealth with them, we find this invitation on page 82:

In particular, the ACT Government will seek the cooperation of the Commonwealth Government in pursuing the potential to align their plans for the outsourcing of support services such as computing ...

Having failed, having spectacularly failed for two years to keep on line with the Commonwealth, now we are going to seek ways to pursue the Commonwealth. It is simply not good enough. What sort of strategic plan is it that says, "Having been unable to work with the Commonwealth, we are now going to find some different reasons to try to work with the Commonwealth."? It is just not good enough.
(Extension of time granted)

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Past page 82 we get a series of bureaucratic matters. We get a bureaucratic series of wish lists which again do not need a strategic plan. All the things listed on page 82 and onward can just happen. We do not need a blueprint to do this. We simply need the bureaucrats to get on and do what they have been doing, and, surprise, surprise, not just for the last two years but for every year since the beginning of self-government. On page 85 there is a further amazing claim in conclusion to this wonderful strategic plan - that we need an urban development program. Where was this Government two years ago in relation to the fifty-fifty plan that Mr Wood had?

Mr Humphries: We were in opposition two years ago.

MS McRAE: Oh, in opposition; and were they ever! When they came into government did they ever once put up their hands and say, "Maybe all the development in Canberra is going to have to happen in Canberra, and maybe this fifty-fifty plan had some idea."? Oh, no, no, no. Rip it to bits. Walk away from it. Do nothing. What do we find in their own strategic plan a couple of years later? Fancy. Their strategic plan says everything should happen in Canberra and we need an urban development program.

I wonder what happened to the Territory Plan, the B1 guidelines, all the things that have been discussed with the community in relation to urban development? What happens to all of that? Nothing. Someone within Urban Services is going to go away and write an urban development plan and, hey, presto, wait for it, guess what, it is going to be tabled in the Legislative Assembly. Well, we should all say a big thank you for that. Tough about the Territory Plan. Tough about all the work that has been done already. Tough about what the community expects and follows. No, no, no; we are going to get an urban development plan. Why on earth do we need a strategic plan to tell us that? Why could not the Government have just done it? Nothing in this document raises anything to do with strategy.

The issues covered on page 86, finally, are of even greater concern. There we come to the nub of it. It is the Government pleading for itself, looking for excuses, calling to close the affordability gap. It is the Government's cry of failure. There the Government completely refuses to concede that every government since the beginning of self-government has been working hard to close this affordability gap. It is not just closing the affordability gap that should drive our decisions in the ACT. This is what is so damaging about this report and why Mr Moore's analysis is so accurate. It is purely an ideological drive. It is a report that deals with none of the key issues that concern people in the ACT. My amendment calls on the Government to bring it back with a clear commitment to the agreed outcomes of this Assembly report, the 2020 report, to build on it, and to tell us their response to each of the agreed outcomes that were there, which you do not - - -

Mrs Carnell: It is not our document.

MS McRAE: Of course. So you are saying that this is a strategic plan for the future and it is going to be ditched. Here was a strategic plan that was agreed to by the Assembly and was ditched. Furthermore, and most importantly, perhaps, we should not even look at this thing until the commitment to the strategic plan for the ACT is there from the Commonwealth. The Commonwealth control some of the most important parts

of Canberra and, without their commitment, their partnership, their signing off to this, all of this is one big waste of time. I think that the Assembly should not be insulted in this way. We should get back a proper report which involves the Commonwealth, which commits the Commonwealth, which shows us how that commitment is there, and we should get some better analysis of what the community really called for, which was much more focused in this report, and with some better analysis and feedback on that. I commend my amendment to the Assembly.

MR MOORE: Mr Speaker, I wonder whether I might make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MR MOORE: It is a very unusual thing for me to do, Mr Speaker. In an interjection across the floor earlier, after I had commented that the Planning and Environment Committee had warned what would come out of the draft that we had seen, Mrs Carnell said that Mr Kaine had told her that there was no resolution. Indeed, that is correct. Mr Kaine is always accurate on these things. But, Mr Speaker, we had told the officers who briefed us, in no uncertain detail - some members wrote copious notes on the draft that we had - that there were major problems with this. I am not debating this. That is the sense in which I said that they had been warned. We had not only told the people who had briefed us; there were notes as well to support that. Mr Kaine is correct; there was no formal resolution of the committee; but the process was there, Mr Speaker.

MRS CARNELL (Chief Minister) (4.52): Mr Speaker, I have to admit that I am happy to have this Assembly state that the Liberal Party is the only political group in this Assembly that is willing to grapple with the major issues facing Canberra - that is, jobs and economic development in this place. If that is what this Assembly wants to say, that is fine. That is fine with this side of the house. We will continue to go down the path of making sure that we do grapple with the major issues that face this Assembly.

Mr Speaker, I will try to address some of the issues that have been raised. Ms Horodny made the point that somehow we had not gone down an appropriate consultation path. Ms Horodny obviously has not read any of the documents that go with this approach. For the interest of the Assembly, I am happy to table the initial document that went out as the basis of the consultation approach. I will read some of the contents. It is setting the scene. What is a strategic plan? Why do we need a strategic plan? How long are we planning for? Who is preparing the plan? What do we value about the ACT, the vision and so on? What factors shape the ACT, and so on - all of the issues involved? What will be the look and feel of Canberra in the future under the current economic trends? It runs all the way through that. Then it tells us who the project personnel are and the approach that will be taken. This was the document, Mr Speaker - I will table it for the interest of at least the Greens - that went out as part of the initial process.

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Mr Moore: I take a point of order, Mr Speaker. I would like clarification, Mr Speaker. I was intending to speak on Ms McRae's amendment. I presumed that the Chief Minister was speaking to Ms McRae's amendment, but from the way she is speaking perhaps she is closing the debate.

MR SPEAKER: It is up to you. You can speak on the amendment if you wish, Chief Minister.

MRS CARNELL: I will speak on Ms McRae's amendment, if you like, Mr Speaker, and then I will close the debate separately. I know that we have a quite long night tonight, so I do not want to speak for too long. Ms McRae's amendment seeks a clear commitment to the agreed outcomes of the 1993 Assembly 2020 report. Mr Speaker, to start with, I think we will find that the 2020 report was noted in the Assembly rather than agreed to in the Assembly. Most importantly, the 2020 report did not actually have an action plan. It did not actually do anything.

Mr Moore: That is right. That is what your job was. That is what the strategic plan is supposed to do.

MRS CARNELL: Mr Moore might forget just for a minute that the 2020 plan was the 50 per cent infill plan. It was the fifty-fifty plan.

Mr Moore: No. It included that on page 53.

MRS CARNELL: I am sorry. I do have it. It is all right.

Mr Moore: No, that is not it. The version that was printed is this version.

MRS CARNELL: That is true; but the documents that were tabled in this Assembly, Mr Speaker, did suggest, amongst lots and lots of other things, active urban renewal planning and that at least 50 per cent of total urban development should be infill. It was something that we debated in this place. It also had a number of goals, with absolutely no capacity or no activity whatsoever related to those goals. Many of the goals are totally appropriate.

Mr Speaker, maybe others can let us know, but I believe that the paper was noted in the Assembly. It was not agreed to as a course of action in the Assembly in 1993. It is also a different Assembly now. You assume that a document from 1993 is somehow binding upon this Government. Mind you, I do not know what you would be bound to. It does not actually say anything much at all. Mr Speaker, it is also a wonderful document, of course, in terms at least of the vision for prosperity. To quote the document, it says:

Canberra is now the City of Parrots. The natural symbol of Canberra is now the King Parrot.

So Mr Moore's committee got it wrong.

Ms McRae: Yes, that is what people care about, Mrs Carnell. You might mock, but people like that.

MRS CARNELL: Ms McRae comments that that is what people like. Mr Speaker, it does go on from that, and I could quote at length about the fact that 50 per cent of people are vegetarians - I think it is actually more than that - and most of our health budget is in health prevention. There are all sorts of very nice ideas but, Mr Speaker, not exactly the sorts of things that are going to produce jobs or get the economics of the ACT back on track.

Mr Speaker, the comments that have been made about the commitment of the Commonwealth to the strategic plan obviously mean that those opposite or the other people in this Assembly are just attempting to mislead the people of Canberra on this issue. The whole document was put together by a mix of people from the NCA and the ACT Government. The fact is that the Commonwealth in no way has walked away from this document. We believed, very strongly, that it was important to get this document out into the community. We promised the people of Canberra and the large number of people who put in responses to this document that the document would be out by the end of September. That was the time when, to a large extent, we had finished our part of it. The Commonwealth, because they might have had one or two other things on their plates, I have to say, were dragging their feet a little. They decided that they needed to put the document through their whole departmental process. They decided to ask all departments for coordinating comments on the document. They determined that it may need to go to Cabinet. They decided that it might need to go to the joint parliamentary committee on the ACT.

All that is fine, Mr Speaker, but that could easily take another few months. We had promised the people of Canberra that we would have a document out by the end of September. I felt, and still feel very strongly, that if you say you are going to do something you do it. You do not allow the timeframe to continue to blow out and out. We made that clear. I spoke to the Minister involved about the issue. He said he certainly supported the direction of the document, as has the Prime Minister. In fact, Warwick Smith made that comment in the media - that he supports the direction of the document. There is just a significant bureaucratic process that needs to be achieved in the Commonwealth. The reality, Mr Speaker, is that this is an ACT strategic plan. It is one that we have comments on from both the Prime Minister and - - -

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 5 o'clock, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

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Debate resumed.

MRS CARNELL: Mr Speaker, there is no indication whatsoever that the Commonwealth does not support the thrust of the strategic - - -

Ms McRae: Nor is there any indication that they do.

MRS CARNELL: No, I am sorry; the Minister was quoted in the media as saying that he does support the thrust. We believe that we will have commitment from the Commonwealth to the strategic plan when their bureaucratic process is complete; when they have gone through the coordinating comments process; when they have gone through the Cabinet process; when they have gone through the joint parliamentary committee and so on.

I am fascinated, Mr Speaker, that those opposite believe that somehow we should put this whole process on hold while we wait for some bureaucratic Commonwealth Government committees to look at our document. Quite seriously, Mr Speaker, I find that approach from Ms McRae absolutely amazing. Certainly, we will be looking for commitment, written commitment, to the document from the Commonwealth. I believe that that will happen when they finish their very long processes. The Minister has already said, and I state it again, that he supports the general thrust of the document. The Prime Minister has said that he supports the general thrust of the document; but that, apparently, is not good enough. I am very happy to come back to this Assembly when the Commonwealth have gone through all of their enormously convoluted processes. That is fine. I think I made the point when I tabled this document, or when I announced this document yesterday, that we very much hoped that was the case.

Mr Speaker, I think it is very important to again make the point to this Assembly about the level of the work that was done by the NCA and the ACT Government in putting together this document.

Mr De Domenico: Its genesis was under Brian Howe.

MRS CARNELL: The genesis was under Brian Howe. The decision on how the consultation would work and how the strategic planning approach would be carried out was made conjointly with Brian Howe, not any sort of Liberal government. (*Extension of time granted*)

Mr Speaker, I believe that those opposite are just attempting, for no particularly good reason, to bash anything that moves. They have not put up anything that they would do, except potentially go back to a 1993 document - a time that was enormously different in Canberra. It was before the current economic problems that we have. It was a time when we still had, at least, basic growth. It was different from now. To suggest that a strategic

document from 1993 somehow can be adopted for 1997, which is nearly where we are, I think shows a lack of understanding of what a strategic plan really needs to be. Strategic plans need to be living documents. They need to change with changing times. By the way, Mr Speaker, the 1993 document was never used. This is the first time that those opposite have shown any inkling of an intention to use the 2020 document, but that is politics.

I think it is very important to run through, for the interest of members, the index of meetings and workshops. Ms Horodny made the point that somehow we had two public meetings. Wrong. All of these were advertised public meetings. We had a public meeting on 3.7.96. We had another public meeting on 10.7.96. We had a strategic futures workshop on 8.7.96. We had another strategic futures workshop, with people from the community, business, arts and culture, on 9.7.96. We had a session with the Canberra Business Council on 15.7.96. We met with the ACT professional institutions - people like the engineers and the RAIA - on 8.7.96. We met with the community councils, the executive - - -

Mr De Domenico: Were they all members of the Liberal Party?

MRS CARNELL: No. I do not think any of them are, actually. The community councils got together with us on 9.7.96, the Housing Industry Association on 15.7.96, the Rural Lessees Association on 16.7.96, and the Canberra Region Campaign on 1.8.96.

There was a session with Mr Moore's committee. It was actually a briefing session, I understand, Mr Speaker. I understand from Mr Kaine's comments on the meeting that Mr Moore did make a number of comments, but Mr Kaine certainly did not see that as being input from the committee at all. His comment was that it was input from Mr Moore. That is fine. Mr Moore has every right to input, Mr Speaker, just as everybody else does. But, certainly from Mr Kaine's perspective, the comments that Mr Moore made were very much his own comments rather than any agreed position from the committee.

Mr Moore: And nobody tried to deny that.

MRS CARNELL: That is good, because that is as it was put to me. We have also had sessions with ACTEW and the regional leaders forum. I made the comment that we had 1,200 responses to our community consultation; but, most importantly, Mr Speaker, there is a consultative group membership. I think it is really important just to run through that quickly. This is the group that signed off on this document. Looking at it, Mr Speaker, I cannot see one Liberal Party member in the whole group. There was Collin Freeland, Professor Don Aitkin, Bob Lansdown, Frank Pangallo, Graham Sansom, Peter Cullen - - -

Mr De Domenico: Peter Cullen is a member of the Labor Party.

MRS CARNELL: Yes. There was Elizabeth Whitelaw, Dr Dorothy Broom - again, she is not a member - Mr Chris Vardon, Professor Julian Disney - not exactly a member - - -

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Mr Moore: This is a reference group. A reference group does not sign off.

MRS CARNELL: I am sorry; this is the consultative group that actually did sign off on the document. There was Murray Northrop, Mr Ian Marjason, the mayor of Yarrowlunla Shire Council, and Professor Peter Cullen - the other Peter Cullen, who is the chair of the Centre for Freshwater Ecology at the University of Canberra. Mr Speaker, it is very hard for me to see the members of that group as Liberal Party apparatchiks.

Mr De Domenico: There is not one economic rat amongst them.

MRS CARNELL: I do not think there is one economic whatever it is amongst them, and I also do not think, Mr Speaker, that there is one member of the Liberal Party. Those people have put a lot of hard work into this document. I have to tell you, Mr Speaker, that I did not rewrite the document once, and to my knowledge none of my Ministers rewrote the document once. We believe strongly that we should be willing to put onto the table a document that came from the community, from a community-based consultative group, which is exactly what we have done.

MR MOORE (5.07): For all that, you have got it wrong. It seems to me, Mr Speaker, that part of the reason is the sort of approach that we hear from Mrs Carnell. She supposedly quotes from the 2020 report to the Legislative Assembly; but, in fact, she actually quoted from the reference group and took that quote out of context. That is the sort of thing she does all the time. She is taking it out of context. She is putting a spin on it. She is gilding the lily. This is the sort of approach we see from this Chief Minister again and again. Mr Speaker, the approach is dishonest.

Mr De Domenico: I raise a point of order, Mr Speaker.

Mrs Carnell: It is all right.

MR MOORE: Mr Speaker, what I say is that the approach is dishonest. If you are taking that kind of approach it is a dishonest approach. I am not calling an individual dishonest; I am saying that this is a dishonest approach. Mr Speaker, let me explain what I mean by that. Mrs Carnell quoted about the parrots and she talked about this place as a city. Mrs Carnell knows that *Canberra 2020: Vision for Prosperity*, the report of the reference group, was set in a very specific style of context. They put themselves in the future and wrote in a very unusual style to try to get people thinking and responding. They start by writing this:

This is 2020. We have arrived. Back in the year 2005, we the 2020 generation accepted leadership. We lifted our aspirations from survival to thrival. You didn't have the word "thrival" in your day, and that said something about the loftiness of your ambitions and visions. Canberra had a vision of a prosperous future back in the 1990s. We are the generation which finished the job you started.

It goes on in that tone, Mr Speaker, in a special kind of tone, to really get the message across that you can do it. That is the tone in which that document was written and, as such, it was a document that provided a huge number of terrific ideas that were kept in that context.

The Government at the time then interpreted that into a series of principles and described how it could be developed into a strategic plan. It sets out very neatly on page 8 how it could be done. Remember that Mrs Carnell stood up and said, "Look, it has no implementation policy", and that sort of thing. It is very neatly set out that that is not what this is intended to be; that that is the next step, and that is what the strategic plan should be. It sets it all out very neatly.

Mr Speaker, Mrs Carnell also raised the issue about this being the document that sets out fifty-fifty urban development. Indeed, that is there on page 43 of the published document. It sets out that a specific idea - it is not part of the key implementation principles - is to "achieve an urban renewal rate of at least 50 per cent of total urban development". Mr Speaker, I do not agree with that principle. That brings us back to the amendment that Ms McRae has put for "a clear commitment to the agreed outcomes of the 1993 Assembly's 2020 report". It seems to me that that puts a charge on you to find out what are the agreed outcomes of that report.

Mrs Carnell: We did not agree.

MR MOORE: You correctly say, "We have not agreed; the report was noted". What this motion says is that you have to find out what are the agreed outcomes. You need a participatory process to find out what are the agreed outcomes, so that you can proceed. So, in other words, you use it as a base. That is the same recommendation that I made to some of your officers on a number of occasions when they were beginning to prepare the strategic plan. "Do not do again all the work that the 2020 vision did", is what I suggested. "What you should do is build on the 2020 vision".

There are small elements in *A Capital Future* that illustrate that there has been an attempt to do it, but in such small ways compared to what was set out in this combination of documents. That is how they should be read, as a combination of documents; the 2020 documents, the *Vision for Prosperity* giving us a background, the principles, and so forth, and a vision of what we believe our Canberra should be. That vision is one that says, "We have a much healthier society". That is what it says. How are we going to get to that healthier society? Well, we have to follow some principles. That is stage 2. Stage 3 would be the implementation, or, if you like, the strategic implementation, of those principles; in other words, a strategic plan. That is what we are talking about. That is what should be done. That is the disappointment that those of us on this side of the house feel when we read the document that you have tabled and that you are now starting to distance yourself - - -

Mrs Carnell: No, not at all. We think it is great.

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MR MOORE: You are saying, “I did not have anything to do with it; nor did any of my Ministers, actually. We did not interfere with it”. You are already beginning to distance yourself a little bit.

Mrs Carnell: We did not rewrite it.

MR MOORE: No; we understand the tone. We understand political speech. We understand what you are saying. That is what we see. Mr Speaker, the amendment, I think, needs a little bit of modification - - -

Mr Osborne: I take a point of order, Mr Speaker. I have let Mr Moore go on for about 10 minutes, but I have yet to hear him show any cause as to why he should call the Chief Minister dishonest. Maybe we have different rules for different people in this house, but I was asked to withdraw it last week.

Mr Humphries: I think you have a point there, Mr Osborne.

Mr Osborne: Perhaps you are going to get to it, Mr Moore. I do not know. Mr Speaker, I have yet to hear him justify calling the Chief Minister dishonest.

MR MOORE: No, I did not call - - -

MR SPEAKER: The term you used, I think, Mr Moore, was “dishonest approach”. Is that correct?

MR MOORE: Indeed. I did not call the Chief Minister dishonest. I have never called the Chief Minister dishonest. I do not believe that the Chief Minister is a dishonest person. What I am saying is that an approach has been taken that is dishonest. I think there is a very important difference between the two, Mr Speaker. If the Chief Minister believes - - -

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

MR MOORE: I will just finish off and I will answer your point of order. If the Chief Minister believes, Mr Speaker, that I have called her dishonest, or implied that she is dishonest, then I withdraw it.

MR SPEAKER: Thank you.

Mr Osborne: Thank you, Mr Speaker. Thank you, Mr Moore.

MR MOORE: My pleasure. Mr Speaker, with specific reference to the amendment put to you by Ms McRae, I must admit that I lost concentration when she was putting the amendment. The first line in the circulated version is, “I move that before the report is noted”. I think that needs to be deleted to make sure that the whole motion would follow, if, indeed, the amendment that I have put up follows. That may need to be done just to make the system work in the best possible fashion.

MR OSBORNE (5.15): I thank Mr Moore for his clarification. I will be brief, Mr Speaker. I have not had the luxury of most people in this house. I have not had a good look at this report yet. I must admit that two things made me very nervous about this report. The first was the colour, the Liberal Party blue. I was a little bit nervous when I saw the blue on there. Secondly, Mr Speaker, whenever I am watching the news and I see prominent members of the business community come out in support of the issues of this Government, I also get nervous.

Mr Speaker, in all seriousness, I have not had the opportunity to read through this report, so I do not think I am in any position to condemn it or to endorse it. I was not a member of the previous Assembly, so I have no idea what the 2020 report is about or what it says. I do not think that I can support either of these amendments at this stage. Mr Moore has moved to add that it is Liberal Party ideology. Mr Speaker, I have not read it, so I cannot support that. Perhaps we should adjourn this debate, Mr Speaker.

Mr Moore: No adjournment. Perhaps you had better leave before we vote.

MR OSBORNE: I do not mind voting. As for Ms McRae's amendment, I cannot support paragraph (a). I do not know what were the agreed outcomes of the 1993 Assembly's 2020 report, so how can I sensibly ask Mrs Carnell to go back and find out what it is? I think that is quite silly. I have read briefly through that same article that Mrs Carnell read from. There are some things in here which I think are quite relevant. There is one paragraph that I will quickly read. It says:

Canberra has teams competing in the national rugby competition where the Raiders are still formidable.

That is good to know. It continues:

Rugby now has teams in all the southern capitals. In 2007, after virtually 100 years of separation the rival codes of Rugby Union and League reunited as part of a global reconciliation.

I just hope that the rugby league world can do that by the year 2007. I do not think I will be too worried about rugby union.

Mr Moore: Read it in its context.

MR OSBORNE: Mr Moore asks me to read it in its context. Perhaps this can be read in its context:

The natural symbol of Canberra is now the King Parrot.

Let us go down a bit further, where it says:

There are places in the city where parrots can be fed by hand, including Parrot Place in Civic ...

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Where could that be, Mr Speaker? Where could Parrot Place be, Mr Speaker, in Civic?
Mr Speaker, I have not - - -

Ms Follett: Mr Speaker, I take a point of order. I was under the impression that Mr Osborne was debating the motion and the amendment moved by Ms McRae. The document that he is reading from is not the 2020 report - I will say that again - and it is an indication that the Government's approach on that matter has been to misinform.

Mrs Carnell: It is the report of the Canberra in the Year 2020 Reference Group, the *Canberra 2020: Vision for Prosperity*.

Ms Follett: It is not the 2020 report. Nor is it the Government's response to that report.

MR SPEAKER: The Chair is not aware, but I would ask Mr Osborne to address his remarks to the amendment to Mr Moore's amendment, which was moved by Ms McRae.

Ms Follett: Get the right document, if you want to talk about it. I will give you a copy.

MR OSBORNE: I am quite happy to read the right document, Ms Follett; but I have not seen it yet, so, really, I cannot support this. It would not be fair of me to condemn this report without giving it a thorough reading. I am quite prepared to adjourn this debate and have a good look at it; but, if that is not fair, if that is not to be supported, then I cannot support it.

MR SPEAKER: The question is: That the amendment to Mr Moore's amendment be agreed to.

Mr Moore: I raise a point of order, Mr Speaker. Can we clarify exactly what the amendment is, because I believe that Ms McRae is prepared to remove that first line. Perhaps she could read the actual amendment. Then it will be clear.

MR SPEAKER: Would you mind doing that, Ms McRae?

Ms McRae: Mr Speaker, I believe I need leave to remove the words "I move that before the report is noted,". It should start from "And further", because it will then follow logically.

MR SPEAKER: Do you seek leave to remove the words, "I move that before the report is noted,"?

Ms McRae: Yes. Is that okay? All right.

Leave granted.

Amendment (**Ms McRae's**) to Mr Moore's amendment agreed to.

Amendment (**Mr Moore's**), as amended, agreed to.

Motion, as amended, agreed to.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Interim Report on the Acton-Kingston Land Swap - Government Response

MRS CARNELL (Chief Minister) (5.22): Mr Speaker, for the information of members, I present the Government's response to Report No. 11 of the Standing Committee on Planning and Environment entitled "Interim Report on the Acton/Kingston Land Swap" which was presented to the Assembly on 15 May 1996. I move:

That the Assembly takes note of the paper.

Mr Speaker, this Government response has been prepared to update the Legislative Assembly on where we are up to now with the Acton-Kingston land swap. As the Standing Committee on Planning and Environment was told by officials on 22 November, the Government is still waiting to hear from the Commonwealth on the details of the agreement, and, in this sense, the Government response is an interim response to an interim report, Mr Speaker.

While the Government has accepted most of the recommendations of the report, it is important to realise that the committee's recommendation that the land swap be renegotiated in accordance with the recommendations of its report was not necessary. Most of the matters that the committee sought to have renegotiated are, in fact, the details that are yet to be negotiated. They were always part of the detail that would need to be resolved before any transfer of land could occur. Mr Speaker, when the Territory does hear from the Commonwealth about their position on the details yet to be resolved, the committee's recommendations will be useful in formulating an ACT response.

On 21 November 1996 I announced the preliminary results of contamination at Kingston. Far from the poisoned wasteland that the Opposition and the Greens had warned us about, contamination at Kingston is both limited and manageable. This has allowed us to press on with the design competition for a world-class development at Kingston. The Acton-Kingston land swap has opened up two of the prime sites in Canberra. Apart from Kingston, we expect that the Commonwealth will use Acton in a way consistent with its significance. Acton will not be lost to Canberra; it will be developed in the national interest. Mr Speaker, I thank the committee for its report and I hope to be able to report back to the Assembly very soon, when we have heard from the Commonwealth.

MR MOORE (5.24): Mr Speaker, in fact, a response of the committee is sitting on my desk. You may recall that the Standing Committee on Planning and Environment presented an interim report on the Acton-Kingston land swap. We received a great deal of criticism from this Government for referring to it as an interim report - unfair criticism, I might add. We are now prepared to put down a further report - I will be able to do that shortly - which I think will deal with some of the issues that the Government has raised here.

Question resolved in the affirmative.

PAPER

MR DE DOMENICO (Minister for Urban Services): Mr Speaker, for the information of members, I present the ACT Occupational Health and Safety Council Annual Report 1995-96.

SUBORDINATE LEGISLATION

Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act, I present subordinate legislation made in accordance with the schedule of gazettal notices for an instrument of appointment, parking charges and a variation to specified trading hours.

The schedule read as follows:

Land (Planning and Environment) Act - Instrument of appointment to the Land and Planning Appeals Board - No. 283 of 1996 (S324, dated 5 December 1996).

Motor Traffic Act - Parking charges - No. 281 of 1996 (S318, dated 3 December 1996).

Trading Hours Act - Variation to specified trading hours - No. 282 of 1996 (S322, dated 5 December 1996).

PLANNING AND ENVIRONMENT - STANDING COMMITTEE

Report on Environmental Accounting for the ACT Government

MR MOORE (5.26): I present Report No. 22 of the Standing Committee on Planning and Environment entitled "Environmental Accounting for the ACT Government", together with the extracts of the minutes of the proceedings. I move:

That the report be noted.

This, I think, is a very important report for the Assembly. It is in some ways a very brief report, but it introduces, conceptually, something that the committee believes to be particularly important in ensuring ecological sustainability and ecological sustainable development, which I believe all members of the Assembly are committed to. The report has a series of recommendations which primarily are based on trying to take environmental accounting to the next stage. We are calling on the Government to prepare an options paper on environmental accounting for tabling in the June 1997 sittings.

The options paper should include opportunities for implementing environmental accounting, taking account of both the existing financial management framework and Australian and international accounting standards, and investigate the feasibility of using environmental indicators developed by the Australian Bureau of Statistics in the ACT. That is not developed in the ACT, although it may well be. It is used in the ACT but is developed by the ABS. In the context of the ACT and capital region, the Government should consider how environmental accounting could be implemented on a regional basis. Mr Speaker, I think that is the fundamental drive of the issue.

I would like to make some additional comments about this process. The Assembly may be aware that I requested assistance from the Chief Minister for an officer to be secretary to the Planning and Environment Committee for its inquiry into the 1995 ACT State of the Environment Report and the Government's response. I was very pleased, Mr Speaker, that the Chief Minister agreed to make available a seconded officer to work in the Committee Office for the inquiry. The officer is Mr Jim Corrigan. We have been delighted with the work of that officer and we appreciate the fact that the Chief Minister made him available to us.

This report on environmental accounting being tabled today is the first of two reports that the committee has prepared with the assistance of that seconded officer. We have the State of the Environment Report which the committee will be dealing with very shortly and we also have this report that we are tabling today. The committee has a significant workload and having this seconded officer to assist the current secretary has been valuable indeed. But, Mr Speaker, it is not just a case of being valuable to the committee. I believe it will be particularly valuable for the seconded officer and it is a process that I believe we could use more frequently in the way we deal with committees. I have had discussions with the officer and I know that it has enhanced his understanding of the committee processes and Assembly workings. I think it will be very useful to him as a public servant in the ACT Public Service and for the Public Service itself to have people who have an understanding of how these processes go.

I would like to thank the Chief Minister and you, Mr Speaker, for making that process possible. I suggest strongly that the assistance of seconded officers for committees, particularly when there are heavy workloads or large inquiries, be provided more regularly. I believe it really is a valuable addition to the general work of the Assembly and of committees. Mr Speaker, I commend the report to the Assembly.

Debate (on motion by **Ms McRae**) adjourned.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Further Report on the Acton-Kingston Land Swap

MR MOORE (5.30): Mr Speaker, it gives me pleasure to present Report No. 23 of the Standing Committee on Planning and Environment entitled "Further Report on the Acton/Kingston Land Swap", together with the extracts of the minutes of proceedings. I move:

That the report be noted.

Is it not timely, Mr Speaker, that at the same time as we receive the Government response to Report No. 11 of the Standing Committee, the Interim Report on the Acton/Kingston Land Swap, we also have the opportunity to table a further report on the Acton-Kingston land swap, Report No. 23? The committee recommends in this report, Mr Speaker, that the Government make a statement to the Legislative Assembly during the first sittings of 1997 about developments affecting the Acton-Kingston land swap. The statement should specifically address the following questions: What is the Government's negotiating position in discussions now under way with the Commonwealth? The reason why we raise that issue is that, after a public briefing for the committee from the appropriate officers, it became clear to members of the committee that either the Government has no negotiating position - that is the perception that I am under - or there is a possibility that the Government did not wish to reveal its negotiating position.

The reason I put up the second option as a possibility, Mr Speaker, was that it was an argument I heard Mr Major putting on radio about why it is that he will not comment on the Euro currency debate that is going on in the UK at the moment. He does not want to give away his negotiating position. He likened it to a hand of poker and said that when he goes in to negotiate with other EEC countries the last thing he wants everybody else to have is a situation where he effectively has his cards turned up. I do not believe that that is the case here, Mr Speaker. We could give the benefit of the doubt to the Government on this.

We also believe it appropriate that the statement address what are the advantages and disadvantages of pursuing the swap of land at Kingston for the land at Acton. The committee was very keen to draw attention to this because generally within the committee, and, I must say, I think within the community, there does not appear to be resistance to the development of the Kingston foreshore, which is one of the Government's goals. The Kingston foreshore seems to be causing us, at this stage, having been through a reasonable process, a minimal amount of difficulty.

We also have asked that the statement include the advantages and disadvantages of separating the Acton and Kingston sites and abandoning the idea of a swap. I think it is appropriate to come back to the Assembly and deal with that. The statement should talk about the timescale for action on both Acton and Kingston, what is being proposed for the Acton Peninsula, and what is the process by which any proposal for its development will be assessed. We still have this great gap in information as to what you want to use the Acton Peninsula for. Until we have that information it is difficult for the Assembly to make a rational decision on it. It is certainly the view of the committee that it is very difficult to make a decision.

Mr Speaker, there is already a response to our last point: What is the formal response of the Government to the report of the Standing Committee on Planning and Environment on the Acton-Kingston land swap delivered in May 1996? Thank you, Chief Minister; we now have the formal response. You anticipated the tabling of the report. If we had this kind of efficiency right through the Government, the committees would have no role. We thank you for that report and the tabling statement. Mr Speaker, I believe that the committee has dealt very sensibly with the very thorny issue of the Acton-Kingston land swap. I believe it is appropriate that the committee report be adopted by the Assembly.

Debate (on motion by **Ms McRae**) adjourned.

CASINO CONTROL (AMENDMENT) BILL 1996

Debate resumed from 21 November 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (5.36): The Opposition will be supporting this legislation. The Bill redefines “junket gaming” and gives it a more modern interpretation, using the phrase “commission-based gaming”. It will allow the casino to negotiate with individual players and offer concessions to those players rather than only to junket operators, so called. The Government believes that these measures will have the potential to increase the takings of the casino and thereby the taxation revenue of the Government. I am sure we would all be happy with that. Mr Speaker, the opening of the Sydney and Melbourne casinos has changed the casino environment in Australia, although not in a completely unanticipated way. Nevertheless, it is important that the Canberra Casino be encouraged to compete for business and to find a place in the market. I hope that these changes will be effective in encouraging more people to come to Canberra as an alternative to going to the other casinos in Australia and the region.

I understand that Casino Austria has said that the amendment will be reinforced through a marketing strategy which includes incentives like airfares and accommodation, which is essential in attracting high-stake players. It is also essential, Mr Speaker, in my view, that they make efforts to make the casino a more attractive option and market it more effectively to the Canberra community. The community has invested a lot in the Canberra Casino. Casino Austria also has invested a lot in the Canberra Casino as well. While it is not the role of government to prop up business, we are talking about a business which is in a highly regulated market, and we do have a responsibility to do what we can to ensure that the casino operates in the most viable way. The Government and the Assembly, of course, have an interest in that because of the potential revenue coming from the casino. The Opposition will be supporting the legislation and we will be looking closely at what the casino makes of the opportunities provided by these amendments.

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MS TUCKER (5.39): The Greens are rather reluctant to support this Bill, but we are aware that it does have support in the Assembly. I would like to make some brief comments about the legislation. What we are doing through this Bill is setting up a lower tax threshold, to enable the casino to attract so-called high rollers to Canberra. I have my doubts about whether this is really going to work if the competition that is there from the Sydney and Melbourne casinos is as extreme as we have been led to believe. The casino has convinced the Government that they will be able to attract high-stake players to Canberra, and the Government has agreed to continue the lower rate of tax on profits from the so-called junket operation.

While we are not moving a sunset clause to this legislation today, we do believe it is appropriate that this is closely monitored. It is a rather disturbing fact that when businesses are offered a concession or assistance of any kind there is rarely an evaluation to see whether the projected number of jobs or turnover or other benefit to the local economy actually eventuates. We acknowledge that the ACT is not forgoing any revenue, or so it has been argued, through this Bill; but I think it is fair to say that it is an example of States bidding with each other once again to attract businesses to their jurisdictions. Other States offer a lower rate on these profits, so the ACT follows. Mr Speaker, all around Australia governments are seeking to outbid each other in offering concessions to business. While the short-term arguments for this activity are sometimes compelling, with promises of more jobs, more revenue and so on, in the longer term we can only all lose out by these bidding wars. I remember that we have had this discussion in the Assembly before regarding the CRA business.

The issue has been raised by the Australasian Council of Public Accounts Committees, but the Greens believe that a much more proactive stance could be taken to tackle this very important issue. We urge Mrs Carnell to argue for this issue to be put on the agenda of future meetings of the Council of Australian Governments and also to argue for Federal Government intervention in an appropriate forum. Mr Speaker, there is a classic statement on this. It is, "If everybody stands on tiptoes nobody sees any better".

MR MOORE (5.41): Mr Speaker, I think it is appropriate to follow Ms Tucker's speech. The fundamental principle that she is talking about is one that I have raised in the Assembly before, and I am keen to hear Mrs Carnell's response to the very good suggestion that Ms Tucker has made - that you take this issue of bidding wars to COAG.

Mrs Carnell: It is already there. It is already in COAG.

MR MOORE: I hear the interjection that it is already there. I am pleased about that. You should pursue it with vigour. It applies not just to casinos and other issues, but right across the issue of these bidding wars. I think the statement Ms Tucker made was appropriate. The quote she presented at the end about standing on tiptoes, I think, sets the image very well. In this case, Mr Speaker, I think there are two things to be achieved by this legislation. The first one is to extend the trial period beyond the sunset clause. I think that is appropriate and I do not have a problem in supporting that. The second is to extend a little because I think the competition is real. While we are in the circumstances that Ms Tucker appropriately wants to change, I think we have very little choice but to allow the casino to keep competing.

MRS CARNELL (Chief Minister) (5.43), in reply: I thank members for their support for this piece of legislation. One of the things that it is important to realise is that this legislation has come about, to a large extent, because the last time it was put to the Assembly we moved a sunset clause to the Bill. We believed that we needed to look at the issue in the fullness of time. It would appear that it does need to be extended, for all the reasons that have been mentioned.

The comments made by both Ms Tucker and Mr Moore about competition between States are very true. That is the reason why the Industry Commission - I think it is the Industry Commission - is doing a full report on that at the moment. It is also an issue that has been brought up in the context of COAG. The real problem at the moment from a whole-of-nation perspective is that there is one State that is unwilling to be part of any relook and a couple of States that are sitting on the fence. Of course, unfortunately, unless everybody is in it, nobody can be in it. That is really causing a problem at the moment.

The ACT Government has put a quite fulsome submission to the inquiry. If any members are interested in seeing the ACT Government submission, I am very happy to show it to them. Our submission was, to some extent, along the lines of that of New South Wales. We both believe strongly that the approach that is currently happening, with all States undermining each other, is a hiding to nothing; that in the end it can only cause damage, particularly to the smaller States. This is certainly something that we will continue to push. It is certainly an unusual thing for the Industry Commission to look at, but we are very pleased that they are doing so. The real problem, as I understand it at the moment, is that it does not have the support of all States. Again, I am happy that there is support for this Bill this afternoon.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.46 pm