DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 February 2001

Wednesday, 28 February 2001

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

Death of Sir Donald Bradman, AC
Condolence motion

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): Mr Speaker, it is my sad duty today to move a motion of condolence following the death of Sir Donald Bradman. In the course of this debate, there will be others who will comment on the life and describe in detail the achievements of Sir Donald Bradman.

Sir Donald Bradman was not only the world's greatest batsman in terms of his remarkable scoring rate, top score, and record average, but more importantly he is remembered, and will continue to be remembered, for his sportsmanship, for the way he played the game both on and off the field. He played the game with a great flair and grace, but also with decency and humility. His legacy to the rest of us is the lesson that you can uphold high standards of dignity, honesty and fairness and at the same time play hard and win.

His legacy is that you do not have to have recourse to rudeness, unpleasantness or bending the rules to win. There is no way that he would have allowed his team to become involved in betting scandals, for example. He said that, if one of his players tried to sledge an opponent, he would give that player one warning and, if the sledging was repeated, that player would not be selected again. Such was the strength of his leadership that this was never an issue during his time on the Australian cricket team.

His ability and his character were an example to all. It is that example that will live on, I believe, as an inspiration to many around the world. Apart from his success as a cricketer, Sir Donald was also a successful stockbroker, a formidable golfer, an Australian squash champion, an excellent tennis player and an accomplished pianist.

For many years after retiring from playing cricket, Sir Donald devoted much of his time to administering the game that he loved. He continued to serve cricket as a selector, and member of the Australian Cricket Board, including as chairman for two terms. In 1987, his contribution was further acknowledged with the establishment of the Bradman Foundation. The foundation is a non-profit charitable trust, established to promote the growth and development of cricket in Australia.

In recognition of Sir Donald's achievements and devotion to sport in general, and cricket in particular, he has been variously selected as Australian sportsman of the century, Wisden cricketer of the century, and in the top ten of world sports figures of the century for the world conference on sport. He was also only one of two Australians to be selected in the top 100 world figures of the 20th century. This is quite an extraordinary achievement.

In December 2000, the new Bradman pavilion at Manuka Oval was officially opened during a ceremony at the Prime Minister's XI game. Sir Donald himself was not well enough to attend that particular occasion. He had declined the invitation to open it himself due to ill health. His son was also unavailable on that day. The building was officially opened by the Prime Minister, and Sir Donald commented that he was honoured to have the new building, which would replace the building he opened himself in 1963, named after him. It will remain the ACT's memorial to a truly remarkable man, and other memorials are no doubt being planned as we speak.

I would like to take this opportunity to extend my condolences and that of, I am sure, the whole Assembly, to the family of Sir Donald Bradman. They can be comforted in the knowledge that his memory and legacy will live on in an enduring way, and this is not often the legacy of a cricketer, or indeed of any sportsman or sportswoman in this day and age. I believe not only that the lives of all Australians have been enriched by his life, but that, indeed, the lives of all lovers of cricket throughout the world have been enriched similarly.

MR SPEAKER: Would you formally move the motion, Chief Minister?

MR HUMPHRIES: I move:

> That this Assembly expresses its deep regret at the death of Sir Donald George Bradman, AC, and tenders its profound sympathy to his family.

MR SPEAKER: Thank you.

MR STANHOPE (Leader of the Opposition): Mr Speaker, I am very pleased to join the Chief Minister this morning in this condolence motion.

Donald Bradman was the greatest batsman to grace the sport that has—probably quite rightly—been called Australia's national game. He had an unmatched first-class batting record, 117 centuries and an average of 95.14; and an unmatched test record, 29 centuries and 52 tests, with an average of 99.94. Notably, in tests he was never dismissed in the nervous 90s. They were always converted into hundreds or double centuries or more.

Bradman dominated the cricket scene throughout his career. He had few, if any, of the bad patches that have been the fate of other, lesser players. Even in the notorious Bodyline series he averaged over 50 in tests.

But Bradman's influence was on more than just the cricket field. His career spanned some of the most trying times in Australia's short nationhood—the Great Depression and the Second World War. He gave Australians something to take hold of in times when they needed reassurance. As John Huxley wrote in the *Sydney Morning Herald* today, in the outpouring of emotion on news of Bradman's death:

> it was clear the nation had been joined in something more profound than mere remembering, or mourning.
>
> Something extraordinary, albeit sad, that may tell us as much about ourselves and our notions of the nature of human greatness as about our greatest hero.

That is the legacy Sir Donald Bradman leaves the nation. He was the greatest batsman, the greatest cricketer, of any time, but he brought much more to the nation than just his supreme ability to play cricket. In the words of a great chronicler of Australian life, the songwriter Paul Kelly:

> He was more than just a batsman,
> He was something like a tide,
> More than just one man, he was half the side.

The Labor Party joins the Assembly in this expression of condolence to the family of Sir Donald Bradman and, effectively, to the people of Australia.

MR SPEAKER: Thank you. Before I call the Minister for Education, I wish to acknowledge the presence in the gallery of the Hon. Jeff Kennett, former Premier of Victoria. Welcome to the Assembly.

MR STEFANIAK (Minister for Education and Attorney-General): Although most cricket lovers never saw him play, few would doubt that Sir Donald Bradman was, without a doubt, the greatest player in the history of the game. He was born in Cootamundra on 27 August 1908, the youngest of five children. In 1910 he moved to Bowral. Donald Bradman's father and the family were very keen cricketers, and he was exposed to the game at a very early age.

Sir Donald's training technique of hitting a golf ball against a rainwater tank with a cricket stump is part of Australian folklore. He played his first competitive cricket match at the age of 12 in Bowral. He scored 115 not out, and took eight wickets on the oval that is now called Bradman oval.

By the age of 17, the young Bradman had attracted the eyes of New South Wales cricket selectors following some remarkable performances in the country. He commenced playing in Sydney grade cricket in the 1926-27 season, and he was run out for 110 on debut for St George.

He quickly moved into the New South Wales side after some high scoring innings for his club side. In his first-grade debut for New South Wales against South Australia he scored 118 and 33, batting at number seven. The following season he scored two more centuries for New South Wales and secured his first test cap against England. Bradman failed in the first test, scoring 18 and one, and was dropped for the second test. He returned, however, for the third test and scored 79 and 112 which, at 20 years and 129 days, made him the youngest Australian player to complete a test century.

Sir Donald went on to play 52 tests for Australia and, until his retirement from the game, he was never dropped from the team again. He went on to score 6,996 runs at an average of 99.94, a world record. I think the next highest average is something like about 59 runs, so that is something that we will probably never see again.

His highest test score was 334, and he amassed 29 centuries and 13 fifties. He played 41 times for New South Wales and 44 times for South Australia. His highest first-grade cricket score was 452 not out. In first-class cricket, Sir Donald scored an amazing 28,067 runs at an average of 95.14, including 177 centuries, an average of one century every three visits to the batting crease. No other player, Australian or otherwise, has ever come near that level of consistency.

He was the first Australian to score 100 first-class centuries, doing so in the 1947 series against India. During the days of the Depression, Sir Donald's success was a shining light in an otherwise very dreary world. He provided hope, he developed national pride through his cricketing exploits. He gave people a magnificent distraction from the Great Depression. Grounds would empty when he was dismissed and they would fill at the news that he was at the wicket.

Newspapers would carry headlines that simply said, "He's out." Everyone would know who "he" was. In 1948, at the age of 40, Sir Donald led the Invincibles on that team's unbeaten tour of England. That team is widely regarded as the best Australia cricket team that has ever been produced. He was knighted in 1949 for services to cricket, and in 1979 he was appointed a Commander of the Order of Australia, the highest civilian honour that can be bestowed on an Australian in modern times. On this sad occasion I, too, offer my sincere condolences to Sir Donald's son, John, his daughter, Shirley, and their families.

MR KAINE: I am delighted to be able to join with the government and the opposition in this motion of condolence to the family of Sir Donald Bradman. I will not attempt to deal with his achievements in life. I think they are well known to most of us. I think his achievements, however, do need to be kept in some sort of perspective. There is some suggestion that he was a worldwide, internationally known figure. In fact, I think that is overstating the case. He is certainly internationally known within the old British empire, or the Commonwealth as we know it today.

I think that people outside of the Commonwealth where cricket is not played would scarcely have heard of Donald Bradman. But that is not to denigrate the man because, within that sphere, he was certainly a giant, particularly within the field of sport and cricket.

Some of us present do not remember the thirties and forties, but some of us do. I think that it was during those years that Donald Bradman made his mark and, even more so than in later years, he was a role model. He was an inspiration to the young people of Australia. Here was an Australian who was a world leader in his sport, a great achiever and yet one who did all that with a certain modesty. He was never a very flamboyant person. He acted with great restraint, but he was a real inspiration and a real role model to at least one generation of Australians and probably two.

I would think that those of us who have only been around for the last 30 years or so would not have placed Sir Donald Bradman high on the list of inspirational people, because young people in that age group probably do not know a great deal about him, except that he was a big name in cricket in the past.

But there is no doubt that, during several decades of the 20th century, Sir Donald Bradman was a man of great distinction, who set an example, who was an achiever in his chosen field, and who has left his mark among, first of all, those of us who remember, by first-hand experience, his achievements, but also for those who continue to have an abiding interest in the great sport of cricket.

Of course, as the Chief Minister has pointed out, Sir Donald did have involvement in fields beyond cricket, and I have no doubt that he made his mark and was an inspiration to people in those fields as well. I join with the opposition and the government in this motion of condolence to the family of Sir Donald Bradman.

MR HIRD: Our Don Bradman. Our Don. Why was he our Don? Not just Don, but our Don. We all know Don Bradman's record. We all know that he is universally recognised as the best batsman the world has ever seen. We all know that he is the benchmark against which others in the great game of cricket measure themselves. But does this explain his continuing hero status or is there more? Of course there is.

There is Don Bradman, the man, the country boy who made good, the gentleman, the person of utmost humility and modesty, the man who said, when he failed to make those all-important four runs in his last innings, "Don't worry about me. Give praise to the bowler. He fooled me with a beautiful ball."

He was a shy and private family man, who wanted to live out his life in peace and quiet. Mr Speaker, can anyone imagine our Don playing cricket like they do today? Can you imagine him kissing the wicket, hugging all and sundry, or using verbal abuse against opponents, which is sadly the current trademark of cricketers. The Don and his team-mates let the bat and the ball do the talking. When you scored 100, you doffed your cap and set about scoring another one. When you took a wicket, your captain said, "That's what you are there for. Get on and get some more."

Where was Australia when our Don came into the scene? It had been barely 150 years since European settlement, and only about 25 years since Federation. The site for our national capital had only recently been decided on and Parliament House had only just been opened. We had just come out of the war to end all wars. We were just heading into the Great Depression, sadly. We were a young country that had already seen boom and bust cycles, and we were ready to start loosening the shackles of imperialism.

Australia, together with our New Zealand cousins, had just developed the Anzac spirit, and even though this happened as our boys became cannon fodder for the English gentlemen in the war to end all wars, it showed that Australians were different and that they were capable of holding their own as a developing nation.

We had our heroes. We had sportsmen and women winning gold in the Olympic Games. We had boxers of world renown. We had musicians and singers. We had scientists who led the world. We had explorers, miners and inventors, and other people of vision and action, but there was still the gloom of the economy heading downwards and the reality of many of the boy soldiers who either did not come home or who were displaced if they did. Unemployment was on the rise and class division was great. The ordinary person needed a hero and, in our Don, they found one: an ordinary person, a boy from the bush, everyone's cousin or nephew.

Our Don took on the best and beat them, in particular he beat our old masters, the English. Not only did he beat them once, he beat them on numerous occasions. He beat them so badly that they had to change how they played the game of cricket. He was Australia's ray of hope during those dreadful Depression years, and he maintained his status as we got back on our feet and really started to develop as a great country.

I recall stories of how many thousands of people would stand outside the Myers' Elizabeth Street store in Melbourne, which kept a large scoreboard—covering its first and second floor—on which people could watch the progress of the test matches. When word got around that the Don was batting, the crowd would swell and block the roadway and the tramlines. Offices would empty and, if the game was at the MCG, the crowd would swell almost instantaneously.

Australia needed a hero, and in Don we had one. As a point of interest, I asked a young friend yesterday what the Don meant to her. Of course, she had never seen him play and is not particularly interested in cricket. Her reply was: "He was what being the best was all about, when sport was played for its own sake and not for money."

Mr Speaker, as a cricket lover I had the pleasure of watching the Don play at Manuka in 1963 on a special occasion, and over the years I have auctioned many pieces of memorabilia at various charity auctions. They are always popular and always fetched good prices. I join with members of this place, and sports lovers everywhere, in offering my condolences to his family.

MRS BURKE: Thank you for the opportunity to say for the record how this Australian legend affected many people's lives, and none more than my father in the United Kingdom. I recall dad telling me on numerous occasions his vivid recollections of the 1932-33 Bodyline series, and of the Bradman Invincibles of 1948 who certainly, Mr Hird, taught the Poms how to play cricket.

It is very clear that Sir Don Bradman was a man born for his time. He was humble, gracious, down to earth, a very ordinary human being who, without really realising it, or personally taking great accolades for his achievements, achieved extraordinary feats that affected millions of human beings worldwide at a time when it was most needed. His life story is an inspiration to us all, as he was someone who rose from very humble beginnings to become one of the world's greatest sportspeople. I think it is important, Mr Speaker, that we keep the legacy of Donald Bradman alive. Sir Don, we will miss you.

MR OSBORNE: Mr Speaker, I will be brief but I, like most people, mourned the passing of Sir Donald Bradman the other day. Growing up in Sydney, I, like a lot of Australia males, did two things. I played footy in the winter and cricket in the summer. Actually, if I had had a choice, I would have been a cricketer, but I do not think I would have been able to feed the family very well given my cricketing abilities, so I chose to play rugby league.

I have been thinking about that period of my life recently, Mr Speaker, and I had three dreams as a kid. One was to be on a football card, and I was—I had pretty big dreams as child. The second was to play football and win a grand final, and I was lucky enough to

do that. The third was to meet Sir Donald Bradman, and unfortunately I have to echo some of the sentiments from a—I think it was an Indian—fellow on the TV last night, who said that his world had caved in because his one dream in life had been to meet the great man.

There is no logic in it either: he was just a cricketer. But, I think cricket for me is a link between my childhood and the special times I had with my father, who was a good cricketer. My fondest memories of being with my dad were going with him when he played, and putting the pads on—which came up to my neck—and dad just throwing the ball to me, for hours. As I said earlier, I was saddened when Sir Donald passed the other day. There was something reassuring for me—even though we all knew he was getting on and getting old—in knowing that he was alive and still over there in Adelaide.

I was over at Mal Meninga's house a few months ago, and he has a picture on his wall of himself meeting Sir Donald Bradman. I think most people acknowledge that Mal is probably one of the greatest sportsmen ever to play rugby league but, when Mal spoke about that meeting with Don Bradman, he was just like a little kid talking about being in the presence of someone great. I think the important thing about Sir Donald was that he played cricket and was so dominant during a period of Australia's history when we needed somebody to make us feel good about ourselves, and he certainly did that. I echo the thoughts of all members today in saying that he will certainly be missed.

Question resolved in the affirmative, members standing in their places.

Land (Planning and Environment) Amendment Bill 2000 (No 3)

Debate resumed from 24 May 2000, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

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

> That the debate be adjourned.

MS TUCKER (10.55): This bill has to be assessed in the context of the whole planning system of the ACT. At the time of self-government the Commonwealth government introduced the ACT (Planning and Land Management) Act, which required establishment of an ACT Planning Authority to prepare and administer the Territory Plan and to keep it under review.

The Land (Planning and Environment) Act passed by the Assembly in 1991 gave effect to the requirements of the federal legislation. It established an ACT Planning Authority but specified that this authority was to be constituted by the chief planner rather than a separate organisation. But the chief planner was a statutory position, and the act contained various provisions about the appointment of the chief planner.

However, the land act was amended by the Liberal government in late 1996 to remove the statutory position of chief planner and to specify that the ACT Planning Authority would be constituted by an office in the public service. This office is the executive

director of PALM, who is a senior executive under contract to the Minister for Urban Services. It is hardly an independent position.

Mr Corbell's bill re-establishes the position of chief planner. This is a good move in that the chief planner will have more independence from the government of the day than under the current arrangement. A person who takes up this position will have their appointment scrutinised by the Assembly under the Subordinate Laws Act. Any directions given by the minister to the chief planner have to be tabled in the Assembly. Hopefully, with the passing of this bill, the potential for political considerations to override good planning will be significantly reduced.

Canberra had for many years a reputation for being at the forefront of urban planning. Under the NCDC, the planners were able to apply their professional judgments to the planning of Canberra, largely independent of the federal government. Since self-government, however, when planning came under the control of the Assembly, we have seen a range of dubious planning decisions that seem to be concerned with securing short-term political or financial gains or keeping the development lobby happy rather than being in the long-term public interest.

However, it has to be recognised that the establishment of a chief planner is certainly not going to solve the various problems with planning in the ACT, despite Mr Corbell sometimes giving this impression when he has spoken at public events over the last few months. It has to be recognised that the chief planner will not be totally independent and that this person will not be making all the planning decisions in the ACT.

The Greens believe that this is the way it should be. Planning is a very political process in that it often involves trade-offs between various interests in the community. So it is proper for the Assembly to be setting broad planning principles and making the key planning decisions through variations to the Territory Plan rather than passing this task to an unelected official. The role of the chief planner is critical, however, in providing high-quality professional advice to the Assembly rather than providing advice that has already been through the political filters of the government of the day.

The independence of the chief planner is significantly constrained by other provisions in the land act regarding how Territory Plan variations are made and how development applications are approved and what appeal rights are available. The chief planner may initiate variations to the Territory Plan, but it is still up to the executive to approve these variations. The Assembly also has the role of reviewing these variations through the Planning and Urban Services Committee, and it has the power to disallow a variation.

Similarly, the chief planner may approve development applications, but in many cases this power is constrained. In cases where there are objections to a development application, the final decision is taken by the Commissioner for Land and Planning, which is a separate statutory position. In many cases there are also appeal rights to the Administrative Appeals Tribunal.

While having day-to-day independence, the chief planner will still need to be appointed by the government in the first place. Having a statutory chief planner will achieve nothing if the person appointed is a mate of the government of the day, has vested interests or is not sufficiently qualified for the job.

This raises issues about the role of the Assembly in scrutinising the appointment of the chief planner and, indeed, other statutory positions. This is currently governed by the Statutory Appointments Act, and I am interested in looking at how this process can be improved, possibly through the work of committees in this area.

There is also a need to create a statutory planning authority as opposed to just a statutory chief planner. There needs to be a clear line of reporting between the chief planner and his or her staff rather than just having the staff as part of a larger department with sometimes conflicting reporting arrangements to other senior executives. This will require a restructuring of PALM and Urban Services, which will be up to the government to implement. If Mr Corbell is the next planning minister, then I will be expecting him to make sure that we have a truly independent planning authority.

In conclusion, the Greens will be supporting this bill as one small step along the way to getting a more accountable and professional planning system in the ACT, but we are not getting too excited by this bill. There are still many other actions that need to be taken. As members would know, I have put forward a number of bills to improve various aspects of the planning appeal system in the ACT, because I think it is essential for good planning to have strong checks and balances on the discretion currently exercised by the planners. I also think that if we want to create a truly sustainable city there needs to be a range of changes to the Territory Plan itself and to the various guidelines employed by the planners to assess developments. If this bill is passed, I look forward to working with the chief planner to achieve these changes.

MR KAINE (11.02): I indicate up front that I support the general principle inherent in the bill that Mr Corbell has put forward that there should be an independent planning authority. I do believe that, because of the political ramifications of much of what happens in the planning sphere, it is better to have a separation of politicians from the administration of land management policy. As far as I am concerned, this is a step in the right direction to restore the position where there was an independent planning authority.

However, the mere establishment of a territory planner does not go nearly far enough in resolving all of the issues that are inherent in the planning function. For example, I believe that we now need to review the land management act and the Territory Plan to define, for example, the relationship between the minister and the chief planner. To merely establish a planner without going further and determining what the relationship between this person and the minister is going to be, what the working arrangements are going to be, what the minister is empowered to do and what the chief planner is empowered to do, we are not really addressing the problem.

When as planning minister I drafted the present law and the present Territory Plan back in 1990-91—they were in fact put in place by Rosemary Follett after she regained government—I said at the time that this new plan and this new law were merely a new basis from which change would occur. You cannot set in concrete a plan and a law in the field of planning and expect it still to be valid 10 or 20 years downstream.

After 10 years or so there is a realisation that we need to review the planning process, the planning law. Mr Corbell's bill is merely the first step in what I believe has to be a long process of reviewing the law and the plan, to see whether what we wrote 10 or 12 years

ago is still valid, whether the principles and the philosophy on which the Territory Plan and the law were written 10 or 12 years ago still apply today. Have community expectations changed?

I support this bill in principle, because I think it is a proper step to go back to the notion of separating responsibility for the administration of the planning function from the political level. But that raises very important questions. What is the relevance of the minister's call-in powers in a situation where there is an independent planning authority? Possibly the minister still needs to have such a power, but perhaps he should exercise it only upon a recommendation by the chief planner rather than the minister or even the executive making a unilateral decision. That is a very important issue. Simply imposing a new territory planner on the existing system does not address that and other important questions that I think ought to be on the agenda.

Fine, let us have the independent territory planner. It is important that we go back to that situation. On balance, it was a better system to have an independent authority in this field, but that raises many questions that will have to be addressed. I expect over the next year or two to see significant change to law in the field of land planning and management. That no doubt will result in significant change to the Territory Plan. That is proper after 10 or 12 years. We need to find out what the community's expectations are in this field 10 years on.

This is a first step, one which I support, but only a first step that now necessitates a lot of work to be done over the next two to three years.

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

> That the debate be adjourned.

MR SPEAKER: Is it the wish of the Assembly that this occur? I am asking the Assembly because standing order 136 states:

> The Speaker may disallow any motion or amendment which is the same in substance as any question, which, during the calendar year, has been resolved in the affirmative or negative, unless the order, resolution or vote of such question or amendment has been rescinded.

We did in fact move a motion, which was lost, to adjourn the debate. However, standing order 136 says that the Speaker "may". I am therefore asking the Assembly whether it is your wish to adjourn this debate.

Mr Corbell: Mr Speaker, I understand that a number of members would appreciate the opportunity to consider this question further before the in-principle vote is put. On that basis the Labor opposition will not object to the adjournment of the debate.

Question resolved in the affirmative.

Debate adjourned to the next sitting.

Remnant woodland at Harcourt Hill

MS TUCKER (11.08): I move:

> That pursuant to subsection 37 (2) of the *Land (Planning and Environment) Act 1991*, the Legislative Assembly recommend to the Executive that the ACT Planning Authority be directed to:
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> (1) initiate a variation to the Territory Plan to incorporate the remnant woodland in the southern part of the Harcourt Hill estate adjacent to the 13th hole of the golf course into the adjacent hills, ridges and buffer areas land use policy area of Percival Hill; and
>
> (2) until this Plan variation is finalised, not approve any development that encroaches on this remnant woodland.

This motion is about saving a very beautiful patch of remnant woodland on the southern edge of the Harcourt Hill estate, but it also raises a number of issues to do with the use of provisions relating to defined land in the Land (Planning and Environment) Act and with ministers keeping promises.

First, I give some background. The Harcourt Hill estate in Nicholls is a joint venture between private developers and the ACT government which involves a housing subdivision surrounding a golf course. I recall that the previous Labor government started this development. A variation to the Territory Plan put through some years ago before my time in the Assembly set overall boundaries for residential land, open space and the major roads in the estate and also classified the whole area as defined land. Defined land is a provision in the land act which allows PALM to vary the Territory Plan in relation to the defined area of land without having to go through the normal plan variation process involving public consultation and the Assembly committee.

The eastern boundary of the Harcourt Hill estate is Percival Hill, which is more like a ridge which separates Harcourt Hill from Palmerston. It is zoned as a hills, ridges and buffer area under the Territory Plan. The hill is covered by patchy native woodland and some native tree plantings, but at its southern end it is a largely intact area of remnant native woodland. That is what this motion is about. The boundary of the original Harcourt Hill estate lease is a convenient straight line which goes along the western side of the ridge, not far below the ridge line and right through the woodland.

I became involved in Harcourt Hill in mid-1999 when I was told by a local resident that a large strip of native trees on the western side of Percival Hill which had been planted some 10 years earlier by the government as part of forward landscaping in Gungahlin had been bulldozed to make way for the Harcourt Hill subdivision. The resident was appalled, and so was I, that what appeared to be shown on the Territory Plan as open space along the ridge had been taken over for development without any public knowledge.

In the correspondence with the Minister for Urban Services, Mr Smyth, that followed this incident it came to light that, while the area was indeed originally shown as open space on the Territory Plan, the area was also part of the defined Harcourt Hill estate and that the government had the power to rezone this land as residential, at the request of developers, without needing a plan variation.

A letter from Mr Smyth to me in July 1999 was very instructive and is very important to this motion today. Mr Smyth explained that the boundary between the residential land use policy part of the defined land and the hills, ridges and buffer area on Percival Hill was only an indicative boundary and that the detailed boundary would be determined at the implementation stage. He said:

> It was always recognised that there would need to be adjustment of the boundary following more detailed planning.

He also made a statement which is critical to this motion today when he said:

> The variation to the Territory Plan (that is, when the area became defined land) requires the remnant woodland community on the western face of Percival Hill to be retained. The high ecological value of these trees is recognised and trees will be retained as a significant component of the planned open space system.

Despite Mr Smyth's fine words, the developer, which remember is a joint venture with the government, has proceeded to prepare plans for 15 town houses in the last intact remnant woodland at the southern end of Percival Hill and to have these town houses connected to the existing street network by a new road that was not originally intended to be built through the woodland. This area was supposed to be joined to the roads in the other direction near the National Dinosaur Museum over land that was cleared years ago.

I understand that PALM maintain that no development application has been lodged for these town houses, which is odd, given that the area has already been pegged out by the developer. In fact, the developer has already built the connection point for the access road in Schow Place. This was done when this area was built at a previous stage. Perhaps the development company is just assuming that they will get approval as they did for the rest of Harcourt Hill.

The whole development of Harcourt Hill has been quite destructive of the native trees in the area in which it has been allowed to occur under the cover of the defined land provisions of the Territory Plan. First, there was the bulldozing of the trees on the side of Percival Hill. Since then, as each new stage of the subdivision has been built, further remnant native trees have been removed.

The original layout of the subdivision has been changed markedly from the original plan variation without any public review. It is true that the government required the open space on what is called Temperley Ridge in the middle of the estate to be expanded, but I doubt whether this would have happened if there had not been a public outcry about the destruction of the trees on other parts of the estate.

The expansion of the Temperley Ridge open space does, however, show that it is possible for the government to alter the subdivision plans and not do just what the developer wants. I also understand that the government stopped residential development on a strip of land next to the second hole at the northern end of the estate on the grounds that it was too close to the fairway.

Now is the government's chance to fulfil the original promise made to me about the protection of the remnant woodland on Percival Hill. It has to be remembered that remnant native woodland was not declared an endangered ecological community when the Harcourt Hill estate was planned in 1992, but our knowledge of the ecological value of this type of woodland, and the realisation of how little woodland we have left in this region, has increased markedly since that time.

This patch of woodland, while it may not be as pristine or as large as woodland in other parts of the ACT, is the most intact area of woodland left in the Harcourt Hill area and is much appreciated by local residents.

The Chief Minister, Mr Humphries, recently gave a commitment that his government would not develop land that was currently open space. While the land at Harcourt Hill is marked as residential on the Territory Plan, it is also defined land, and the Urban Services Minister did state earlier that the zoning of this land was indicative and subject to more detailed planning. It is time for the government to demonstrate its often touted environmental credentials, to stop the destruction of this woodland and to keep this patch of woodland intact by incorporating this whole area into the adjacent Percival Hill reserve. I urge members to support this motion.

MR CORBELL (11.16): The Labor Party will be supporting this motion this morning. It is an important motion. The area of development that this motion is concerned with is the Harcourt Hill estate, Nicholls, has already seen considerable tree removal as part of the land development process. In some respects that is inevitable, but we have seen the removal of a significant planting of native trees that was part of an overall landscape design for the Harcourt Hill/Nicholls area around a decade ago. What an enormous waste of money and effort to remove semi-mature trees to allow for more housing.

This motion relates to remnant woodland, not planting done as part of a landscape scheme by the NCDC prior to self-government. This woodland existed prior to any residential development even being planned for the area. It is native woodland.

The proposal has been the subject of a longstanding debate amongst local residents and with the government. On frequent occasions the government has reassured residents that they do not intend to allow development in the area, but time and again we have also seen moves through the joint venture arrangements to have the area explored for possible residential development. It seemed to me that we were reaching a stage where the government was going to allow a development which was to be, so-called, integrated into the existing woodland area.

No doubt this would be a very pleasant place to live, and no doubt the land would fetch a reasonable price if it went to market. But would it result in a compromising of the environmental values of that woodland area? There is no doubt in the Labor Party's mind that it would. For that reason, it is important that the Assembly support this motion today to put in place a Territory Plan variation which provides for proper protection of all of that remnant woodland area.

As Ms Tucker has pointed out, the woodland in question does go over both sides of that arbitrary line in the Territory Plan and includes both the hills, ridges and buffers area of Percival Hill and some of the defined land area which is subject to the development of

the Harcourt Hill estate. It is important, particularly in an area like Gungahlin, that every step possible be taken to protect remnant trees, preferably in a way that allows them to remain on public land. In that way we can ensure their long-term preservation.

If these remnant trees are incorporated into a private lease which is subsequently sold, members in this place would appreciate the difficulties in protecting them on a private lease once occupied by the new leaseholder. Equally, I think many members in this place would appreciate the problems associated with having old remnant trees in backyards where falling branches pose potential safety problems. It is far preferable in the planning process to have these trees protected, but protected in a way that guarantees their long-term viability. To do that, we should put them in a public land area.

The Labor Party will be supporting this motion this morning. I understand that the government is prepared to accept this motion, and I am very pleased to see that, because this land has been the subject of a dispute for some time, and it is about time the dispute was properly resolved.

MR RUGENDYKE (11.20): I too am a greenie, as much as anyone else in this place. I fully support the motion moved by Ms Tucker to protect this remnant woodland. For today, I will put my chainsaw away. I fully support the motion. I thank Ms Tucker for bringing this important issue to the Assembly.

MR BERRY (11.21): I am going to join the chorus of support for preserving some remnant woodland. I want to talk briefly about some of the principles which concern me about native trees in the ACT. Whether we like it or not, as the city spreads, there will be more and more pressure on native woodlands, particularly remnant woodland, principally from developers and later on perhaps even leaseholders who have these trees on their premises and want to remove them. All of us would know of constituents who have large native trees on their leases and how difficult they can be to manage. No matter how much you might like to have a large mature eucalypt in your backyard, they can be difficult to manage.

This debate this morning reminded me of a short trip I made into the country a week or so ago. As I was driving along on a very still day, I looked over into a paddock and saw a large gum tree, probably a couple of hundred years of age, collapse. That sort of thing in a backyard is life threatening, and you can see why people start to worry about native eucalypts in their backyards. If we can preserve the biodiversity on government land, we should be making every effort to do so.

In a subdivision not far from where I live, a person had a box tree about 150 years old. They got a bit nervous about falling branches and got stuck into it with a chainsaw and gave it a No 2 haircut, which virtually destroyed the tree as a future habitat for native species until it rots out again in another 100 years. A lot of the hollows in the tree were lost as a result of the trim that the tree had. It virtually destroyed it for the foreseeable future.

We all know about the pressure on native birds from some of the feral species in the ACT—Indian myna birds, starlings and so on. Wherever we can, we need to preserve the sorts of trees that will provide a habitat for native birds into the future. If they are on

private leases, they will be managed by the occupants and they will be destroyed, no matter how hard we try to stop that from happening.

Another resident near where I live has a couple of large eucalypts in the backyard. Cockatoos, which have a habit of damaging everything they go near, were ringbarking the branches on the tree, and as the branches died they broke off and fell on the powerlines. So all of a sudden a dislike of native trees developed in the community and people were saying, "Who was the silly person who grew these big gum trees so close to the powerlines?" The fact of the matter is that the person who put them there was probably given them by the government at an earlier time and not given any advice on where they should put them, except not to put them too close to the powerlines. How close is too close? It is about as long as a piece of string.

All these things I have talked about merely emphasise the need, wherever we can, to preserve remnant woodland for future generations. I am sure that future generations will note the decision of the Assembly that preserved these important places.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.25): The government does not have any difficulty with this motion. It is important that we preserve those pieces of very sensitive environmental land for our own use and for future generations. Ms Tucker, as she intimated in her speech, has written several letters, and I have given her several responses, about the principles that will govern the protection of this area.

I wrote to Ms Tucker on 16 August and assured her that significant tree retention would be central to any assessment of any planning at Harcourt Hill. I also wrote to Ms Tucker on 19 July and outlined the principles and policies contained in the variation to the Territory Plan. These require that remnant woodland communities on the western face of Percival Hill be retained. In that letter I assured Ms Tucker that the high ecological value of these trees was recognised. It is well known to all of us. I said that the woodland community will be retained as a significant component of the planned open space in the Harcourt Hill development, and I stand by that. It will be retained.

The proponent has had some early discussions with PALM and I understand has also met with ACT for Trees and representatives of the conservation council. Detailed plans of their proposal, and in particular the proposed siting of the dwellings and the associated roadworks in relation to the woodland community, have not been presented. There is, I understand, floating around a proposal that the proponent has put up for some 15 dwellings. I understand that originally there were to be only 11. The proposal for 15 does encroach into the woodland. I understand that PALM have indicated to the proponent that it is opposed to that layout. I am saying that the government is against a layout that would go into the woodland. What the proponent has to come up with is a design that matches the desire of the community to save that woodland.

Ms Tucker said that there are some pegs on the site. I am told that the developer has pegged out an ambit claim for the proposed development area. The boundaries are not agreed to by anyone. If any development were to be approved, it would not be allowed to encroach into the woodland.

The government's position on protecting the environment is very strong, and the need to make sure that such protection is put into the Territory Plan is well understood. We moved the Gungahlin town centre to protect the grasslands. We will be doing some work that will assure the future of Jerrabomberra. The ecological communities there would not allow development there. Work has been done to put out a draft variation to put 100 hectares of yellow box/red gum back into the reserve system. This would be treated in the same way.

The government does not have any difficulty with the proposal, simply because it is what the government intends to do anyway.

MS TUCKER (11.29), in reply: I welcome the support for my motion.

Question resolved in the affirmative.

Government schools—cooling and heating infrastructure

MR BERRY (11.30): I move:

> That the Department of Education accept responsibility for the cooling and heating infrastructure for government schools.

This motion has arisen in the wake of quite a lot of community activity about Gordon Primary School and the effect that the recent bout of hot weather is having on the safety, welfare and education of kids in our schools. But it does not stop there; it also goes to the issue of this government's approach to school-based management and the attacks that have been made in the media on the prudent saving of money by schools in their cash holdings.

Mr Speaker, the issue around the Gordon Primary School is a recent one, but there was an earlier one in relation to another primary school which was raised with a committee of this Assembly when it was reported that there were 40-degree temperatures in one of the classrooms. That was last June, I think, and the committee subsequently made recommendations to the government on doing something about that. It was not until the issue raised its head again at the Gordon Primary School that we realised that the government had not done much.

Members of the government will rise to their feet today and say that the government has been conducting a review. I think that the conducting of the review is more of a smokescreen to get out of making a decision in relation to the matter. So far as Gordon Primary School is concerned, and I am quoting from a press release from the parents and citizens association, there are eight portable classrooms and they were told by the minister that to cool the school down they should open windows. That is all right if it is not hotter outside than it is inside. It was just a flippant remark that the minister probably now regrets having made, because it did not address the issues that these kids were facing.

At the demonstration just last week where, for the first time in my memory, kids were taken out of school to protest to the Department of Education and Community Services over facilities, I had a chance to talk to some of the kids and I was quite surprised at

some of the things that they reported to me. One child I spoke to talked about having nosebleeds from the high temperatures. Some kids are prone to nosebleeds, but this young child felt that she had been affected by the temperature. It was also reported to me by a couple of children, not just one, that on that very day two kids had fainted in the classroom. That small sample sent a message to me that something is wrong.

The P&C reports that for 23 of the days that the kids had been in the school the temperature inside the portables had been 30 degrees on 19 occasions. I am not sure whether those temperatures were measured at the same time as the minister was measuring them, but they said that it had occurred on 19 occasions and they also said that they had recorded temperatures up to 36 degrees Celsius.

My recollection of the standards which apply to public servants and other workers generally is that once the temperature gets to 32 degrees you start to think about heading off because it is too hot to work. If it is too hot to work once you get to those sorts of temperatures, it seems to me that it is a bit too hot to be being educated as well. It is not hard to imagine that the conditions would be quite unbearable in a classroom of 30 youngsters on a 34-degree day.

Let us forget for a moment the effect on the kids. The kids would be severely affected, but you also have to give due regard to the effect on teachers as well. How are they going to perform their jobs properly in such an environment, whereas if they were in an ordinary public service workplace they would probably have left work for a cooler location? One Gordon student, and I quote again from the press release, said after a day of extreme heat in her classroom, "It was just awful. Something should be done." That was the sentiment of all of the people who confronted the minister at the department last week.

What has been the minister's response? The minister's response has been: "Dig into your own funds. If the school board wants these rooms to be cooler, go and buy an airconditioner." I am just quoting figures that have been reported, but there are something like 90 temporary classrooms around the ACT and the minister has said that it would take $2 million to aircondition the lot of them. That works out at about $22,000 per unit on the figures that I saw reported.

It seems to me that that it is just ridiculous for the minister to put that proposition. How can you say to teachers that the government has abandoned its responsibility for infrastructure in the schools to the extent that they should spend $22,000 on each unit, if it is as high as that and if, indeed, it is indeed necessary to provide some sort of air cooling equipment for all of those units?

I am not for one minute saying that all of the units need an airconditioner or to be fully airconditioned, but you can bet that if you went out into the community you would find some of them that are sited so badly that they are affected by solar gain from the sun. They would all be affected by the 30 children who are inside the building.

My memory of the figure for the heat which is radiated by humans in this environment is that it is about 750 watts per person. If you say that each of these little kiddies is radiating about 500 watts in a classroom that is inadequately ventilated on a 30-degree

day, taking into account the humidity, it is not hard to imagine the extent of the temperature rise which would affect kids.

I come to the management of this issue. We have seen a public howling match between the P&C and the department and minister, and the government and its department have been trying to shift responsibility for this matter to somewhere else. There has been an argument about temperatures in our schools since last June, to my knowledge. It strikes me that there has been an extraordinary breach of management principles if we have been unable to sort out that issue over that period of time. Last June it was raised at a committee hearing. The committee recommended that the government do something. The best the government could come up with was a review after the issue exploded recently at Gordon primary.

Mr Speaker, I cannot for the life of me remember when there has been such an extraordinary outburst by parents and kids, save for when schools have been being closed—again, as a result of the activities of this government. I cannot remember another event when people have complained so bitterly and so loudly about the failure of the government to provide basic infrastructure. We all know that there are provisions in the Occupational Health and Safety Act whereby third parties have to be protected. It is a responsibility of the government to ensure that these kids are safe and that the teachers are safe. I think that there is a question mark over the safety of children in these environments.

Leaving aside the safety issues for a moment, let us take into account the education values. You cannot educate kids in a high-temperature, high-humidity environment, and you can back it in that it will be both. Finally, you cannot avoid your responsibility to provide adequate infrastructure for children. The government does that, generally. All of the schools across the ACT have been built to high standards at government expense, especially those built prior to self-government. All of them are heated by various systems of heating. Some of them have equipment for the transmission of fresh air. All that is provided by the government. The schools, I understand, pay the electricity and gas bills for their heating, but the infrastructure for heating, air handling, ventilation and those sorts of things is provided by the government.

The government cannot say now that it is entitled to ditch its responsibilities when the environment inside a classroom deteriorates to the point where the safety and quality of education are affected by inadequate infrastructure. The government has to take responsibility. It cannot flick the responsibility to schools to take money out of their school-based management funds if the government has not provided this infrastructure.

Did the government make sure that everyone's infrastructure was up to scratch before it introduced school-based management? Obviously not. That is an important point. If the government was able to point to something that it did to make sure that everybody's infrastructure was up to scratch before it introduced school-based management, I would like to see it. I do not think that the government did.

There are schools out there that are now deteriorating and schools that are saving money and adding to their cash balances arising from school-based management. The reason they are doing that is that they know that the government is miserable and they are saving for rainy day. I would rather see them spend it but, quite often, the cash balances

involve money that is not only for a rainy day, but also for a forward commitment for various activities that the school has to perform.

This government cannot avoid the responsibility to provide a safe environment for its kids. It provides robust buildings with various ventilation systems and heating systems, it insulates buildings, it provides lighting in those buildings, it provides for parking—it provides all those sorts of things—and it is a bit rich for the government to come out now and say, "Because we have inadequately provided in the past, it is over to you. You have got some cash in your school-based management funds. We do not care what you have got planned for it; you can use the money, if you like. It is your fault if you do not cool the classrooms."

That is a completely inadequate response. Portable classrooms are a feature of modern schools and always will be. If they are inadequately constructed, they will be the subject of environmental effects which make it difficult for kids to work in them. I think you heat the classrooms. If you heat them, why can't you cool them? It just strikes me as a totally inadequate response for a government to say, "This is not our responsibility. This is the school board's responsibility. It should dip into its cash reserves to make its classrooms safe." That is a ridiculous move, absolutely ridiculous, and it cannot be supported. My motion seeks to ensure that the government maintains its responsibility for infrastructure. I accept that school-based management looks after other responsibilities, but it is going over the top to try to flick pass the responsibility for the provision of infrastructure.

I will just deal, finally, with the issue at hand. The government says that it is conducting a review and meetings are going ahead with people in relation to that. I am not about to move a motion in here which directs you to put airconditioning in every single classroom in the ACT. What I am saying is that when you reach the position, after proper consultation with representatives of the school community, that there has to be air handling equipment of some sort or another, heating or cooling, then you should accept the responsibility, rather than trying to foist it onto the school boards through the funds that they have in store to provide better educational outcomes for kids.

You cannot raid those funds like that. If this Assembly allows you to raid these funds for those sorts of purposes, and I do not think it will, you will be going way outside what was ever intended by the school-based management arrangements. Minister, you should take responsibility for this matter and you should take it willingly. You should stop squirming publicly about this issue.

MR SPEAKER: Order! The member's time has expired. I call Mr Osborne, who has an amendment, because I think that we should get Mr Osborne's amendment on the table and then have a general debate.

MR OSBORNE (11.44): I move:

> Omit all words after "responsibility", substitute the words "to provide appropriate heating and cooling infrastructure for temporary classrooms either currently in use, or before they are used, in government schools.".

Mr Speaker, last year—about August, I think—my office was approached by a group of parents about temperature control in temporary classrooms, the demountable buildings. They said that winter was okay because heaters were turned on; but summer, especially in the previous year, had become almost unbearably hot. They said that some teachers had recorded temperatures inside in the mid-40s, with some students getting bad headaches and even nosebleeds. Obviously, no-one can learn properly or teach properly, for that matter in that kind of environment.

Temporary classrooms are in fairly widespread use in the south of Tuggeranong and, obviously, do not have the same insulation that permanent school buildings have. I believe that the problems caused by high temperatures are the government's responsibility, but so far the government's attitude has been classic buck-passing. The minister claims that, if the temperature is a problem, it is up to each individual school to fix it out of its budget. That means that schools have to make savings out of their discretionary spending, such as funds set aside for maintenance or cleaning.

That attitude is not acceptable. Surely it is the government's role to provide school buildings that are fit to teach and learn in. Adequate heating and cooling equipment ought to be basic, standard issue, not a luxury only rich schools can afford. The schools do not have enough fat in their discretionary spending to kit out a temporary classroom with airconditioning. Even if they did, why should schools be expected to spend money they have saved for, perhaps, new library books or computer equipment on what should already be a basic part of their building?

Last year, the minister told the Assembly that each school could fix the problem any time it wanted out of its own funds, but he did agree to monitor the situation over this summer. Specifically, the department was to keep a record of temperatures in relocatable classrooms. I trust that this work has been done. I know that many of the classrooms are also being monitored by the students, parents and teachers working in them. I understand from student records at Gordon primary that the temperature in some of the temporary classrooms there has been over 30 degrees Celsius for the majority of the last 30 school days. I think I heard the minister dispute those figures last week, so it will be interesting to compare notes at the end of summer.

As Mr Berry said, the government's own OH&S policy regarding temperature is very specific. The situation inside temporary classrooms during school weeks in summer is a clear breach of aspects of this policy. Studies already show that very cold and very high temperatures produce the same types of responses as those of a person affected by alcohol. That teachers do not take action is due in no small part to their dedication to their students. The irony is that if high school or college students were being taught in these classrooms, they could all be sent home for the day once the temperature got over 32 degrees Celsius. Because primary schools have a duty of care for their students and cannot send them home during the school day, the government is able to take advantage of the good nature of the teachers.

The minister has been out to one of the schools, Gordon primary, and experienced what the learning environment there is like first-hand. He also attended a public rally of students and some of their parents, along with Mr Berry and me. I, like Mr Berry, was staggered at the response from the parents and the children. I have not seen a rally like that, especially the anger from the parents and the young children, for a long time.

I commend the minister for attending that rally in quite hostile circumstances and trust that he appreciated the passion and strength of their arguments.

The amendment that I have moved to Mr Berry's motion calls on the government to do two things: firstly, to install adequate temperature control equipment in the temporary classrooms that are already in use; and, secondly, to ensure that such equipment is fitted into any new temporary classrooms in the future before they are open for use. Some mention has been made of the costs, and I accept that there will be costs. However, having temporary classrooms saves government a significant amount of money every year. It makes good economic sense to avoid building a permanent structure that one day, by all accounts, will be empty; but such savings should not be achieved by placing the health of young children and teachers in jeopardy.

I have spoken with parents and children who have suffered severe heat stress in those classrooms. This situation should not have been allowed to happen. I believe, as I think the majority of members of this place believe, that it is the government's responsibility. I call on the government and the minister to accept that responsibility and put things right.

MR KAINE (11.49): I support Mr Berry's motion on this matter. I am not certain about Mr Osborne's amendment, because it tends to narrow down the focus and the intent. We know that there is currently some concern about temporary classrooms, but I think that this is a much broader issue than just the few temporary classrooms that are currently in question. Either you accept the argument that the government has a responsibility to provide facilities for children to go through primary and secondary school, and even college, in an atmosphere where they can do what they are there to do, that is, to learn, or you reject that philosophy.

If you accept the philosophy that the children have a responsibility and a right to spend approximately 12 years of their lives in our schools to earn a living and to be good citizens, then it follows that the government has a responsibility to ensure that those facilities are properly equipped to allow those objectives to be achieved. What we are seeing now is a reflection of the philosophy of not so very many years ago, in the early days of delegated management, whereby the schools were told that if they wanted school equipment, such as duplicating machines, photocopiers and the like, they had to find the funds to buy it.

I argued at the time that if a school needs that sort of equipment to provide all of the facilities that the children need to get a good education, the minister has a responsibility to provide it. The government should not be saying to the principals or to the P&Cs that they should find the money somewhere else to put photocopiers, duplicating machines and the like into schools. Either you accept a standard that that sort of equipment is essential or you do not. If you do not, every school is going to suffer. But if you accept that it is needed, the government has a responsibility to set the standard and provide the equipment so that the children and the teachers have available to them all the equipment that is needed.

What we have got here is an extension of the philosophy that the government was putting forward five or six years ago that it is up to the school principal, the P&C or somebody else to find the money for this sort of equipment. They seem to be saying now that,

regardless of the circumstances, it is up to the principal, the P&C or somebody else in certain schools—only certain schools—to find the money to put airconditioning and heating equipment into the classrooms. In my view, it does not really matter in principle whether the equipment is for a permanent classroom or a temporary classroom. I can envisage some of the permanent classrooms in some of our older schools getting pretty hot in summer, pretty unpleasant, and I do not see the students there as being in a different situation from the students at Gordon primary.

As I said, I prefer Mr Berry's broader motion, because it encompasses all the circumstances in which heating or airconditioning equipment, or both, might be needed in the schools, rather than narrowing it down to just the few temporary classrooms where there is currently a dispute. I think it is an inescapable fact that the department, the government, has a responsibility to set a standard, and in this case it has to be a standard that has to do with the conditions inside classrooms.

As Mr Berry pointed out, and I think Mr Osborne referred to it, in some circumstances workers can leave their workplace and go home if the temperature reaches a certain level; I think Mr Berry mentioned 32 degrees. Unfortunately, that would not work in primary schools, because you cannot turn 200 or 300 kids from a school loose on the streets at 2 o'clock in the afternoon because the temperature has hit 32 degrees. There are other considerations. For example, what do the kids do? Very often, they cannot go home because there is no parent there.

But that is not the point. The point is that they are in school to learn. They have a curriculum that they are supposed to follow through. The situation should never arise that a principal has to make a decision about whether he should be sending the kids home. The facilities ought to be there for coping with the weather and ensuring that the children do spend the amount of time in the classroom every day that the curriculum demands.

To argue, as the minister appears to be arguing, that it is somebody else's problem is to engage in a bit of a semantic argument which, frankly, I do not accept. To focus on the particular issue at Gordon primary, there are temporary classrooms there and anybody who knows what a temporary classroom looks like knows that on a hot day they are going to get pretty hot. If the temperature there is exceeding a reasonable level, the government has a responsibility to solve the problem. It is neither fair nor reasonable for the government to say to the school principal, the P&C or somebody else, "The classrooms are getting a bit hot. You find the money to put in airconditioning equipment" or, in the winter, "The classrooms are getting a bit cold. You find the money to heat them."

It flies in the face of the responsibility of the minister, the government and the department to provide the facilities that are necessary for the education of our children. The parents are rightfully angry at the situation that prevails at Gordon primary and I doubt very much whether the classrooms at Gordon primary are the only ones where these conditions or similar conditions are being experienced. The minister has to accept that it is his responsibility and his department's responsibility to provide those facilities, not enter into some debate about whether somebody else should be finding the money, by whatever means.

What means are open to them? Mr Osborne has pointed out that they have a budget and they have to live within that budget. I am sure that it does not provide for the provision of capital items. It is an operating budget. Does the minister give the schools a budget for capital items? I am sure that expenditure on heating and airconditioning equipment would be considered anywhere else as capital expenditure rather than operating expenditure. Is there such a provision in their budget? I very much doubt it. The reason there would not be is that it would be a decision and a responsibility of the department to set that standard. When a temporary classroom is being built, I would think that it should have airconditioning and heating equipment built into it as a matter of course, right from day one. There should not be a debate further downstream about whether those facilities ought to be provided and by whom.

Mr Speaker, I support Mr Berry's motion because I think that it is a fair and reasonable one. It is in the interests of students and it is in the interests of parents who might otherwise be required somehow to find the money themselves to put the necessary equipment in these schools. That would be unfair and unreasonable. I support the motion but, as I say, I do have some concern with Mr Osborne's amendment. I understand why he is moving it, but I think that it brings us down very much to specifics and I think that Mr Berry's motion, which is more general in its application and applies to school children anywhere, regardless of whether they are in temporary classrooms or permanent ones, places responsibility on the government and the department to provide the necessary facilities. I think I would prefer that broader approach to the narrow one being addressed by Mr Osborne.

MR OSBORNE: I seek leave to speak again briefly, Mr Speaker.

Leave granted.

MR OSBORNE: I seek leave to withdraw my amendment, having listened to the wise old sage over there, Mr Kaine.

Leave granted.

Amendment, by leave, withdrawn.

MR OSBORNE: I seek leave to move a second amendment.

Leave granted.

MR OSBORNE: I move:

> After the word "schools" add the words "and to provide appropriate heating and cooling infrastructure for temporary classrooms either currently in use, or before they are used, in government schools.".

The amendment leaves Mr Berry's general motion in place, but I think that it is important to be quite specific about the demountable classrooms. Clearly, they are a problem, especially in a number of schools in my electorate, not just Gordon primary. I think that there are more primary school students in demountables at Conder than at Gordon. It is an issue that we do need to focus on. I think my amendment would satisfy

Mr Kaine by leaving the general motion in place and focusing on the issue which has been the subject of much debate over the last couple of weeks.

MR STEFANIAK (Minister for Education and Attorney-General) (11.59): Mr Berry's motion and Mr Osborne's amendment call on the Department of Education and Community Services to accept responsibility for the cooling and heating infrastructure for government schools and to provide appropriate heating and cooling infrastructure for temporary classrooms either currently in use or before they are used in government schools. I do not think that people in this Assembly necessarily appreciate that that actually occurs already. Certain people in this Assembly have interesting views in relation to what school-based management is, what the department does and what actually occurs under school-based management. Because of that, the motion could be said to be half-baked and somewhat reactive.

I want to make a couple of points to start with. One is that this government, the previous government and, no doubt, governments before that have actually used demountables. They have been in use in the ACT for some considerable time. In fact, I understand that we now have about 125 classrooms operating in our schools from demountable buildings and a further 12 demountable classrooms for preschoolers. In talking to a few people at the rally on Friday at the department in Tuggeranong, I was interested in ascertaining why, the demountables having been there for some six years, the issue had only been raised over the last two years. I do not think the summer temperatures have been particularly different over that period.

Mr Wood: No, it has been hotter this year. This is a pretty hot year.

MR STEFANIAK: Mr Wood says that this year has been hotter. I would concede that. I think that this has been one of the hottest and strangest summers I have seen. That is why I think the monitoring of all of these schools is very important indeed. There has been a rather strange summer and we will see some results from that shortly. But it is interesting that this issue was not raised previously over those six years. I am aware that a person from another school has contacted my office. Mr Berry referred to something being raised before his committee, and that could well be about the same thing. However, there does not seem to be the same degree of concern across-the-board in the ACT.

Mr Speaker, the department and the schools are one and the same thing. They are both funded through the budget. About 98.5 per cent of the total education budget is funded centrally through the appropriations here. Currently, a total of about $319.1 million is provided in the budget by the government annually for the education of children in ACT government schools. About $27 million of that is provided annually by the government for enhanced school-based management, and that amount increases each year. The policies of school-based management were established, I understand, by Mr Wood when he was minister.

Mr Wood: Not your policy, mate; let us be very clear about that.

MR STEFANIAK: Listen, Mr Wood. It was this government that then introduced enhanced school-based management. That provided more money to schools and for more flexibility. It enabled schools to take a greater level of responsibility for their day-to-day

operations. It also provided schools with a lot more money. We had the situation of basic moneys at certain times of the school budgets rising from, I think, about $6 million in accounts to over $20 million. It gave schools a lot more flexibility.

Yesterday, in answer to a question from either Mr Berry or Mr Hird, I quoted an increase of about 165 per cent. Mr Berry says that they are hanging on to it for a rainy day, that they do not trust the government and things like that. Whatever the reason, schools have managed very well. They all say that they appreciate enhanced school-based management for the flexibility it gives. I do not think that some people here quite appreciate that.

With it goes greater levels of responsibility as well as greater flexibility. The motion and the amendment combined suggest that in some way the department is not meeting its responsibility. I would not agree with that, Mr Speaker. Schools are funded to take responsibility for electricity, cleaning, ground maintenance and a host of other activities. The level of funding that they can actually go through and do themselves for new works has risen to $5,000 a job. In fact, some schools actually spend more than that on things that they want to see happening, including, might I say, airconditioning. It is a practice that is now well established in our schools.

What those members want to do, from my understanding of what they are saying, is to turn back the clock. It might be nice if we funded totally some airconditioning system throughout the schools. Yes, that would give the schools even more money. But what sort of system? Is it necessary? Is there a better way of doing it? Do the people participating in this debate really appreciate what enhanced school-based management is all about?

Let us go on to one of the other substantive questions here, Mr Speaker, the temperatures in demountable classrooms. We have a relatively mild temperature range in Canberra. Studies by the Bureau of Meteorology over the last three years found that, of the 200 or so school days annually, only 14 had temperatures which exceeded 30 degrees Celsius. That means we are talking about three weeks out of a total of 40 weeks in school when the temperature could be said to be getting into that hot range. I will be getting some more figures in relation to the department's monitoring of the second northern demountable at Gordon. It is interesting to see where the thermometers are put, Mr Osborne. I went there yesterday and there was one next to a window. Naturally, the reading for that would be higher than for one in the middle of the room, and it was.

Lets look at how demountables are actually equipped. They do have cooling and heating infrastructure; certainly the demountables that we are using at present. They have insulation in the walls and ceiling, they have a veranda on one side and they have awnings on the windows of the other side. They have ceiling fans, usually three per classroom, if the ones I saw at Gordon are anything to go by. They all have heaters. The only problem, I suppose, is whether this range of equipment is sufficient for our climatic conditions. I was out at Gordon yesterday. I saw a range of ways in which classrooms are run. Some had both lots of windows open and fans going. They were certainly cooler than the ones where, for whatever reason, some of the windows were closed and the fans were off. The readings varied a little bit on the temperatures there. Of course, we will get a read out from the other one, the department's monitoring device.

As I said, as well as Gordon, we are monitoring four other Tuggeranong locations—Conder, Theodore, Gilmore and Monash—with equipment that complies with Australian standards. I will be very interested in the reading from the monitoring device which was next to the thermometer in classroom No 2. The thermometer said, I think, 31 degrees, so it will be interesting to see what the reading is there. Our recordings have indicated that there have been eight days so far this summer when the temperatures exceeded 30 degrees. In all but one instance, they were at 3 o'clock in the afternoon. One was at midday. That is another factor there.

The government is not unsympathetic to the claims that some classrooms do get unpleasantly warm. That is something that we would like to see fixed. We do have policies in place to assist in the alleviation of high temperatures, whether they are in demountables or anything else. Those include things like kids wearing appropriate clothing, having a sufficient fluid intake, teaching practices being appropriate to the conditions, and classes being able to be rotated through the cooler sections of the schools.

The fundamental question is whether having airconditioning—in particular, the type of airconditioning—is the correct solution. What is appropriate? Should it be reverse cycle airconditioning? There are some things that are very expensive. Is that the correct solution to a problem that might only exist for a very short time in our schools? Might there be some better way of doing it, maybe a better type of airconditioning. The schools themselves might want to take that on board and see what they think is best.

Kids are on vacation for the hottest part of our summer, which is another factor. We are talking about what is the best way forward for a relatively short period. There are some drawbacks with reverse cycle airconditioning, if people think that that is the best way to go. It is expensive to run and it is expensive to maintain. There are nowadays concerns about infestation of the cooling system by the legionella bacteria. It is an expensive system to install. Mr Berry, if we did that—I am told that the cost would be between $12,000 and $20,000 a classroom—it probably would get us up to about $2 million. What sort of airconditioning is appropriate? I do not think anyone has particular problems with heating, Mr Speaker, so we are talking about cooling.

I will reiterate what I said yesterday in terms of the meeting I will be having with people from Gordon tomorrow. Someone mentioned whether the demountables are sited properly. If not, we will take steps to fix that; I would not expect the school to do so. I think that would be absolutely essential. Under school-based management, we have had instances already where a number of schools have used their money, because they see it as a priority, to put certain types of airconditioning into their buildings. In one instance, the instance of Hall, I think the cost was some $34,000. *(Extension of time granted.)* That was done as a result of having enhanced school-based management. It was not something that gave Hall any cause for concern. It is something that was done as a result of having school-based management and I do not think that some people appreciate what school-based management is all about.

Demountables, as I have indicated, have had certain in-built heating and cooling steps taken already. Schools have had certain heating and cooling steps taken already. If Mr Berry's part of the motion were taken to its logical extreme, we could be up for the

expenditure of many millions of dollars on things that are simply not necessary. That money would be better spent on other educational outcomes.

We have operated in the way we have in this territory for many years and have done so very successfully. We now have a situation which has developed over the last two years largely as a result of just one school having a beef over something which it wants the department to fund. I am mindful of the need to do what I can realistically to help the school, and I will do so. But we also have a very good system of school-based management which has been working exceptionally well in our schools and which, if this motion was taken to its logical extreme, would be overturned. I do not necessarily think that that would be in anyone's real interest.

MRS BURKE (12.11): Mr Speaker, I must say that I was saddened and appalled to see schoolchildren being drawn into this matter and used in such a blatantly political way. We all saw them when they appeared on the television news reports in Canberra last Friday. Mr Berry and Mr Osborne were evidently parading in front of the cameras with a backdrop of approximately 15 children and some parents, complaining about alleged high temperatures at one school in Canberra.

I note that there are over 200 children in demountable classrooms at Gordon Primary School. What level of support is there within the entire community for this protest action? I congratulate those parents who refused to allow their children to be used as political footballs. I am saddened to know that Mr Berry and Mr Osborne support such activities involving our children. I believe that it is inappropriate and unacceptable.

I saw mothers rabble-rousing the children and heckling the minister on an issue which has been raised by no other school in Canberra. We have almost 100 schools in Canberra. About 125 classes are conducted in demountable buildings at those schools, as we have just heard. A further 12 preschools also use demountables. Is it not odd, Mr Speaker, that only one school and one other individual have raised this issue about temperatures this summer? Isn't it odd also that Theodore Primary School and Stromlo school have provided airconditioning in specific demountable classes from their own school-based management funding?

I have been advised that Hall Primary School has spent around $34,000 of its school-based management money over time on airconditioning. What this says to me, Mr Speaker, is that the whole issue of temperature management in our schools is one which should be handled and has been up to now within the school and its broader community. Schools receive substantial funding—all up it is about $27 million annually—to make arrangements and management decisions about the needs of the students and staff and the physical infrastructure of their schools.

In fact, Mr Speaker, a parent of a student at Gordon primary refused to allow his child to attend on the day—he kept the child at home—and added that most parents realise that issues like this were for the whole of the school community to approach and many parents worked hard to raise funds for things other than direct education for their children. Indeed, school boards comprising principals, staff, parents, representatives and community members are tasked with making these kinds of decisions. They have access to expert advice from the Department of Education and Community Services, particularly when it comes to technical matters such as information technology, building

maintenance and even heating and cooling. I believe, then, that it is fitting that we continue to allow these schools to make these responsible decisions on their minor new works.

Mr Speaker, I am horrified at the suggestion in Mr Berry's motion before the Assembly today, contrary to him just saying that he is now not suggesting it, that a future Labor government would even contemplate spending large amounts of the taxpayers' money on providing airconditioning in all our schools for approximately three weeks in a year. That is typical of the way in which Labor deals with problems.

The Labor Party in the ACT found itself in a situation where it had an operating loss of $344 million when the Liberal government came to office in 1995. It took the Labor Party only three years to reach this deplorable situation. That is exactly why the voters of Canberra have to look very hard at the options which will be put before them in the election to be held in October this year. The Labor solution to a problem is simply to promise to throw money at it, with no regard to efficiency and/or need or, indeed, where it is going to come from. This motion has come about because a minority of parents and teachers at Gordon Primary School have misused their children in a political debate. No other schools have raised this issue to date. Where schools have felt that temperatures in demountable classrooms might be creating difficulties for their students, the schools have done something about it.

The minister, Mr Stefaniak, will be meeting with the school board, the principal and departmental officials tomorrow. I am sure that he will listen sympathetically to the concerns of the school board and I am sure that some sort of arrangement will be reached which addresses the concerns of the school. However, let us be quite clear here that Mr Berry's motion is not about Gordon Primary School. He is suggesting that the department, of which the schools are part, should address cooling in schools generally. He is suggesting that we should aircondition all schools, probably in their entirety. Mr Speaker, that is just not good enough. It might be an old mantra; but, again, where is the money coming from?

I look forward to a recommendation from the committee on which I now serve on Mr Berry's proposal that we aircondition all government schools, and I also look forward to Mr Berry telling the community where that money might come from.

MS TUCKER (12.17): I look forward to Mrs Burke asking to have the airconditioning turned off in her office so that she can be in solidarity with people in the schools. I think we need to remember that we are all sitting in airconditioned comfort in this building as we are having this debate about what people are experiencing in demountable buildings. Interestingly enough, the Secretariat has done some work on insulating this building and trying to make it more energy efficient. A fundamental question here that no-one has addressed is the question of the energy efficiency of various buildings in this city and, in this instance, various schools in this city.

Mr Stefaniak seems to think that there is a level playing field in that every school will be able to look after its energy needs with the school-based management financial arrangements, but it is obvious that there is not a level playing field in any way. I understand that the Gordon Primary School has four double classrooms,

proportionately more than any other school, which put disproportionate demands on the school's budget for dealing with extremes of temperature.

We know that demountable buildings have very poor energy ratings, so the question here is: How fair is that? I am not supportive of what the government is doing, by the way. There are some really serious questions about the lengths to which this government has taken school-based management, but I will leave it at that. We have school-based management and schools will have to take responsibility for these issues, so some schools are going to have a much greater burden on them than others. Is that fair? Of course it is not fair. If the government wants to have a reasonable system, I would think that it should show us an energy rating for every school in Canberra. I would like to have that information. I ask the minister to table that information if he has it.

The minister and Mrs Burke said that no other school has a problem. I am glad to hear that, but I am also interested to know how they know that. Has the government contacted every school and asked them how they are doing in very hot weather. If that has been done, I would like to see the results tabled in this parliament as well. A particularly feisty group of parents went with their children to this protest and Mrs Burke thinks that that was exploitation of the children.

I would be interested to know how the children were involved in the decision to make their feelings known. I know that in education it is very good to empower children and to give them an opportunity to have a role in decision-making. Even primary school children are interested in being respected by teachers and their parents. The whole question of empowering children is to help them feel as if they have a say in things that affect them. I have not seen that criticised. I have seen it generally accepted as a good trend. If children feel that they are respected in what they have to say, they respect what other people say.

If these children have grown in a culture where they are listened to and they are allowed to express their feelings and if those children expressed their concerns about the heat and the environment in which they had to learn, then that is not exploitation of children. If Mrs Burke knows that these children were not consulted at all, that they are not being brought up in a culture of expressing their feelings and being asked for them, and they were dragged along in some way that they had no knowledge of what was going on, I would agree with Mrs Burke's concerns, but I need clarification of that. She must have it, I suppose, if she said that it was exploitation. She can speak again if she wants to explain that and I would share her concerns if that was the case.

I know that it has got to the point in this town that a number of parents are feeling that they have to take political action and make their views understood, because they are getting more and more frustrated. We are seeing the union representing the teachers responding in the same way, because they are also becoming very frustrated. I know that there has been a desire from the sector for some time to have the whole issue of school-based management put under the microscope in some way to see what are the actual outcomes of it.

We have had a number of problems with it over the last few years. For example, I recall clearly the way that schools were choosing cleaners. Concerns were expressed at one of the committee hearings about children cleaning schools. The principals were certainly

trying to minimise costs by going for the cheapest price arrangement when they were contracting workers. There was also an issue with pesticide use. Some action has been taken since then as a result of the fuss made by parents, once again, on behalf of their children. Also, the issue of transport for children with disabilities came up quite recently. That was another example of how school-based management apparently is falling down.

We have had those sorts of concerns raised over the years. We have also had quiet rumblings about educational outcomes. An inquiry could happen there. It would be very useful, possibly in the next Assembly, to step back and take a look at what we have actually achieved. Mr Stefaniak mentioned that Labor had started school-based management and Mr Wood responded to that. As I understood it, the Labor position involved looking at the decentralisation of curriculum development, which is quite separate from what this government has done.

We had Mr Kennett here this morning and we know that in Victoria that was taken even further and there have been very serious social impacts from that which have been condemned by a large proportion of the education sector. It is by no means generally accepted that school-based management, taken to the extremes that it is being taken now by Liberal governments, has good educational outcomes and social outcomes.

Coming back to the issue of heating and cooling, Mr Osborne has put forward an amendment which says that the minister should spend seven days working in demountable classrooms with 30 children during summer. I think that would be a good idea, but I would not support it because I think that it would be being a little unkind.

MR SPEAKER: Mr Osborne has not moved such an amendment as it would be out of order.

MS TUCKER: He was thinking about doing so and I thought it would be quite good.

MR SPEAKER: Back to the topic, thank you.

MS TUCKER: I think it is relevant to the topic. When I commenced speaking I did raise the question of Mrs Burke turning the airconditioning off in here office. This matter is about understanding what it is like to sit in a demountable with 25 or 30 kids when the temperature is over 35 degrees. It is not okay or acceptable.

Mr Wood: Especially after lunch, with the hot little bodies coming back into the room.

MS TUCKER: Yes. The Greens will support this motion because that is totally unacceptable. The people in this place would not do that. As has been pointed out, it would not be allowed in the older years of schooling. Of course responsibility should be taken. If the government is going to insist on leaving it to schools to manage that, I want to see an energy rating for every school and I want to see account taken of it when the government determines how to respond to this problem.

You cannot say that every school can manage the situation itself. As Mr Osborne said, in his electorate in particular there are lots of demountables. It is obvious that they incur bigger costs. I would hope that we in this place would be interested in ensuring that children are able to learn in an environment that has a reasonable temperature and that

the government will acknowledge that the demands on the various schools differ according to the buildings that they are working in.

This matter should just move on in a cooperative way. I am glad that Mr Stefaniak will be meeting with various people. I think that the government also needs to communicate with all the schools on how they are handling the hot weather, because I know and every other member of this place knows that, just because every school has not contacted the government and complained, it does not mean that there are no problems. Some schools and some parent groups are more assertive than others. It is always the case in any community issue that you will have some people who will say that they are not happy and others who will just put up with it.

There needs to be a clear commitment from the government today that it will review how well schools are managing the climate in the buildings that they have to work with and obtain an energy efficiency rating for all those schools so that we can have some proportional funding, if that is what the government feels that it could have, within school-based management. *(Extension of time granted.)* This motion is about a really important issue and I hope that the government will take a positive approach to it.

MR HARGREAVES (12.27): I want to address a couple of things that the minister said and one of the things that Mrs Burke said, with which I take exception. She attacked the parents who had taken their children to the Department of Education and Community Services offices to confront the minister. Only parents who felt that they had no other option would do that. Anyone who has kids would not normally want to put their kids through that sort of trauma.

The other thing, of course, is that the minister had the opportunity to listen and talk to those kids, who made comments about nosebleeds and fainting. Where were the comments about that? Mr Speaker, I find Mrs Burke's comments appalling. I know a couple of the families involved and have spoken to them. I have been involved in the issue since about last August. I chose not to go to the building on two grounds. Firstly, I used to work with a lot of the people around whom this issue revolves and I did not want to cause any undue embarrassment to those people. Secondly, I had spoken enough with the parents to know the depth of their anger.

Mr Speaker, the minister said that the issue at Gordon was only raised two years ago, so there cannot be that much of a problem—or that was my interpretation. That is absolute rot, Mr Speaker. We do not have to wait until parents come to come us kicking and screaming to fix a problem. If it was raised two years ago, why was it not fixed two years ago? The minister also said that all schools say that they are happy with school-based management. That is not so. I suggest he have a confidential chat in a telephone box with those people who are happy with school-based management. He also said that the solution would cost $2 million and he got up here and spoke about a Rolls Royce model. His statements in the media that it would cost $2 million were just scaremongering and did not work.

I was involved in the introduction of the school-based management program. It was this Liberal government that introduced it in 1996. I was there and part of it. In fact, the first job that I was given when I got the flick from Health to Education, thanks very much to the Liberal government, was the task of helping to introduce school-based management.

I have been an opponent of school-based management since my days on the Erindale College board when Mr Wood was the Minister for Education. I can remember lobbying him against its introduction. In fact, the reason the Labor Party did not introduce it was that the proposal had hairs on it. In the states where it was introduced successfully, it was introduced over a five-year period, with the infrastructure of the schools being raised to a given standard. School-based management was rushed through this town in 12 months. There was no bringing of the infrastructure up to standard. I think that the record needs to be cleared up on that.

Mr Speaker, I have some problems with the consultation process which is going on at the moment. I received a fax from one of the parents involved in the process. The minister says that he is going to go down there and meet with people, but the minister is only going to meet the board chair, the deputy chair and the principal. Where is the representation from the parents and citizens association? For heaven's sake, it was the parents who took their kids down there. The minister ought to have somebody from the parents and citizens association who is not wearing another hat on the board. It does not matter whom it is—pick whichever one you like—but he should have one of the parents who are upset about it in on the discussions. The one thing I will say about this minister, Mr Speaker, is that he is an honest man and he will try to do his best. I am saddened to see that he is missing the opportunity to show the people out there in the community how genuine he is about trying to find a solution.

Mr Speaker, the timeframe is something I am critical about as well. The department has been monitoring the temperatures all summer. One summer does not a cool classroom make. Why was the department monitoring the areas? It was because the department knew that it was its responsibility to fix it, not because it was the school's responsibility. The parents had put the thermometers in there before the department started to monitor the situation. The parents know how hot it gets in there and the department knows how hot it gets in there. You do not need all summer to solve such a problem. In fact, by the time the monitoring is finished, it will be too late as we will be into the winter months.

Mr Speaker, we have had talk about the school being asked to use school-based management funds. If this school used these funds on its eight classrooms at a rate of $4,000 each, it would cost more than $30,000 to solve the problem. That would mean that there would be less funds for student management, IT, maintenance, educational material, security, electricity and water, and books and paper. School-based management does not allow a school the discretion of spending $30,000 on something like that. Blind Freddy would know that discretion stretches the point at $5,000. It is always a difficult process for any school to find $5,000, let alone $30,000; it is just not on. Gordon Primary School is a large school and it has eight demountable classrooms. I presume that there are two 3Ts and a 2T.

Mr Stefaniak: Two, two, two, two.

MR HARGREAVES: There are four sets of 2Ts, are there? I will not argue with that. I have not been there to see it. I have been to Conder to look at it and the problem is identical.

Gordon gets the same per capita allocation as some large schools which are already established and have only one demountable. The established schools have heating and cooling systems that go right throughout the schools, but not into the demountables, so the problem is different. The two schools which, according to the minister, purchased their own airconditioning were Theodore and Hall. Theodore purchased one unit for one classroom—it has only two demountables anyway—and Hall bought a unit for its library. I do not think they are valid examples. Both units cost less than $5,000, yet the minister has accepted that it is going to cost $30,000 for the solution at Gordon. If it costs $4,000 per unit for eight classrooms, you have got $32,000, so the numbers work out.

I believe that it is the responsibility of the department to provide basic infrastructure to accommodate students and staff. Providing demountables which are hot boxes in summer and ice boxes in winter is just ducking responsibility. When we provide them as accommodations they should be set up with the proper heating and cooling in them to start with. The minister should accept responsibility for the health of those very young people and realise that the parents are worried about the effect on the health of these kids. They are not scaremongering for the sake of it. The minister should realise that, for the parents to stage a sit-in, it means that they feel rejected, frustrated and angry. He should do the right thing here and provide airconditioning at the school.

While we are on that, the minister said in question time yesterday that only one school was complaining. What about Charles Conder Primary School? I have written to the minister asking him to fix that problem there as well. Of course, I have not had a response, have I? I wrote some time ago. Charles Conder is having classes in the quadrangle because, in the heat of the day, the quadrangle is not as hot as the hot box demountable. If that is not telling the minister something, I do not know what is. I urge the minister to give assistance to both of these schools. In fact, I think this motion should be accepted by the Assembly and the government should just cop its responsibility and get on with it.

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

Sitting suspended from 12.37 to 2.30 pm

Questions without notice

Forestry workers

MR STANHOPE: My question is addressed to the Minister for Urban Services. Can the minister confirm that the industrial agreement between the government and forestry workers includes stringent consultation clauses? Will the minister confirm that ACT Forests management has admitted ignoring the provisions of the consultation clauses, and can he give any possible reasons for that action?

MR SMYTH: I am not sure what the department has or has not admitted. This is clearly about a reform process that needs to be undertaken. We have, after some time and several consultancies—and after consulting, or informing, the workers of ACT Forests what is going on when that information has become available—continued that process.

After we received a consultant's report and after it had been through cabinet, the workers were informed of what the next steps were.

MR STANHOPE: Mr Speaker, I ask a supplementary question. Will the minister confirm, as he has just suggested, that the reason given for ignoring the consultation clauses was that the decision to sack the forestry workers was made by cabinet and was therefore subject to cabinet confidentiality? Can the minister explain to the Assembly how it is that cabinet confidentiality can override the industrial law, or is this simply a sorry excuse to cover up for his lack of courage in facing his own workers?

MR SMYTH: There is a clear process that is followed here—and it is not just by this government; it is by all governments—on how they come to their decisions. Those opposite may smirk, as they do. Indeed, there were two reports in the early 1990s that the Labor Party and Labor governments just ignored. The forestry workers today may not be facing what is occurring today if the work had been done better in the early 1990s.

Mistakes were made 10, 20, 30 years ago—when reports were ignored in the early 1990s, when over-clearing occurred in the 1980s, when under-planting occurred under a Liberal government in the 1960s—that have come home to roost. We foreshadowed in this year's budget that there was a review that may lead to a reform process in the forestry industry.

It is not just about ACT Forests. Beyond ACT Forests, in the region, are some 350 jobs already and the opportunity to expand that. But what we deliver through ACT Forests is an impediment to that. Our overheads are double the national average and we have to reform the industry, or the risk is that the entire industry goes. If Mr Stanhope is suggesting that the entire industry should go, then Mr Stanhope is not considering the greater good of the entire industry in the region—and there is opportunity for it to expand, and that offers the opportunity for further jobs.

We believe that the process is appropriate. The process has been foreshadowed for some time now—and everyone knew that these consultancies were going on. It is foreshadowed in the budget. There is a note in the budget that says these are the figures but it is subject to review and possible reform, and that reform is now occurring.

Forestry workers

MR BERRY: My question is directed to the Minister for Urban Services—well known to have received some training in Peter Reith's office—and it relates to ACT Forests. The minister claims that the government's decision to axe 20 jobs is in response to a review. Just by way of illumination, one of the jobs that are going is that of a person who has received the Canberran of the Year award—and I hold that up for members to see and to see if I can get some shame out of the government—another award from the ACT government for 15 years of loyal service and a national medal for 25 years of loyal service to the community of the ACT. These are the sorts of workers that have been stitched up by this Reith-trained minister.

I want the minister to tell us whether or not there have been three reviews of ACT Forests, and I would like him to tell us when these reviews were undertaken and how much each one cost. Will the minister provide copies of all of the reviews to the Assembly?

MR SMYTH: Many reviews of ACT Forests have been done, and I am not sure which three Mr Berry wants. There was a review of the ACT plantation forest estates done by Anutech and Fortech in June of 1990—perhaps the review might have come to somebody over there. There was a review of ACT Forests by Deloitte Ross Tohmatsu that was done in September 1991, and all of these had key recommendations that talked about the management, work practices, underperformance and inefficiencies. In 1991 it talked about securing financial arrangements, reducing overheads, increasing the scale of operation. In 1997 there was a review of government's options for ACT Forests by Price Waterhouse, and of course there have been the recent reviews as well.

MR BERRY: I have a supplementary question, Mr Speaker. We just heard, if I can be permitted—

MR SPEAKER: No preamble, please.

MR BERRY: Will the minister admit that his contribution to that answer is an admission of six years of mismanagement by this government in its failure to address the issues that confront these workers? You have had six years in office to fix this. You cannot keep blaming everybody. Will you acknowledge that this is your fault at last?

MR SPEAKER: I do not want an expression of opinion, Minister.

Mr Berry: On a point of order, Mr Speaker: all I asked the minister to do was to accept that it is his responsibility and his fault.

MR SPEAKER: The minister will answer.

MR SMYTH: Mr Speaker, I accept responsibility for the management of ACT Forests. It is clearly in my portfolio responsibilities, and, in the time that I have been the minister, we have been looking at what we can do not just to expand the industry and to run ACT Forests better and make it more productive but to build the entire industry in the region.

Mr Berry: Not good enough.

MR SMYTH: Mr Berry interjects that it is not good enough. There is confidence out there in the industry in the area if we can take it further and reduce the overheads, but the key element is access to timber. The timber in the ACT is managed by ACT Forests. If ACT Forests does not perform, if ACT Forests cannot reduce its overhead, then what is at risk is the expansion. We have seen at the mill in Hume that they are willing to put in technology and employ more people on the basis that we can deliver the raw material, which is the timber.

Mr Berry: Mr Speaker, would you ask him just to stick to the supplementary question? I just want him to acknowledge his blame for this.

MR SPEAKER: Order! There is no point of order.

MR SMYTH: Mr Berry asked: have we mismanaged? The answer is no; we have had a reform process to try to bring ACT Forests into modern work practice. And this is not reform that is going on only in the ACT; this is reform that has been going on all around the country because the forestry industry in general was not as productive as it could have been. We want to give it that opportunity. We know that there are investors who will invest in the region substantial amounts of money that will secure the industry long term and create more jobs, but to do that the fundamentals have to be right in ACT Forests—and they are not. Our overheads are double the national average. We have to reduce those overheads or put at risk the entire industry in the ACT and the region.

Multicultural broadcasting

MRS BURKE: My question is to the Chief Minister, Mr Humphries. I understand that the Labor Party on the weekend made a commitment to increase funding for multicultural broadcasting in Canberra if it wins government in October. Could you, as Minister for Community Affairs, detail the current level of government support for multicultural broadcasting in the ACT?

MR HUMPHRIES: Yes, I can indicate that there are quite significant levels of support for multicultural broadcasting in the ACT. I am surprised that I have to justify that in the present circumstances of some suggestion by the Labor Party that there needs to be an increase in funding because of the inadequacy of the present level of funding.

I was present on Saturday morning at a public meeting to award certificates to graduates of a multicultural broadcasting training program and a commitment was made by Mr Vic Rebikoff, a Labor candidate for Ginninderra in the coming election—at least, he is at this stage—that there would be increased financial support by a Stanhope Labor government, if elected.

I was surprised to hear that because Mr Stanhope had said many times in this place that there would be no commitments made on spending promises until they got to see the budget in May. I wondered why that was happening, so I issued a media release yesterday in which I challenged Mr Stanhope to spell out what the extra support for multicultural broadcasting in the ACT would be under a Stanhope Labor government. I was amazed that in response to that suggestion—

Mr Corbell: I rise to a point of order, Mr Speaker. The question related specifically to the government's level of funding for multicultural broadcasting. The minister's answer is not in order in drawing a comparison.

MR HUMPHRIES: Mr Speaker, the question asked of me was about the promise made by the Labor Party at the weekend.

Mr Corbell: Mr Speaker, the question was not about the Labor Party's commitment. In fact, it would be out of order for the Chief Minister to answer such a question, because he cannot do so. Mr Speaker, the question related to the current level of support given to multicultural broadcasting in the ACT by the current government.

Mr Moore: On the point of order, Mr Speaker: it is perfectly reasonable for a minister, given a background to a question, to do that. It is perfectly reasonable. The standing orders and previous rulings have made it very clear that a minister can incorporate those sorts of things in his answer.

MR SPEAKER: Continue, Chief Minister; there is no point of order.

MR HUMPHRIES: I was astonished to hear Mr Rebikoff deny—

Mr Corbell: I rise to a point of order, Mr Speaker. Are you going to rule on this matter or are you just going to take your instructions from Mr Moore?

MR SPEAKER: I just said that there was no point of order.

MR HUMPHRIES: I was astonished to hear Mr Rebikoff deny that he had made that statement, and even more astonished to hear Mr Stanhope say on the radio today—

Mr Corbell: Tell us what you are doing, Chief Minister. Answer the question.

MR HUMPHRIES: I am going to, Mr Corbell; be patient. Mr Speaker, astonished to hear this denial that this was said, I rang one of the people who were present at that public meeting and asked them whether they recalled the statement being made by Mr Rebikoff. They said, "No, I do not recall that statement being made, I am sorry." I said that it may be a case of my word versus that of Mr Rebikoff, so I hung up.

I had a call back a few minutes later. He said, "Oh, yes, I do recall it being made. He did make that statement at the public meeting." I said, "I am glad your memory came back to you." He said, "No, it wasn't my memory. I played the tape back of what Mr Rebikoff had had to say at the public meeting." It was all on tape and, indeed, he did make that commitment, Mr Speaker. I will read the words of his commitment as it was made to that meeting:

> Most of you would be aware that many years ago, when I was Chair of the national body—the Federation of Ethnic Communities—I worked … to get additional funding for multicultural broadcasting when multicultural broadcasting was facing some very severe funding cuts.

Here is the crunch, Mr Speaker:

> You can be assured that under a Stanhope Labor Government, we will certainly be increasing that support.

"Increasing that support", Mr Speaker. I want to contrast those words with what Mr Stanhope said this morning on the radio. On 2CC this morning he said:

> I wasn't at the meeting. Vic Rebikoff denies absolutely and categorically that he said any such thing, that Gary Humphries is simply beating this up, deliberately misrepresenting what Vic said at the meeting.

Mr Corbell: He is.

MR HUMPHRIES: No, I am not, Mr Corbell. The words are there in black and white.

Members interjecting—

MR SPEAKER: Order! I do not want an argument across the chamber; it is question time.

MR HUMPHRIES: Members who doubt that that is an accurate reflection of the words that he spoke can come to my office—

Mr Corbell: I take a point of order, Mr Speaker. I know that you have ruled on this issue, but we are yet to hear an answer from the minister.

Mr Moore: Mr Speaker, while points of order are being taken, yesterday you warned Mr Stanhope for his constant interjections, which was an unusual thing to do to a Leader of the Opposition, but it would appear to be necessary again.

MR SPEAKER: There are no points of order and I am sure that the minister is coming to his reply.

Mr Kaine: Mr Speaker, I take a point of order. Would you ask the Chief Minister to do his politicking out of the house instead of in it? There must be an election.

MR SPEAKER: There is no point of order.

MR HUMPHRIES: I would be the only politician to be politicking in this house, Mr Kaine! Mr Speaker, I do not mind if Mr Rebikoff makes promises on behalf of the Labor Party but, as leader of the Labor Party, Mr Stanhope has an obligation either to back up those comments—

Mr Berry: Mr Speaker, I have just been reminded of what Ms Burke's question really was. Paraphrased, it really asked the Chief Minister—

Mr Moore: You have ruled on this, Mr Speaker.

Mr Berry: Let me finish. Ms Burke asked Mr Humphries—

Mr Moore: Standing order 202 (a), Mr Speaker.

Mr Berry: Talk about interjections!

MR SPEAKER: Order, please! Exactly.

Mr Berry: Ms Burke specifically asked Mr Humphries to let the Assembly and anybody else interested know what the government was doing about multicultural broadcasting. If she had asked a question about what the Labor Party was going to do about it, that would have been a reasonable answer; but he could not give it, because he does not have responsibility for that. All I would like you to do, Mr Speaker, is to refer him to standing order 118 (a), which provides that answers to questions "shall be concise and confined to

the subject matter of the question". I do not mind a bit of a meander, but I think that he is taking it a bit too far.

MR SPEAKER: I am sure that the minister is coming to a reply.

Members interjecting—

MR SPEAKER: Order! He will not be helped by constant interjections from either side of the chamber.

MR HUMPHRIES: The question to me referred quite specifically to the Labor Party on the weekend making a commitment to increase spending on multicultural broadcasting in Canberra if it wins government in October. I would contrast the position of the Labor Party with that of the government. We have clearly given support for Canberra's multicultural broadcasting services in a quite demonstrable way.

Quite apart from the establishment of multicultural grants programs in 1998, the first that the ACT had seen, we have promised in the draft budget to increase them from $50,000 to $100,000. Also, there has been support in a $15,000 grant in 1999 to help establish a training studio for Canberra multicultural services. There is also further assistance of $15,000 in the current year's multicultural grants program. It is to assist in the cost of broadcasting live during the 2001 multicultural festival, a very generous level of support I would modestly say on behalf of the government.

What is it about that which is inadequate and requires further support, might I ask? If that is the case, how much further support does it require? Mr Stanhope needs to show leadership on this occasion. He needs to say whether Mr Rebikoff's promises were those of the Labor Party or—

Mr Stanhope: They weren't.

MR HUMPHRIES: In that case, if they were not, he needs to repudiate publicly the commitment made, because it was made in front of witnesses, it was made clearly and it has been captured on tape, Mr Speaker. The mark of a leader is to hold his team in check if they are making the wrong announcements. If Mr Stanhope has integrity, he will repudiate what that candidate said publicly.

Mr Stanhope: Let me reiterate that under no circumstances would I—

MR SPEAKER: Order! If you wish to make a personal explanation, you can leave it until the end of question time.

Mr Stanhope: Right.

MR HUMPHRIES: Incidentally, it might also be appropriate for you to retract some of the things that you said about me this morning on the radio when you virtually called me a liar. On the basis of what you heard Mr Rebikoff say, you might have cause to reconsider that statement.

Manuka—car parking

MR QUINLAN: My question is to the minister for planning, and I think it is quite appropriate given the Chief Minister's mock indignation of the last few moments and his search for truth. Minister, in case you are considering the standard obfuscation and dissembling, this is not a question about parking policy; it is about deals. Yesterday I asked the following question:

> …does your government have a written deal with the developer of the Manuka Plaza to change parking arrangements to force people to use the pay parking in Manuka Plaza?

You responded, according to *Hansard*:

> They are not arrangements I am aware of. I am not aware of any such deal.

Later, when I tabled two copies of related correspondence that had been sent to you, describing them as relevant to the matter about which you knew nothing, you replied:

> I said I didn't recognise the letter.

I will repeat the *Hansard* record of what you initially said:

> They are not arrangements I am aware of. I am not aware of any such deal.

Did you, minister, mislead this Assembly yesterday in your response to my question without notice?

MR SMYTH: Mr Speaker, I might read the rest of the *Hansard*. It is curious. It is very easy. What I went on to say was this:

> I will take the question. I am the planning minister. We would be delighted to see the letter and the minute. They are not arrangements I am aware of. I am not aware of any such deal.

Mr Quinlan was waving a letter around that, clearly, could not be read from this side of the chamber. We have always made the point that until we see documents that are being referred to in this place, we will take the questions on notice. I started by saying I would take the question on notice.

Mr Quinlan refers to a secret deal. There are some letters. I was able to ascertain later that the letter that he had was a letter from the developer of Manuka Plaza to the Chief Minister, and it was a letter that was copied to me. The letter says that Mr Morris seeks the government to honour its commitment. It does not talk of any secret deals. If arrangements were in place and commitments were made or not made before I became the planning minister, of course I cannot know about them. That is why I said, when I took the question on notice yesterday, that I would ask the department to dig up the official paperwork on it, and as soon as I have got that I will give it to Mr Quinlan.

MR SPEAKER: Do you have a supplementary question?

MR QUINLAN: Thank you, Mr Speaker. That was another of those "I know nothing" answers. Minister, I am considering naming you "Baby Schultz".

MR SPEAKER: Order! No preamble, Mr Quinlan.

MR QUINLAN: Minister, has there ever been any correspondence between you and the developer of the Manuka Plaza relating to parking restrictions in Manuka that pre-dates yesterday?

MR SMYTH: Mr Speaker, there is numerous correspondence between my office and the department and the developer of the Manuka Plaza. The construction of Manuka Plaza started after I had become planning minister.

Mr Quinlan: So you knew about it.

MR SMYTH: No, that is not what you said yesterday, Mr Quinlan. You asked and talked about secret deals. I am not aware of any secret deals, but there is a continuous stream of correspondence between PALM and the developer. I believe the latest letter I sent was in January this year when I offered Mr Gordon Davidson to continue negotiations and to look at the parking issue in Manuka.

Mr Speaker, we have done this the whole time. Throughout the Manuka Plaza development there have been temporary arrangements. Following Manuka Plaza there was then the development of Palmerston Lane. We continue to discuss with the traders, the residents, the owners and the unions on temporary and permanent parking and the loading zone arrangements at Manuka, and we will continue to do so. Mr Quinlan knows that because, like him, I was at the meeting there this morning when a representative from the department was to meet with the Manuka Traders Association to continue the conversations and negotiations on getting the parking for Manuka right.

Relocation of streetlight

MR KAINE: My question also is to the Minister for Urban Services. It is not about Manuka parking, but I have been highly entertained by the minister's attempts to avoid answering those questions. I hope I am as entertained by his answer to this one. My question is a memory jogger. Minister, on a couple of occasions early in December I asked you questions about a streetlight in Quiros Street, Red Hill that was moved. My last question on that subject was whether the approval given by the person who usually approves these things or "by someone, shall we say, in the higher level in the hierarchy". Your answer was:

> I will have to find out for the member who approved the project.

I took it that that was taking the question on notice. It is now three months later, Minister. Have you found out who took that decision, and may we now be informed?

MR SMYTH: I think I came back to this place and answered that question. I am not sure that Mr Kaine was here. My memory is that Mr Kaine was not here when I gave the answer. I do not have those documents with me. I would be happy to give him the answer again.

MR KAINE: The minister answered the first question which I asked on 27 November. He provided an answer on 5 December, but on 7 December I asked two more questions. The one I just outlined was my supplementary question, and I gave the minister's answer. He has not since responded. I ask him again whether he has now found out who took the decision. May we now be informed of the answer to that question? Do not dissemble.

MR SMYTH: Mr Kaine keeps good track of answers, and I am sure that his recollection therefore is correct. If I have not answered the question, I will have to get the answer and get back to him.

Discharge from Belconnen landfill

MR CORBELL: My question is to the Minister for Urban Services. Minister, yesterday in an answer to a question about the discharge of water from the ponds at the Belconnen landfill you stated that the discharge of stormwater into the river occurred four to six times a year. However, a letter issued by the manager of ACT Waste in the Department of Urban Services in September 1994 to a resident downstream from the Belconnen landfill includes the following statement about the reuse of stormwater at the landfill:

> The contract has been issued for the installation of a stormwater tank for dust suppression on the site. The source of the stormwater is our sedimentation ponds and this ensures water levels in ponds will be kept low for most of the year. For an average year, I now expect that there will be no discharge of water from the Belconnen Landfill.

Minister, will you explain why the stormwater from the Belconnen landfill has been discharged into the Murrumbidgee River four to six times per year, in clear contradiction of the assurances given by the department in 1994?

MR SMYTH: I cannot possibly be aware of an assurance given in 1994 under a Labor government. If something has changed for that to occur, I am not aware. It is an interesting question. The retention ponds are cleared in the event of a major storm. Last night we had a major storm. The reason for emptying the ponds was borne out last night. If the ponds were full and we had a large dump of water as we had last night, the overflow would simply flood straight into the river. We do not want that to happen. That is why the ponds are periodically emptied.

I will have to find out why the manager of ACT Waste in 1994 said something different to what Environment ACT says in 2001. There is a gap of seven years. Things change across a period of time. I will ask Mr Corbell for a copy of the letter. I am happy to get an explanation from the department of why they have changed the practice. What happened last night is a perfect example of why the ponds, if they have water in them or are full, should be emptied. It is so that we protect the environment the best we can.

MR CORBELL: My supplementary question is: were any downstream users of the drainage creek into the Murrumbidgee River, particularly those who use the river water for domestic and stock watering, advised in advance of the discharge, and does the department have mechanisms in place to advise people?

MR SMYTH: I will have to take that portion of the question on notice as well. I am not aware of what procedures they have. We have a process under which they have to get an environmental authorisation before they can release this water. Testing is done to make sure it is of an acceptable standard for release. That process has been followed and, as evidenced by last night's rain, quite wisely so, so the fresh rainfall also has time to settle in the ponds before that water is released into the Murrumbidgee.

Draft budget initiatives

MR HIRD: I refer to some comments made by Mr Quinlan on ABC radio on 26 February, when he said that the government was going to spend a fistful of dollars in this election year.

MR SPEAKER: Are you asking me?

MR HIRD: Can the Chief Minister and Treasurer assure the parliament that the territory can afford the commitments set out in the draft budget initiatives?

MR HUMPHRIES: I can certainly promise that. I know that this has been a painful process for some of those opposite.

Mr Quinlan: It has been a sham process

MR HUMPHRIES: You would say that, wouldn't you, Mr Quinlan?

Mr Quinlan: What is today's number?

MR HUMPHRIES: Today's number is still $344 million, I am sorry to tell you.

Mr Quinlan: You know that is a lie, don't you?

MR HUMPHRIES: No, it is not. You tell the Auditor-General it is a lie, Mr Quinlan, and you find out what he says about it.

Mr Quinlan: It occurred during a Carnell government, Mr Humphries. It includes abnormal expenditure.

MR HUMPHRIES: So it is the right figure, is it?

Mr Quinlan: It was not inherited from Labor. It was manufactured.

MR SPEAKER: Mr Quinlan, I would be very reluctant to have to deal with you for constant interjections.

MR HUMPHRIES: The government is certainly able to afford all the commitments it is making in its draft budget initiatives. Why? Because it has produced a surplus. The surplus is what we are spending. We are not borrowing. We are not dipping into reserves. We are not converting our assets. We are using a surplus. That surplus is going to provide substantial benefits to the people of this territory. It is a surplus which is being put to good use. Every promise the government has made and will make from that

surplus will be fully funded from that source. I cannot say the same about those opposite. I was astonished to hear Mr Stanhope on the radio this morning say:

> The Labor Party has made no promises or policy announcements in relation to our approach to multicultural issues in Canberra, or on any other issue at this stage.

Mr Smyth: No promises?

MR HUMPHRIES: No promises. That does not quite accord with my recollection or my clippings folder. I can think of at least two that Mr Stanhope personally made on a radio station in this town this year. On 31 January this year he was on Mr Ullman's program on the ABC, where he committed himself to spend more on both police and education—not just to do something about it or give them more support but to spend more money. He was asked about putting more police on the street. The interviewer asked him whether he was prepared to commit support to having more police on the street. He said in the very forthright, direct and strong fashion of a strong leader:

> I think I am prepared to say that.

Does that amount to a commitment on spending for policing or does it not?

Mr Stanhope: It does.

MR HUMPHRIES: It does. You did not hear the beginning of my answer, Mr Stanhope. You were out of the chamber. You said on the radio—

Mr Stanhope: With the highest burglary rate in Australia, with the highest car theft rate in the world.

MR HUMPHRIES: They want to change the subject. You told us:

> The Labor Party has made no promises ... on any other issue at this stage.

Can you tell us when you were telling the truth—either when you said that no promises had been made to this stage or when you said that you were going to provide more money for policing? Were you telling the truth then or telling the truth later?

Mr Stanhope: Can I answer that question, Mr Speaker?

MR SPEAKER: No. It is a rhetorical question.

Mr Stanhope: I would be happy to engage the Chief Minister in a discussion.

MR SPEAKER: You may do that later.

Mr Stefaniak: I would be happy to engage the Chief Minister in a discussion about the truth and telling the truth and about whopping lies.

MR SPEAKER: You may do that by substantive motion, not in the middle of question time, thank you.

MR HUMPHRIES: Did not have a camera on you at the time, Mr Stanhope? That is good advice. You were asked:

> Have you looked at how you might fund an increase in police numbers?

You replied:

> I haven't looked at that yet, but there are some areas here in relation to which the Labor Party will certainly make a commitment. We will reverse this appalling trend in relation to education.

That sounds like a promise to spend more money to me, to put more money into policing and more money into education.

On top of that, we have the promise from Mr Quinlan to fund more in the way of superannuation. The government's provision for superannuation was inadequate, he told us; there is not enough money in superannuation. So what is the Labor Party going to do about it? Presumably spend more. But how much more? We do not yet know. It sounds like a promise to me.

Mr Quinlan: Get a draft budget out, mate. Where is this draft budget?

MR SPEAKER: Order! I warn you, Mr Quinlan.

Mr Quinlan: Talk about truth. Where is the draft budget?

MR SPEAKER: Careful. I warned you.

MR HUMPHRIES: It looks like a promise; it walks like a promise; it talks like a promise. It is a promise. Of course, we had Mr Rebikoff's promise on behalf of the Labor Party on Saturday that there would be extra funding for multicultural broadcasting.

We know what happens to parties when they promise beyond their capacity to spend. We know what happened with the fiasco over "Working Capital". We know you cannot afford to make promises you do not deliver on.

I invite Mr Stanhope to use his entitlement under standing order 48 to explain to us whether he was saying the truth when on the radio this morning he said that no promises had been made by the Labor Party to date or whether he was telling us the truth when he made promises on Chris Ullman's program on 31 January. Which is truthful? One thing we do know: they cannot both be the truth.

Mr Berry: On a point of order, Mr Speaker: if Mr Humphries is talking about a means by which he might extract the truth he should refer to his false promise to give free bus travel to school children.

MR SPEAKER: There is no point of order.

Mr Berry: That was a big fat one.

MR SPEAKER: And do not abuse question time or standing orders in that way again.

ACT policing

MR HARGREAVES: Mr Speaker, I ask a question, through you, of the Minister for Police and Emergency Services. As part of the draft and actual budget process for 2000/2001, the government announced its intention to augment policing numbers in the ACT by 50. This was to come from 29 released from the communications centre, 15 new positions and six positions for the community beat police program. Indeed, the government provided funds for these initiatives to commence from 1 July 2000, a whole year ago.

Minister, recently your government announced that four police officers would be patrolling Kaleen and Kambah and that two police officers on horseback—an existing program—would also be available. Minister, why has it taken eight months to institute the program? Why have you not provided the full six officers that you promised? What has happened to the unused funds resulting in the non-implementation of the program?

MR SMYTH: Clearly, Mr Hargreaves in his question does not understand that two plus four equals six. There are six officers doing community beat police operations. There are two in the mounted police, and they commenced in October 2000. Indeed, as the member accurately remembered, there are now two officers operating in the Kaleen area and two operating in the Kambah area. This is very important because we want to be out there with the community rather than wait for crime to occur. This gives the police the opportunity to work in the field of crime prevention. Some credit should be given to Mr Rugendyke who is perhaps in many ways the model or the prototype for what is being done.

What we decided to do was get the mounted police up and running first. This took some time but it is now working properly. The next stage was to introduce the four beat police and that was done recently. There are now six community beat police operating in the ACT.

MR HARGREAVES: Mr Speaker, I ask a supplementary question. Minister, were the 15 additional police officers promised recruited before 1 July 2000 and, if not, where were the resulting savings applied? Why have you consistently claimed that you have increased the number of police by 50 and clearly you have not?

Mr Humphries: We have.

Mr Smyth: Operational officers.

MR HARGREAVES: You have not. They have not been recruited. Why, minister, have you misled the public in this regard?

MR SMYTH: Mr Speaker, this is the party that voted against the budget last year that would have increased police numbers. They voted to stop the beat police. The level of hypocrisy in this is just astounding. On the one hand they stand here and say, "How dare you try to attempt to fudge your police numbers" and on the other hand they voted

against increases in police budgets, and they have done so consistently since we have been in office. They ought to look at themselves because the public know them for what they are.

Mr Speaker, the promise has always been to get more police back out onto the streets and part of it was quite clearly that we would release police from non-operational activity and get them out onto the streets where they belong. We did not want our highly trained, well motivated police officers to be doing desk jobs that could reasonably be done by trained non-sworn officers. We have done that. We have freed up those numbers and those police are now out there doing the job that they have been trained for.

What those opposite would have stopped is the money that would have made that possible. They are the ones who have consistently voted against increases in the education budget, increases in health, and better spending on the police force. Yet they have no idea how they will fund the promises that they make. They made promises in January that do not exist in February. There is a little roller coaster of believability on the other side of the chamber. In January they promised extra money into police and education but they have forgotten it by the end of February.

It is disgraceful that they would attempt to portray the government as not having fulfilled its promises when they voted against the thing that would have made these police numbers possible. The extra money is there and it is being spent on the beat police.

What did Labor call our police force—the Keystone Cops; Constable Plods? This is the man who voted against an increase in the police budget that was to make beat policing possible; the man who does not understand that two plus four equals six; the man who has a leader who does not understand that what you say in January normally applies in February and that when you make promises in January you cannot unmake them in February; and the man who is a member of a party that has no credibility whatsoever on police issues.

Canberra Tourism and Events Corporation—relocation

MS TUCKER: My question, which is directed to the Minister for Business, Tourism and the Arts, Mr Smyth, is a follow-up to the question I asked yesterday about the movement of the Canberra Tourism and Events Corporations to the new business park at Canberra Airport. Minister, you stated that the CTEC board made this decision and that you believe that they have gone through a proper process, even though a member of the board is also the managing director of the airport. It has been drawn to my attention today that the chairman of the CTEC board, Mr James Service, also has a connection to Canberra Airport in that his father, Jim Service, is a director of the Capital Airport Group. I also understand that Impulse Airlines, which was to be the first tenant of the airport business park, is having second thoughts and has slowed down its move to Canberra, so perhaps there is some urgency for the airport in getting other tenants into the park.

Given the close relationships between the two organisations and that the move of CTEC to the airport seems inconsistent with access requirements basic to their work and, of course, in the interests of ensuring that there is no perception of bias, will you undertake

a probity audit into CTEC's decision to move to the airport and put a hold on CTEC's move until this audit has been tabled in the Assembly?

MR SMYTH: Mr Speaker, the Canberra Tourism and Events Corporation is governed by its own act. The corporation, through its board, established a subcommittee, and they examined all the aspects of the tenders, including the financial options submitted by those on the short list. How did we get the short list? This followed a comprehensive tender and evaluation process which was done by a property consultant. They have made a commercial decision, as they are allowed to.

This is curious. We are speaking about an asset to the territory. The airport is absolutely vital to our tourism industry and the potential to turn it into an international airport and further increase international visitation to this place is of immense value in the long term to us. The government has faith in the board of CTEC that they carry out their duties properly and I believe that this has been done in this case.

MS TUCKER: Mr Speaker, I ask a supplementary question. Given that the minister has such confidence in the processes, will he table in the Assembly all documents relating to the board's decision, including the detail of this so-called comprehensive analysis and the minutes of meetings?

MR SMYTH: Mr Speaker, it is somewhat sad to see this continual running down of those in the private sector who are attempting to build up this city. The processes that they follow are always brought to account because those opposite or on the cross benches do not agree with their decisions. What we want to do is build up places like the airport. What we want to do is make sure that tourism, and tourism run through CTEC, has the support of everyone here. I am not at all worried by the process. I am assured that the process is above board.

I am not aware of any reason to table these documents. I think the process has been followed. The board established a subcommittee to look at that. I believe the process has been appropriate and I support the decisions that CTEC has taken in the interests of tourism in the ACT.

North Ainslie autism unit

MR WOOD: My question is to the Minister for Education. Minister, I am sure you are aware that parents of children in the North Ainslie autism unit have been supplementing their children's education program in a government school this year and in past years by paying for the additional staff hours needed for an effective education program for their children. Your education department contributes only the necessary support hours. Last year these parents supplemented six hours per week of their children's education in this way. This year it has risen to 12½ hours, for 7½ of which the parents bear the total cost. Both families are under financial strain to meet this commitment. One family has been assisted by a short-term grant from a community organisation, but that funding finishes this Friday. As a result, this family feels it has no option but to withdraw their child from school next week. Minister, why aren't these children receiving the full necessary support from the government for their education?

MR STEFANIAK: Mr Speaker, I am interested in Mr Wood's question because this would have to be the most expensive program that I think we have had in our government sector. We have some two children, a teacher and an STA. I think that is about $125,000. The program has been continued, not only last year but this year as well, by this government, and I am somewhat bemused by Mr Wood's question. I will take that part of it on notice that he has mentioned. He has mentioned certain hours and other things. I am well aware that this is a program we have continued, and continued with incredibly generous funding, so I am somewhat amazed by his comments. As I do not have a ready answer about the six hours going up to 12½, I will take it on notice. I will be interested to see, if we do have a Stanhope Labor government, whether Mr Wood will promise to pay more over and above the $125,000 that I understand we are paying for these two kids already.

Mr Stanhope: We will certainly be caring. We will not let people down like you. We won't reduce.

MR SPEAKER: Be quiet, Mr Stanhope. One of your colleagues would like to ask a supplementary question. You might do him the courtesy of permitting him to do so.

Mr Wood: Oh, I am ready to wait for him, Mr Speaker.

MR SPEAKER: You might wait a long time, the way he has been chattering today.

MR WOOD: I have a supplementary question. I am sorry to learn that Mr Stefaniak is not right up to the information on this matter, but I will wait for his further response. Minister, parents are concerned that if these children remain unsupported by specially trained staff, which I think we all acknowledge is necessary, for a large part of their school hours, their behaviour and therefore their capacity to learn will be drastically affected. Given your government's stated commitment to social capital, how can this be justified?

MR STEFANIAK: Mr Speaker, this is a one-on-one program, to the best of my knowledge. As I said, I will take on notice what he says, but it is an incredibly intensive program. I saw it in operation last year and it is continuing this year. There is a teacher and a teacher's aid and two children, one on one. Again, I am rather bemused by what Mr Wood says. I would say that that is a classic example of social capital at its very best. I doubt very much, Mr Wood, whether you would see it anywhere else in Australia. In terms of the support that this territory gives to autism, we not only have far better ratios than anywhere else to my knowledge, but we also have more classes than some other larger states, including, I understand, New South Wales in their government system. Mr Moore reminds me also that we are spending money on a disability inquiry at this stage.

Special needs students

MR RUGENDYKE: Mr Speaker, my question is to the Education Minister, Mr Stefaniak. In last Thursday's *Canberra Times* a spokesman for you was attributed as providing information on transport for special needs children in the ACT. The relevant paragraph said:

> … ACT special schools had been given one-off grants of $2,000 each, and mainstream schools had received an amount per special-needs student, to ease the transition to the user-pays service.

Can the Minister confirm that every mainstream school did receive an amount per special needs student; and, if so, does that include transport for students in catholic and private schools?

MR STEFANIAK: My understanding, Mr Rugendyke, is that certainly the government sector has received extra money to include kids who were in mainstream schools as well. If by chance there is anything wrong with that information, I will get back to you. But that is certainly my understanding on that.

In the non-government sector, we are, in fact, the only government which has actually included any money in any budget for assistance to kids with disabilities. Primarily, our responsibility is to the government sector. In the non-government sector, you will be aware that we have given an amount of money each year from before 1997. We are up to about $600,000 a year, I think, for disabled students in that non-government sector. That is the result, I think, of a four-year promise; that is the tail end of the four-year promise. This is the fourth year. I understand that we have increased it from an initial $200,000, which I provided some four years ago, by $100,000 a year. In this final budget, you will see it is $600,000.

We do not put any strings on how that money is actually used by the non-government sector. Quite obviously, it is of assistance to them. It is certainly something no other government has done. The non-government sector can use that money as they wish. If they wish to use that on transport for disabled students, they are at liberty to do so.

MR RUGENDYKE: I think the minister has answered my supplementary, which would have been along the lines: why doesn't such dedicated money appear in a particular school in Florey? It doesn't show up in their books. From the answer, it sounds like they have a bucket out of which they can prioritise their spending.

MR STEFANIAK: Certainly they have money to prioritise. Might I just say on this question that this was a clear case of people going off half cocked. Initially the matter was raised because ACTION buses changed their arrangements. I think the school in question—

Mr Rugendyke: It is actually a different school.

MR STEFANIAK: I see. I thought it was Cranleigh. They had made arrangements to have another bus company take the kids to the show. That came out about a day or so into the media reporting of it.

I think people do need to check their facts. If you are asking about a different school, I am glad I have answered your question.

Mr Humphries: I ask that further questions be placed on the notice paper.

Supported Accommodation Assistance Program

MR MOORE: On 15 February I took on notice part of a question from Mr Wood which had to do with the ACT/Commonwealth supported accommodation assistance program. The SAAP4 bilateral agreement includes a requirement in relation to media protocol that announcements of significant program developments will be joint, unless declined by either the Commonwealth or the ACT minister. In accordance with the requirements of the agreement, the department has contacted the Commonwealth to seek its advice about whether it wishes to have the SAAP's funding jointly announced.

The Commonwealth's advice is that it will pursue this with the minister and advise us shortly. As there has been a change in the Commonwealth minister, the issue has been affected by the changeover. There has been a commitment that the money will be distributed to community organisations once they have been able to identify what their increased costs have been due to award implementation. As soon as the advice has been received about the formal announcement, the department will write to all SAAP-funded community organisations informing them of the available funding and also informing them of the methodology for advising of increased wage-related costs.

Mr Wood: I thank Mr Moore for that answer, and I think the needs of the organisations are greater than the media attention paid to it.

Paper

MR CORBELL: Mr Speaker, I seek leave to table a copy of a letter I referred to in my question to the Minister for Urban Services at question time today.

Leave granted.

MR CORBELL: I table the following paper:

> Belconnen Landfill Environmental Improvement Plan—Discharge of water—Copy of letter from Manager, Waste Management, Department of Urban Services to Canberra Clean Up the Bidgee, dated 30 September 1994.

Public Sector Management Act—executive contracts
Papers and statement by minister

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): For the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
> Long term contract:
> Pam Davoren, dated 19 February 2001.
> Schedule D variations:
> Olaf Moon, dated 15 February 2001.
> Garrick Calnan, dated 30 January 2001.
> Peter Wallace, dated 8 and 14 February 2001.
> Michael Ockwell, dated 5 and 8 February 2001.

Bronwen Overton-Clarke, dated 15 and 16 February 2001.
Meredith Whitten, dated 15 February 2001.

I ask for leave to make a statement in relation to the contracts.

Leave granted.

MR HUMPHRIES: Mr Speaker, I have tabled these documents in accordance with those sections referred to. Members will recall that contracts were previously tabled on 13 February. I presented today one long-term contract and six contract variations. The details of the contracts will be circulated to members. I would like to make the usual request to members to respect the personal privacy of the public servants concerned and deal sensibly with the information in each case.

Public Sector Management Amendment Bill 2000

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer): May I also correct one aspect of my presentation speech for the Public Sector Management Amendment Bill 2000, which I presented on 30 November last year. I have become aware that one element of my speech was based on incorrect information provided by my department. I would like to provide the necessary clarification for the record.

The Public Sector Management Amendment Bill proposes a new legislative framework for the handling of discipline and efficiency matters, the handling of reviews and employment related decisions in the ACT public service. The framework places the final responsibility for decision-making in those matters with agency chief executives and does not mandate a role for unions in these processes. However, the bill provides scope for union delegates and other members of staff to participate in the promotion review process as independent employees providing they act impartially. The commissioner provides a second tier of procedural review of employment-related decisions and may make relevant recommendations to the responsible chief executive.

The new framework would operate in conjunction with procedures agreed in agency certified agreements. Where certified agreements were inconsistent with the new framework, the agreements would take precedence. This is consistent with the government's view that the enterprise bargaining process is the appropriate way to deal with local industrial and organisational issues.

In my speech I indicated that the unions had proposed an alternative framework for the review of employment related decisions. This proposal involved the Commissioner for Public Administration in making final decisions at the recommendation of wide-ranging review committees which included mandatory union representation. The union had suggested that this process was consistent with processes agreed in agency certified agreements. Commenting on the union proposal in my speech, I indicated that certified agreements do not mandate union nominees on review panels and do not include the commissioner as decision maker. While this is generally the case, some certified agreements in the ACT public service do include at least elements of these arrangements.

As I have indicated, such arrangements may be appropriate given the particular circumstances of some agencies. However, the government remains of the view that the review provisions set out in the Public Sector Management Amendment Bill provide the most comprehensive and effective means of safeguarding the interests of its staff.

Government schools—cooling and heating infrastructure

Debate resumed.

MR WOOD (3.21): Once again the opposition's been Gary-ed in this debate.

Mr Corbell: Not again.

MR WOOD: Again, I am afraid. That is to say, with deference, Mr Speaker, that government members attribute to the Labor Party a position which they establish, through false argument, distortion or misrepresentation, and then proceed to attack that supposed position, which, of course, is a long way from the real position.

That is what "Gary-ed" means, Mr Speaker. This morning, Mr Stefaniak, who obviously feels some discomfort about the issue of heating at Gordon Primary School, tried to say that in some way we were responsible because we started school-based management.

Mr Stefaniak: School-based management is a good thing, Bill.

MR WOOD: I can confirm what Mr Hargreaves said earlier. He was at the workplace when it was started. I was the minister before that time, and I think if I went back upstairs and searched through my files I might find the Liberal policy for the 1995 election, which followed a very fine speech by Mrs Carnell, in which she gave great praise to handing responsibility to schools, and that included school-based management. And there was some debate at the time.

Mr Stefaniak: She was excited about it.

MR WOOD: So school-based management was very much an initiative, Mr Stefaniak, of the Liberal Party. Have you forgotten that? That is the case.

Mr Stefaniak: We're very proud of our enhanced school-based management, Bill.

MR WOOD: Well, you were trying to pass it off before. Now your view of that has changed. And things do change. There have been times in Australia, given the climate of Australia, where children have learnt their lessons in either very hot or very cold conditions. And, as an ex-teacher—and it goes back a little time, longer than I care to think about—I can confirm that.

But times change. It changes in your own household where once you grew up. I grew up in a frosty town like Toowoomba without much internal heating. I no longer tolerate that. And times change in Canberra and we have different expectations today to what we had many years ago. The entirely reasonable expectations of those people at Gordon is that they be able to work in reasonable conditions.

We have that expectation in this place right here. In my room upstairs, in all our rooms, the conditions are reasonable. I have air conditioning. We ought to be able to attend to the needs of those students, and it is simply not good enough to try to say, "Well, if the school wants it, they can pay for it."

When we were running schools, we expected that we would put in the full infrastructure for that school. We did not expect the school to pay for the heating that every school had. We would not now expect that you would build a school that is just a shed and then say to the school, "Well, it is school-based management; you provide the heating and the cooling." We would not expect that. We provide a new school with the infrastructure. The infrastructure is at a cost to the government.

Again I will say that I remember the debate, in 1995 and subsequently, about school-based management. The schools were most concerned. I remember the Labor Party put out a statement saying, "Well, if it's to go ahead, the government must provide more resources to those schools. It must not ask the schools to do more, whether with staff resources or financial resources, without giving it more money or more staff or more staff time." I remember that debate—I was part of it.

Mr Moore: They were given a lot more money.

MR WOOD: And that was eminently reasonable—that if you were going to ask the schools to do more, because they did not have vast ability to move beyond their existing expenditures, you give them something to do it with. And now to turn around and say to a school that they have to cover this from their own resources, I think, is putting aside the proper amount of responsibility that the government ought to have for its schools. I say to the minister: pay attention to the needs of those students. They deserve it.

MRS BURKE: I raise a point of clarification under standing order 47. In response to Ms Tucker's and Mr Hargreaves' comments, I was not suggesting that students should not be consulted, Ms Tucker. Students do indeed need to be consulted, but I reiterate that I did not believe that this was a suitable forum for this to occur in, due to the sort of message it sends to our young children.

Mr Hargreaves suggested that there was no alternative for parents, but I suggest that they have an alternative in leaving their children at home and not allowing them to be used as political footballs. Thank you, Mr Speaker.

MR STEFANIAK (Minister for Education and Attorney-General) (3.37): Could I speak twice because of the second amendment, Mr Speaker. Mr Hargreaves made some comments, and I thank him for one compliment, but he gave me the impression in his comments that he had not received a letter from me in relation to concerns about Charles Conder and also Gordon.

Firstly to that, might I say that the other complaint we have received in our office—and I think it was from a parent—was in relation to, I believe, Charles Conder. And that, to my knowledge, is about the only other complaint in relation to this issue we have got, apart from, of course, the ones from Gordon Primary.

For Mr Hargreaves' benefit, I in fact wrote to him twice. I wrote to him on 28 December, advising of the monitoring and some other issues. He wrote back to me on 30 January by email and I again wrote to him on 1 February. So, in fact, I have written to him twice, so he might just like to check that.

I note Mr Osborne is not moving that amazing amendment, which I think is out of order, but I would have absolutely no problem with that, Mr Speaker, and in fact I would invite Mr Osborne, Mr Berry and Ms Tucker to come down too.

To take up a couple of Mr Wood's points, I would not actually intend to impose my perhaps old-fashioned sorts of ideas and experiences on anyone here. People have said during this debate, "You work in an airconditioned office." Well, I think most of us have worked in some very difficult, trying situations in our time: Mr Wood as a teacher, and I certainly can recall some very interesting and unpleasant sorts of circumstances in a number of roles, ranging from the army to even doing a bit of part-time teaching myself—

Mr Quinlan: Luxury!

MR STEFANIAK: So I am not going to go down saying it is sheer bloody luxury, as Ted Quinlan's interjecting, because we are talking about the here and now, and we are talking about this particular issue.

I am not going to go over the points I have indicated in terms of where to from here. People already know that I will be speaking with people from the school tomorrow. I answered questions yesterday on it. But I do want to say about school-based management that it is something—despite what some of those members opposite have said, including, I think, Mr Hargreaves—that has worked very well.

When we introduced our enhanced school-based management in relation to our 1995 election promise, there were some concerns on the part of some schools, naturally enough. We set up help desks. I think the number of schools that actually needed help coming to grips with it was surprisingly few, considering the types of concerns people opposite raised. More money has gone into schools. We have put more money in. Schools have got more money through the sheer flexibility they have had in terms of running their own affairs—doing things that they would not be able to do otherwise.

I am aware of one school—North Ainslie actually; I don't think they will mind me naming them—that has actually provided classes of 25 for their early age groups already, because they have used the extra resources they have from school-based management to provide extra teaching staff. I am aware of a number of schools that use the money they get through the flexibility of school-based management to provide extra teaching staff.

Now, on Mr Wood's scenario, and Mr Berry's and perhaps Mr Osborne's, that is quite clearly something that those opposite would expect the department to do, something the schools should never have to do. But it is a question of choice for the schools. They have chosen to go down that path because of the benefits they have received from school-based management. I just reiterate that there have been several schools—and they have been mentioned in this debate—that have gone down that path in terms of airconditioning parts of their schools.

It quite clearly is simply a benefit people can get from enhanced school-based management, and the facts speak for themselves. I will not go over those figures—they are there in the public domain—but quite clearly they indicate that schools are operating school-based management very effectively. It gives them a lot more flexibility, it is a quite legitimate and proper way for education to go, and I think the results are very much there on the board in terms of the greater flexibility.

I think there is a bit of paranoia opposite about school-based management, and I do need to make those points about how effective it has been. I think the question is this—and I do feel an election coming on: say if Mr Wood or Mr Berry said, "Listen, we'll get rid of school-based management." I do not think the schools would like that. If they were asked the question, "Do you want to keep school-based management, or do you want to go back to total central control and reliance on the department only?"—

Mr Berry: You can't anticipate debate, Bill.

MR STEFANIAK: I think I know what their answer would be, and it would not be yes.

MS TUCKER: I am speaking to the second amendment. Are you happy with that, Mr Speaker, or should I seek leave to speak again?

MR SPEAKER: Yes. The first one was replaced.

Leave granted.

MS TUCKER: Thanks. It is interesting. I got a copy of a letter at lunch time, which I think is worth quoting. In fact, I might table it because it does support the points that have been raised here this morning. It is from Gordon Primary School Board, and I will read it out; I think it's important. It says:

> Gordon Primary School Board has been deeply concerned to hear reports in the media that as the school is funded over $250 000 it should be providing airconditioning for our portable buildings from this money.
>
> Our income of $275 745 has already been budgeted. Our expenses will be $274 824, leaving a balance of $921 from this money. As the minister would appreciate, it would only take a couple of attacks by vandals or similar for this amount to be eaten away.
>
> As you would be aware, the money from the Education Department is to meet the school's ongoing costs and to administer educational programs. If the school's budget were to be used to purchase airconditioning it would be at the expense of some of the educational programs we offer. I am sure the Department would agree that that would be completely unsatisfactory.
>
> The problem of cooling in portables is not a problem unique to Gordon Primary but is unique to a small number of schools.

Take note, Minister:

> None of these schools' funding has been increased to cover such expenses; we are funded at the same rate as other primary schools in the Territory.
>
> We are aware that it is a convention of your Department that capital works costing above $5 000 have been funded traditionally by the Department rather than coming from schools' budgets. We feel that the Department should be supporting the education of our children, hence we find the Minister's comments about using educational funding for cooling systems to be totally inappropriate.

I seek leave to table that letter.

Leave granted.

MS TUCKER: Thank you. I present the following paper:

> Gordon Primary School—Airconditioning for portable buildings—Copy of letter from Gordon Primary School Board to Mr Bill Stefaniak, Minister for Education, dated 26 February 2000.

It makes the point that each school is going to have a different situation, and so I repeat my concern that the government has not taken a more careful look at how it is dealing with this issue. I was interested also in the statement from Mrs Burke. I think it would be interesting for her to look at the Convention on the Rights of the Child. Children have the right to express political views just as adults have, and we should be supporting that.

MR CORBELL (3.45): Mr Speaker, I would quickly like to speak in this debate prior to Mr Berry closing it. The point I would like to make in relation to this particular issue is the one that Ms Tucker raised earlier, and that relates to the small number of schools that are affected by heat and variations in temperature in transportable classrooms.

It is true that only a small number of schools are affected by this. But it is important to make the point that these schools are predominantly in growing areas of the city where the use of transportables is adopted as a cheaper form of infrastructure provision, and, I have to say on balance, a more efficient use of infrastructure than building schools that are going to get too large and then be redundant once the population boom has eased.

That said, we are going to see an increasing use of transportables for primary schools in the new area of Gungahlin in the next number of years. Indeed, I have recently debated the issue of transportables at the Nicholls Gold Greek Junior site, and that clearly is an instance where we are going to see the school population increase by over 100 within the next 12 months if the demographic projections are correct.

So there is no doubt that this situation will not be faced just on the south side; it will also be faced on the north side, increasingly at schools in the Gungahlin area. So we need to address this issue in a more deliberate way than it has been to date, and we need to recognise that the areas where this demand is occurring, in newer suburbs, are also the areas that are often more subject to the extremes of summer and winter than established suburbs.

New suburbs do not have the same sort of tree canopy and they do not have the same sort of established landscape that older suburbs have, so the extreme summer and winter are all the more extreme, and we cannot simply say, "Well, it's a case for those schools to fund that out of their own budgets." The government needs to take a more sensitive approach to the problems faced by schools in establishing areas.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (3.48): Mr Speaker, I just want to indicate that I think there is a problem in this debate in alleging that this ought to be wholly a matter for government as opposed to wholly a matter for schools. I have certainly heard the arguments of the debate about where the line should be drawn, but I believe it is quite reasonable, particularly on the basis of what happens in other parts of Australia, to say that there are certain fundamental elements of an education which need to be supplied on a mandatory basis across the system by government, and other elements which are appropriate matters for discretion within schools.

I understand that that the argument that the heating should be provided by the government is a reasonable proposition, and I understand that that is the position the department of education has taken; that there ought to be provision for heating of all government school classrooms to ensure that during the long months of winter in this territory people have the capacity to be heated appropriately.

By the same token, I think there is also a much weaker case for saying that in the relatively shorter period of extremes of summer, bearing in mind the schools do not operate during most of the summer, there ought to be some more discretion for the school about how it will deal with those issues. We are talking about responsibility. I am a great believer in giving people responsibility and letting them make their own decisions as much as possible. Now, some schools in the ACT have encountered a situation of hot demountable classrooms and they have taken the resources available to them and they have fixed the problem. And I have not heard from any of those opposite in this debate how they will address the reality of some schools already having dealt with this problem by using their available school-based management generated funds to pay for cooling systems in their schools when now the Assembly is expecting, on the basis of the grandstanding which I suspect is only possible during an election year, the government to step in and make a decision in favour of these schools which are screaming the loudest to have cooling systems supplied for them.

I think schools are perfectly capable of assessing these priorities for themselves. And, in particular in the case of the Gordon Primary School, with the resources available to it, I see no reason why it cannot make adequate provision—

Mr Berry: They've got nothing left.

MR HUMPHRIES: Oh, Mr Berry. The school gets one of the largest discretionary grants of any school in the ACT—one of the largest.

Mr Berry: They've got $921 left.

MR HUMPHRIES: Are you saying they cannot ask for an advance from next year's payments if they wanted to? I am sure Mr Stefaniak, the minister, would be quite happy to give them an advance on next year's payment if they would like to use that to pay for airconditioning. I am sure they could do that quite comfortably if they wished to. Other schools have managed to do that with fewer resources, and I think it is a reasonable thing to consider.

It is very easy to grandstand on an issue like this in an election year. There is nothing more likely to attract the sympathetic caress of television cameras than putting your arm around children who are heat stressed or whatever, but the fact is that it does not make good educational sense to be removing the responsibility for those decisions from the schools. And, indeed, it is not a good message to other schools that have made the provision for this to find that some schools will be favoured because of the political pressure they are able to place on government. In those circumstances, I think a move such as this is regrettable.

MR BERRY (3.52): Well, Mr Speaker, I am actually pandering to that favoured call of the Liberal Party and the conservatives opposite—the level playing field. What we are going to do is make sure that the government accepts responsibility for heating and cooling infrastructure in all government schools, rather than allowing those that have a few dollars to spare being better off than others.

When Mr Humphries speaks on education, in his usual sincere way, I am reminded of his statement when he was in opposition: "I can be honest now; I am in opposition." Mr Speaker, that rings loudly in my ears. I am also reminded, as Mr Humphries speaks passionately about giving people the responsibility for their own education and those sorts of things, of his widely announced view that in an ideal world the government would not be providing schools—or in an ideal world the private sector would provide them all. You recall the statement.

Mr Humphries: No, I don't actually.

MR BERRY: I do. And then I go back and I am reminded of Mr Humphries—ever so sincere about the provision of education!—and his move to close 27 schools, which slowly diminished to 15 and so on and so on.

Mr Humphries: It was never intended to close 27 schools, Mr Berry, that's why.

MR BERRY: It was an ambit claim—27 was an ambit claim. And he was slowly ground into the dust in relation to that. With that sort of a background in education, Mr Humphries, I would not say too much.

I want to also talk about the contribution that was made by Mrs Burke in relation to some of the things that Mr Osborne and I have been involved in. I must say that I was cut to the quick by her comments about Mr Osborne and I parading in front of the media. They were extraordinarily negative comments—and, I would have to say, unloving. We were down there at the request of people who were interested in their future education and, of course, we were there as members of this place concerned about what was happening to kids in our schools. Now, it may well upset the conservatives that their political opponents were out there on the media helping their constituents one way or anther, but

"parading" I think is a cruel statement which undermines the standing that you have had previously of being a thoughtful person.

The other thing Mrs Burke said which I think needs a response was her harsh, Thatcherite comments about the use of children in this issue. The fact of the matter is that kids are as entitled to demonstrate as anybody else, and there is nothing wrong with kids exercising solidarity and demonstrating in favour of their futures.

Now, if you do not want to see kids joined together in solidarity, demonstrating—apparently successfully in this case, according to the bleating we have heard from the other side—if you do not want to see kids encouraged to perform in solidarity and to demonstrate against the people they think are their enemies, well it will be a sad day for our future, because our future is based on solidarity, whether the Thatcherite conservatives opposite want it or not.

I heard, too, that Mr Humphries said that the schools can borrow some money out of next year's allotment of funds; they can ring up the Minister for Education and borrow some money off him out of next year's. That would mean that, while they would not have to take out their initiatives that might deliver quality education in this year's budget, they would have to delete them next year. This is just a nonsense. This is an issue of principle.

I heard Mr Humphries say it is okay for the government to pick up the responsibility for heating but apparently he does not think so for cooling. He might know—or he might come to the conclusion if he thought about it a bit—that a hot classroom can be equally as dangerous to your health as a cold one, or more so in certain circumstances. So I think it is about time that there was a reality check amongst the government to take into account the quality of education that we deliver to our children. This is no more than creating a level playing field so that the government picks up its responsibility for all schools across the ACT in relation to the environment the students have to work in—no more than that. It is about providing a better outcome for kids, a better quality of environment for them to work in, and therefore a better educational outcome. I do not know why the conservatives opposite are being so miserable about this. There is no reason for it, and for the life of me I cannot work out why the Minister for Education struggles so strenuously against what is a reasonable cause.

Amendment agreed to.

Motion, as amended, agreed to.

Land (Planning and Environment) Legislation Amendment Bill 2000

Debate resumed from 29 November 2000, on motion by **Ms Tucker**:

> That this bill be agreed to in principle.

MR CORBELL (4.00): I rise today to indicate that the Labor Party will be supporting this legislation. We have considered closely the proposal that Ms Tucker has put forward in this bill, and on balance it is clear that it will provide for an improvement for those residents who are currently detrimentally affected by single-dwelling development

proposals that are currently excluded from appeal through the application of the Land (Planning and Environment) Regulations.

As we have seen the redevelopment of our city, particularly in older, more established suburbs, we have seen a trend in some circumstances towards large dwellings. Many are two-storey dwellings, or at a minimum have a single storey with a loft. We have seen buildings of exceptional size, and we have seen buildings which go outside the current provisions in the regulations in relation to setbacks on both the side and rear boundaries as well as the front boundary.

The Labor Party's understanding of this bill is that it proposes to amend the Land (Planning and Environment) Regulations to permit appeals against the redevelopment or alteration of a dwelling which results in an increase of more than 75 square metres in the gross floor area of the existing dwelling or where the building would have more than one storey or be higher than 6.5 metres.

Currently appeals are not allowed in relation to development proposals which meet these criteria. They apply only in the instance of more than one dwelling—for example, a dual occupancy or multiunit redevelopment. There has been a growing level of concern about the size and scale of redevelopment projects in existing suburbs. These proposals, which are often referred to as mansions or palaces, are significantly larger than the existing dwellings they replace or which surround them. They can have setbacks of less than 6.5 metres from the front boundary, less than three metres from any rear boundary and less than 1.5 metres from any side boundary. They can have more than one storey, and they can have a single storey which is higher than 6.5 metres.

These sorts of redevelopment proposals are causing a level of concern, for many longer term residents particularly, in suburbs such as Turner, O'Connor, Ainslie and Yarralumla, to name just a few. These sorts of developments are frequently considered to be considerably out of context with the existing pattern of development and can cause severe overshadowing and loss of privacy for adjacent residents, often residents who have been there for a considerable time.

Concerns have been raised about this legislation, as I understand it, by a number of industry organisations, including the Master Builders Association. The representations made to me by the MBA indicated that they believed it would result in all renovation projects and redevelopment projects to single dwellings being up for appeal. That is patently not the case.

Schedule 4 of the land act regulations outlines the provisions relating to side setbacks and storey levels as well as gross floor area for single dwellings. Schedule 7 outlines that those types of dwellings that meet the criteria in schedule 4 are exempt from appeal. Those types of proposals will still be exempt from appeal if this bill is passed today. So I do not accept the argument that all renovation projects and all development projects which involve single dwellings will be subject to appeal. On my reading of the act and the regulations, that is patently not the case.

Subject to appeal will be developments which go outside the provisions that are outlined in schedule 4. Where a dwelling does not meet the requirement for a 6.5-metre front setback, where it does not meet the requirement for an increase of no greater than

75 square metres in the gross floor area, where it does not meet the requirement that it will have only one storey, then it will be subject to appeal.

As we look at the context in which redevelopment in existing suburbs is occurring, it is important that we protect the rights of existing residents in those suburbs. I am particularly concerned, as a member who represents an area of Canberra which has almost all of Canberra's older suburbs in it, that older residents in those suburbs have the opportunity to protect their suburb from redevelopment which is completely out of context and character with the suburb as it has developed to date.

This is not to say that we should simply keep little weatherboard cottages on very large blocks in suburbs like Yarralumla, O'Connor or Ainslie. Clearly there is scope for better utilisation of that land, and clearly many existing residents in those suburbs have taken advantage of that opportunity to extend or renovate their existing dwellings. But we should not permit, without the opportunity for appeal or objection, developments which are grossly out of context with surrounding patterns of residential development. We need some sort of safeguard, particularly for older residents, so that they can have their views heard and taken into account by the independent Commissioner for Land and Planning in addressing objections to those particular types of redevelopment or development.

That is the rationale behind the Labor Party's support for this bill today. It is a bill which we believe is justified in the context of the considerable community concern which exists in relation to the scale of these developments. We believe that it will not have the adverse impact claimed by some in relation to the broader range of redevelopment and renovation activity that occurs in our established suburbs. It is a bill which is worth the support of this place, and I would urge other members to support it.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (4.08): The government will oppose the bill. We believe that the balance we currently have in notification and appeals rights is suitable. We believe it is adequate and addresses some of the needs Mr Corbell outlined. It must be about a balance. You want a balanced approach to this issue.

The amendments to the act and the regulations in 1997 gave effect to a range of initiatives aimed at reducing unnecessary red tape and, in consequence of that, exposure to review in the AAT because it was not felt to be necessary. Many of the amendments then received bilateral support. In fact, no motion for disallowance of the amending regulations was put.

Following the 1997 amendments, Ms Tucker succeeded in having the standing provisions in the land act lowered by removing the requirement that a person have an interest that is substantially and adversely affected. At that time she also attempted to restore third-party appeals against single residential development but did not succeed.

Nearly all single-storey, single-dwelling development is exempted from notification. If notifiable at all, that development is only notifiable to the neighbouring lessees. It is entirely inappropriate, therefore, to provide for third-party appeals against a development that is not notifiable. If appealable at all, the development should be appealable only if it is required to be notified. However, the bill continues the exemption of a range of single-

dwelling developments from any notification at all. There is no notification, but you can appeal everything. We think that is inconsistent and not desirable.

At present PALM deals with about 4,000 single-dwelling-related applications a year and many times that number of other development applications. Preparing and attending applicant and third-party appeals involves a significant amount of time and effort by the staff. Exposing all single-dwelling applications to third-party appeal would raise the level of appeals beyond PALM's capacity. We do not believe it to be necessary. The mechanisms in schedule 4 provide the level of protection that is required.

It is acknowledged that on occasion single-dwelling development is approved in somewhat controversial circumstances, probably not unlike any other development. However, it is the most codified form of development in the Territory Plan, which sets out detailed requirements for residential development. You only have to go to schedule 4, which details many of the requirements. If the requirements in schedule 4 are met, I do not see a need for what is proposed here It is unrealistic to expect that exposing single residential development to third-party appeals will remove the possibility of appeals that are unpopular with some residents.

The Samson review undertaken for PALM during 1999 by the University of Technology, Sydney, noted that the relatively high level of exposure of simple development applications to detailed process and to public scrutiny and to legal challenge. Clearly the rights of owners and their neighbours must be balanced. However, there is little merit in introducing changes that simply add not only to the complexity but also the expense while subjecting the rights of the owners to use their property to potential challenge by an unidentifiable range of options. It simply goes too far.

The independent role of the commissioner has added support to the underlying intentions of the assessment system. Proposals are approved only after due consideration by the officers of PALM of all known interests in the matter. Furthermore, the government's commitment to quality and sustainability is manifest in PALM's current reforms through the introduction ACTCode 2, which revises residential assessment processes, and the recent introduction of guidelines for assessment proposals in accordance with the criteria of quality design and sustainability. It is through those reforms and not through the strangulation of the decision-making process that the standard of development in this city will be significantly raised.

It is appropriate that there be scrutiny where it is necessary. We do not believe that in single residential development it is necessary. We believe that what is contained in the schedules, as it is processed through the officers of PALM, leads to a reasonable process that allows people protection and the ability to use their property as they see fit.

This is an issue that was decided back in 1997. We believe that what was achieved then has worked well, and we believe that the last four years show that the levels are appropriate. They are balanced. They are achieving outcomes that are being strengthened by the initiatives of the government through ACTCode 2 and insistence of high-quality and sustainable design.

We are against extending the appeal rights, particularly for items that have never been notified. To make it carte blanche, to make it available to all, is a ridiculous extension. It will put on the officers in PALM a burden that is not needed and is unwarranted. We will oppose the bill.

MS TUCKER (4.15), in reply: I need to clarify something Mr Smyth said. He has misunderstood our bill. As a simple explanation, let me say that the regulations currently provide a range of exemptions to the requirements of the land act for public notification and third-party appeals rights against development applications. In the case of development applications for single houses, many houses can be approved without any public notification, provided they comply with a number of conditions listed in schedule 4 of the regulations—for example, that they have a six-metre set-back from the front boundary or that they be only one storey. If the house does not meet those conditions, then the neighbours have to be notified and comment sought.

Under schedule 7 of the regulations appeal rights for single houses are specifically excluded. Clause 5 of my bill simply deletes this exclusion, with the result that house applications that are notified—and Mr Smyth is wrong to say that I am saying any house, whether it is notified or not—is going to be now appealable.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! Mr Berry. I would ask you to observe standing order 41, please.

Mr Berry: Remind me.

MR TEMPORARY DEPUTY SPEAKER: You should not pass between someone speaking and the chair.

Mr Berry: I respectfully apologise.

MR TEMPORARY DEPUTY SPEAKER: Thank you, sir.

MS TUCKER: How could you interrupt in the middle of that? You were not listening, obviously. The important point here is that this legislation is quite clearly not about houses that are not able to be notified. Mr Smyth is wrong in that. It is a very important point, because it shows that this bill is quite reasonable.

Clause 5 in my bill simply deletes the exclusion, with the result that house applications that are notified to neighbours will be able to be appealed against. House applications that are currently not publicly notified are not affected by this bill.

Mr Smyth said that there have been a few problems but mostly the current legislation is working well. I am sorry, that is not the impression I and other members are getting from the community. Very large houses are being built on blocks in a way that has quite a negative impact on neighbours. That is why we have brought this legislation to the Assembly. It is a reasonable approach to ensuring the balance Mr Smyth claims he is interested in.

MR OSBORNE: I seek leave to speak.

Leave granted.

MR OSBORNE: I thank members. I was not going to speak in the debate, but I am feeling overly sensitive to some of the comments made by certain people about my not speaking sometimes. Sometimes I just listen to the debate.

Ms Tucker: Don't take it seriously.

MR OSBORNE: I was hurt.

MR TEMPORARY DEPUTY SPEAKER: Order! Mr Osborne, you will address your remarks to the chair.

MR OSBORNE: I will be supporting Ms Tucker on this issue. I have listened to the debate, and I have obviously been dragged kicking and screaming once again into a planning matter in the Assembly. I think the bill is quite reasonable. When things like this come up, I am very careful not to be too extremist, but I think that on balance it is a fair argument that Ms Tucker puts up and one that I think is worthy of support.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 8		Noes 9	
Mr Berry	Mr Stanhope	Mrs Burke	Mr Moore
Mr Corbell	Ms Tucker	Mr Cornwell	Mr Rugendyke
Mr Hargreaves	Mr Wood	Mr Hird	Mr Smyth
Mr Osborne		Mr Humphries	Mr Stefaniak
Mr Quinlan		Mr Kaine	

Question so resolved in the negative.

Workers compensation premium

MR OSBORNE (4.24): Mr Temporary Deputy Speaker, I seek leave to move the motion circulated in my name relating to the workers compensation levy payable by group training companies.

Leave granted.

MR OSBORNE: I thank members. I move:

> That the Government set a maximum rate of 15 percent as the workers' compensation premium payable by Group Training Companies.

As members are aware, group training companies such as the Construction Industry Training and Employment Association, CITEA, are non-profit organisations that train and employ entry-level apprentices and trainees. CITEA employs about 130 such young people each year.

The workers compensation premium for these trainees is set by insurance companies as a percentage of CITEA's payroll. Since 1998 this premium has steadily increased with each passing year. The increases are: 1998, 10.2 per cent; 1999, 12.4 per cent; 2000, 22 per cent; and 2001, 25 per cent. CITEA's workers compensation policy for 2001 required renewing as at 1 February 2001. Based on a payroll of $2.5 million, a total account of $550,000 is to be paid up-front by today.

As a non-profit association, CITEA is obviously finding it extremely difficult to pay this amount. Current inquiries by CITEA regarding a loan indicate a market rate of 8 to 10 per cent. This is an untenable situation for CITEA as it would require its current host employer charge out rate to be increased by a minimum of 8 per cent. Host employers would not accept this increase in the current economic climate as some are struggling with their GST payments et cetera and would return the apprentice trainees to CITEA.

Faced with making such a large payment, CITEA has a number of options to consider. Firstly, it could obtain an interest-free loan over a period of 18 months or more. To date, no such loan has been found to help alleviate the problem. A second option would be for CITEA to terminate the training contracts of a number of apprentices and trainees. Obviously, this option would only be considered as a last resort. However, it is a real option. The search for a more acceptable option has led to the drafting of this motion. If passed, CITEA would not only be able to continue training all of its current apprentices/trainees, but would be able to engage about 20 more.

The main reason given for such a high premium and premium increases is that the apprentices are more likely than experienced workers to have an accident in the workplace and thus need a larger than usual pool of funds from which to draw compensation payments. I heard comment this morning that an amount of outstanding claims is still being processed and the premiums need to be high in order to cover them. My understanding is that when a worker is injured and a claim is likely, the insurance company immediately makes some kind of quick assessment and attaches a dollar figure to it. That figure is accrued in subsequent years until the value of the claim is made and compensation is paid out.

My advice, Mr Temporary Deputy Speaker, is that in most cases the value that the insurance companies initially comes up with greatly exceeds the amount that is actually paid out. This means that the stated figures from insurance companies about accrued claims need to be taken with a grain of salt.

Another comment I have heard today is that CITEA would be unable to obtain insurance at a maximum rate of 15 per cent. I am not an expert on the act, but my understanding is that the insurance companies operating in the ACT are unable to refuse an application to write a workers compensation policy if they are requested to do so. If the government caps the rate of premium at 15 per cent, then that is the rate. Of course, all insurance companies could pack up and leave town, but that is most unlikely. Workers compensation policies in the territory are worth about $5 million in premiums each year.

It is hardly likely that, because of this motion, they will jeopardise the hundreds of millions of dollars of premiums they earn each year from other types of insurance.

The accident rate for CITEA's apprentices was high in its early years but, with better work practices and improved rehabilitation procedures, in recent years that record has been very good, and I believe that a 25 per cent premium is excessive. During the last calendar year, CITEA paid $415,000 in premiums, and about $20,000 was paid out in compensation. I think in no year has the amount paid out exceeded more than $45,000.

My investigations show that a more equitable premium rate would be about 15 per cent. This rate would provide adequate funds for compensation, provide stability in charge-out rates to host employers, and allow CITEA to engage about 20 new apprentices this year. Mr Temporary Deputy Speaker, I have been referring to CITEA but I believe that what I have been saying would also apply to a number of other group training schemes.

I am a big supporter of apprenticeships and that has forced me to move this motion. I believe they are the best way for our young people to learn a trade. I would like to see the number of apprentices trained each year greatly increased.

It is of great concern to me that CITEA, MBA and the other group training schemes are being forced to consider laying apprentices off due to the ever-rising cost of workers compensation. Workers compensation is an obvious cost of employment, but it should not hinder employment, as is the case for group training schemes. I believe that my motion provides an immediate solution and I commend it to members and the Assembly.

MR KAINE (4.29): Mr Temporary Deputy Speaker, I must say that this motion causes me somewhat of a dilemma. I knew nothing of it until a few minutes ago when Mr Osborne came in and sought leave to move it. He reeled off some statistics, which he may have information about but I certainly do not. I think it is unprecedented for such a motion to be put before this house and for us to be asked to vote upon it immediately. There may be a crisis in the industry—I do not know; I have not had a chance to find out.

I believe that it would highly improper of me to vote for this motion. First of all, it is a matter of principle. I do not know whether it is a good thing for the minister or the government to be intruding into the insurance business and setting maximums or caps, or anything else. Secondly, I am concerned about the quantum. Mr Osborne expects me to take at face value that 15 per cent is a fair figure for a premium, but on what basis has he determined this percentage?

Mr Temporary Deputy Speaker, if I were asked to vote on the motion now I would have to say I would vote against it because, in principle, I do not think we should be asked to deal with such a matter at such short notice and on such scant information as Mr Osborne has put before us. I think he needs to be on notice that if he asks me to vote for it this afternoon, I am going to vote against it.

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

Yarralumla oval—installation of training lights

MR CORBELL (4.31): Mr Temporary Deputy Speaker, I move:

> That this Assembly requests the Minister for Sport and Recreation to reconsider his decision to proceed with the installation of training lights on the Yarralumla oval.

I have moved this motion today because of the considerable concern of residents in an area of Yarralumla immediately surrounding the Yarralumla oval in relation to the government's proposal to install training lights at Yarralumla oval. I have moved the motion not out of any lack of concern for the provision of appropriate training facilities for soccer in the ACT, nor do I do it simply in response to some concerns raised by particular individuals. It is a broader question of whether we should be proceeding with this type of development close to residential areas in the ACT.

As our city continues to grow and as this current government continues with its policy of urban consolidation—that is, more and more dwellings in existing residential areas—pressure on areas of urban open space, including ovals and playing fields, will become more and more intense, and there will be greater and greater demand for the use of these spaces as redevelopment and regeneration occurs within our established suburbs. As that demand grows, there will be, of course, the demand that we see now in relation to training lights so that Yarralumla oval can be utilised in the darker hours.

Mr Temporary Deputy Speaker, in principle this is not a bad response, but in practice it raises a number of serious concerns. The first is that this proposal is inappropriate for this particular location. Yarralumla oval has a number of dwellings, a number of homes, which abut immediately onto the oval space. There is no separating buffer zone or green space, and nor is there any separating area of even a roadway on part of the oval site.

Residences that immediately face onto the oval are having problems with the increased use of that oval. I had drawn to my attention just recently concerns about soccer balls landing in the gardens of people immediately abutting onto the Yarralumla Oval, and some conflict has resulted. That in itself should be properly managed, but when you have training lights on the oval at night you are going to face a situation of considerable glare coming into the homes of people who immediately abut onto the oval. In winter, with the loss of the leaf canopy from deciduous trees that ring part of the oval, those lights will shine into the windows of homes just across the road from the oval.

I think the government needs to think again about putting up training lights at local ovals like this. It is certainly appropriate to have training lights at district playing fields or at other specifically dedicated sports grounds which are designed for this purpose, but local ovals have lower intensity use and really should be addressed as such.

I believe that the provision of lighting for training will eventually lead to demands for a higher level of lighting beyond that required for training—perhaps lighting for some junior games. Rather than just training lights we will have lights for games, and I do not think we should support that sort of imposition on what is very much a residential area.

The Bureau of Sport and Recreation has lodged an application for the installation of these lights. There were objections. The application went to the independent Commissioner for Land and Planning and the commissioner has made a decision approving the development. There is no doubt about that; that has occurred.

Through this motion I want to encourage the minister to think again, not so much just about the specifics of this case but about the broader implications it has for other local neighbourhood ovals like the Yarralumla one where there is housing very close to the playing area. We will see increasing demand for the use of these ovals and we will see an increasing clash between neighbourhood amenity and the amenity available to organisations and sporting groups that use the ovals. We need to have an appropriate balance. I believe that in this instance the balance is not there, and we will see a significant reduction in the residential amenity of residents immediately adjacent to the Yarralumla oval.

For that reason, I have moved this motion today, asking the minister to reconsider his decision. It is not a direction and I do not believe that would be appropriate. But I do believe it is appropriate that the minister be asked to seriously reconsider his decision to place training lights on this oval. I think it will have considerable impact on residential amenity and it will have longer term implications in relation to the residential amenity not just of this suburb—if, as I say, there is pressure down the track for a higher lux of lighting—but also for other neighbourhood ovals that perhaps will become targets for this sort of development as pressure continues for their use into the night hours. I urge members to support this motion.

MR STEFANIAK (Minister for Education and Attorney-General) (4.38): I would urge members not to vote for the motion. This matter has gone through the proper process. Certainly, I am well aware of the concerns of some residents as well as the concerns of some members to whom they might have written.

Mr Temporary Deputy Speaker, every winter there are thousands of juniors playing field sports. Training sessions are required to develop their skills. I suppose space is a factor in the territory. We do have a finite amount of space and we do have training lights on quite a large number of ovals in the ACT. In fact, I think I saw a figure of about 33 neighbourhood ovals—as Mr Corbell, I think fairly correctly, calls them—throughout the ACT.

Increasingly, training times are affected by things such as the work commitments of coaches and the fact that so many teams are playing sport, which is very good and very commendable. We want our young people to be healthy, to engage in healthy pursuits and to get out there and play a constructive sport. This sort of participation is particularly handy in addressing some social ills that affect our community. Obviously, the more kids play sport the less likely it is that they will get into trouble. There are a lot of other benefits, including the health benefits. So I think everyone in this house would want to encourage young people to play a good healthy sport if at all possible.

Suburban sports grounds are designed and constructed to respond to local demands for convenient access to sporting facilities. Increasing demands were identified back in 1999 by the Canberra Deakin Soccer Club, as it is now called. In that year their junior numbers reached about 170 and there were inadequate space and time slots to allow

effective training on their existing ground. I am advised that last year the numbers were up to about 240.

The Bureau of Sport and Recreation responded by looking at the club's request for three full-sized soccer fields, with two to be lit for training. They looked around the Deakin and Yarralumla area, and the only field which was suitable was Yarralumla oval. It is the only oval in the area with sufficient space and with no existing commitments to other sports.

I think Mr Corbell is well aware of the situation. He recently saw me in relation to assisting the Gungahlin Soccer Club with its training requirements. I am well aware of the requirements of the club. We are looking at putting up lights on the school oval and considering a few other options to cater for the legitimate needs of that soccer club in the north of Canberra—needs which, again, have been brought about because of the burgeoning increase in the number of junior players.

Mr Temporary Deputy Speaker, it is very rare for me to receive objections to training lights. I think some concerns were expressed by several people in Downer back in 1997, and this is the only other occasion that I have ever heard of any concerns.

The installation of lights at Yarralumla oval will enable Canberra Deakin Club to provide much more effective training facilities for its junior teams to enable the players to progress through the ranks, hopefully to senior level.

As Mr Corbell indicated, the bureau followed all the usual processes required by Planning and Land Management in applying for approval to erect the lights at Yarralumla oval, and I think it is relevant to go through this. Similar installations have been carried out at over 30 grounds across the city—again, as I said, with virtually no complaints, except for one in Downer. Several of those other sites have lighting very close to housing, and this is a major reason why the design uses the 22-metre columns which allows lights to be focused down onto the playing surface, minimising spill.

Examples of other installations close to houses include ovals at locations such as Kingston, Hughes, Rivett and Waramanga playing fields. In the non-government area, the lights installed by the Ainslie Football Club at Ainslie oval—they are of match standard and are considerably brighter than normal training installations—closely adjoin housing. These match lights are also used for training.

The lights that we are talking about at Yarralumla oval are not match lights. They are specifically for training and are required to be turned off at 9 o'clock on weeknights and there is no use on weekends—a series of steps that have to be taken to ensure that any inconvenience to residents is minimised.

Mr Temporary Deputy Speaker, I lived for nearly 15 years directly opposite Rivett oval and I remember the old lights that were used. I knew where the fuse box was and on occasions I would turn the lights off if people left them on. The spill from those old lights was not too good. The new lights were put up possibly by the former Labor government in the early 90s when I was still at Rivett and certainly they are much more efficient.

In fact, those lights were being used in 1993 in my last year at Rivett when I was coaching Royals fourth grade. Certainly, they had a lot less spill than the old lights used to have and they were regulated to go off by 9 o'clock. There were no complaints about the lights even though they would have been about 30 metres from my place and 20 to 30 metres from the houses on the southern side of the oval which looked directly out into them, and there was not much tree cover.

At Yarralumla the nearest residence to a lighting column will be about 80 metres away, and there is dense screen planting and trees separating them. Distances increase markedly after that. So the closest residence is about 80 metres away, and there are some very large trees around there. I am familiar with the oval. I was aware that this motion was on the table so about a week ago I went out to the oval in order to refresh my memory. Some of the trees lose their leaves in winter but they are very large and about 80 metres away.

As Mr Corbell quite correctly says, Planning and Land Management were involved and approved this. Following the receipt of objections, Planning and Land Management referred the application to the Commissioner for Land and Planning, who sought detailed background on the lighting design, the light spill, the ground usage, the times of operation and so on. Computer modelling has shown that light spill is very minor and that it is in compliance with Australian Standard 4282 for obtrusive light. The commissioner examined the information supplied and found that it adequately addressed all objections and that it met all relevant provision of the Territory Plan.

The specific objectives of the Territory Plan for areas classified as urban open space, against which the proposal was assessed, were: firstly, providing appropriate quality and quantity of open space to contribute towards meeting the recreational and social needs of the community; secondly, providing for a range of outdoor passive and active recreational activities in a variety of settings which serve the needs of the community, are accessible to the public and are conveniently located for potential users; thirdly, providing for compatible uses which are appropriate in nature and scale with the surrounding open space such as park maintenance depots and small-scale social community facilities; and fourthly, ensuring that the development does not unacceptably affect the landscape or scenic quality of the area, adequacy of open space for other purposes, access to open space or amenity of adjoining residents.

The commissioner found, on all the evidence before him, that it did not, therefore, warrant a refusal. He recommended approval of the installation, subject to those conditions. Those conditions related primarily to hours of operation, which he stipulated as being Monday to Friday, with completion by 9 pm, again to protect the amenity of nearby residents. Those conditions aligned with the normal practice at every other ACT sportsground of a similar type.

Mr Temporary Deputy Speaker, had there not been that level of detail and scrutiny, and maybe had we been a bit back in the process, we could well have taken a step back and had another look. But in all circumstances it has gone through all the hoops. It has been properly assessed by the Commissioner for Land and Planning—and I do not think anyone is suggesting that is not the case—who has looked at it in detail and imposed relevant and responsible conditions on the operation.

We need to take into consideration that the lights, which are to be erected on four columns, are of a type that is normally used right across town and is designed to minimise spill. Also, the lights are to be placed on a very mature oval which has very mature trees. The lights probably will not even stand out once they are up because, from my knowledge, the poles are not particularly wide. Everything has been gone through.

Quite clearly, I think it is very socially desirable to encourage junior sport, especially in this town. We do not have a plethora of ovals. Whilst we are probably far better serviced than most other parts of the country due to the nature of our population, there is a need to ensure that we adequately provide for kids who want to play sport, and I think soccer—I gave the example of Gungahlin Soccer Club—is the main sport where this is happening.

Getting kids involved in healthy physical outdoor activity such as junior soccer is an admirable thing which I think all of us would agree with. I would certainly hate to see a number of young people denied the opportunity to undertake that activity simply because of some objections being raised, and especially when, through an independent process, all the proper steps have been taken. All the i's have been dotted, all the t's have been crossed in this process and there does not appear to be anything left out in terms of a proper and reasonable consideration of all the circumstances, including the objections of those people who obviously contacted Mr Corbell—some have contacted me, too—and on whose behalf no doubt he brings this motion.

So I would submit to members that there is no real need to take the action suggested by Mr Corbell. I think the matter should proceed. It has been through all the relevant checks and hoops. There is no real reason at this stage for further consideration because I think the process has certainly been followed in this matter.

MS TUCKER (4.48): From similar lighting installations at other sports ovals, we are aware that flood lighting does have impacts on adjacent residents through glare and increased traffic and noise at night. However, I have some reservations about this motion as I accept that there is a demand for sporting activity to take place at night and, indeed, as Mr Stefaniak said, there is a public health benefit from having more people involved in sport.

Many other ovals around Canberra are already floodlit—I understand that some 30 other ovals around Canberra are floodlit in the same way as it is proposed to light this oval. It would be unfair to other residents to stop lights being installed at Yarralumla oval without reviewing all ovals that are floodlit and seeing whether this proposal is worse than other floodlit ovals.

I am, however, particularly keen to reduce the light pollution that occurs from these types of installations. Members may recall that during the last Assembly a committee inquiry into light pollution initiated by the Greens found that there was a problem with the inefficiency of Canberra's outdoor lighting. The committee recommended that high-quality, down-only lighting be installed at all new sportsgrounds, with the objective of achieving "best practice" lighting and reduced light impacts on surrounding areas.

I am prepared to support this motion on the basis that it is calling for a review of this decision. I would like to have more information about the proposal and why it is necessary. In particular, I would like to know the details of the lighting proposed and what efforts have been taken to reduce light spill. From memory, the report of the last Assembly was unanimous and I would expect the government also to be supportive of the need to reduce light pollution.

If members recall the arguments, we have a very successful astronomy industry in this city. In fact, it is becoming quite unique. There are not many cities left where tourists can access a good night sky and, of course, the work carried out by astronomers is very important for science. There was an agreement in the last Assembly that the issue of light pollution is quite serious. There is, of course, the other question of the inefficient use of energy, which has implications for greenhouse.

I would also like to know about the future plans for this oval. While it may only be proposed to have junior teams playing there, once these lights are in place there will be a natural temptation for sporting clubs to want to use the facilities more intensively. There also appear to be links between this proposal and the redevelopment of the Deakin soccer oval, which I would like clarified. I wonder if this is a further concession being given to Canberra Deakin Soccer Club so that they can focus the use of their Deakin oval on senior competitions. I wonder if this is just a transfer to Yarralumla residents of the negative impacts of soccer activities that Deakin residents currently experience.

I would also like to know how seriously alternative locations further away from residents, such as the Mint oval and the forestry school oval, were considered. Even if these ovals are used by other sports, there may still be scope to share the use of them.

If the government can demonstrate that there is no alternative, I would be prepared to look at it. But at this stage I would like the government to do more work in justifying the proposal.

MR CORBELL (4.52),in reply: In closing, I would urge members who have not participated in the debate to support this motion. I think the points made by Ms Tucker only reiterate the concerns that I have in raising this motion.

I would like to clarify again that this is not about denying members of sporting organisations—the Canberra Deakin Soccer Club or, indeed, any other sporting organisation—the training facilities they need. It is about taking due cognisance of the issues associated with the impact of lighting so close to a residential area and the implications not just in the immediate term but down the track.

I must dispute the minister’s figure of the lights being 80 metres to the nearest residence. That is certainly not my estimate of the position of a number of residences that are located right on the lease boundary of the oval. That may be the case for houses across the street but it is certainly not the case for the houses which immediately abut onto the oval grounds and which will have the lighting immediately facing them, albeit from across the other side of the oval.

I do not believe that those sorts of issues have been properly taken account of. Regardless of the process that the minister outlined, I think there are longer term implications for proposed lighting on residential or neighbourhood ovals which are located very close to homes. I think the minister needs to look again at the proposal.

Question put:

> That **Mr Corbell's** motion be agreed to.

The Assembly voted—

Ayes 8		Noes 9	
Mr Berry	Mr Stanhope	Mrs Burke	Mr Moore
Mr Corbell	Ms Tucker	Mr Cornwell	Mr Osborne
Mr Hargreaves	Mr Wood	Mr Hird	Mr Smyth
Mr Quinlan		Mr Humphries	Mr Stefaniak
Mr Rugendyke		Mr Kaine	

Question so resolved in the negative.

Payroll advertising—Australian Nursing Federation

MR BERRY (4.59): I move:

> That this Assembly rejects the decision of the Government to refuse the payroll advertising proposed by the Australian Nursing Federation.

Mr Temporary Deputy Speaker, it should not be necessary to move this sort of motion. I submit that it would not be necessary to do so if it were not for the philosophical attitude of the government towards the union movement in the ACT. The need for this motion has arisen because of the government's sponsorship of advertising on pay cheques that are circulated throughout the ACT government workforce.

A range of conditions are applicable to non-government advertising in ACT government publications.

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

MR BERRY: Mr Temporary Deputy Speaker, the conditions are as follows:

> 1. Potential non government advertisers, their products and their advertising material will be carefully vetted to ensure that the material is appropriate and there is no conflict with:
> Government policies, programs or activities;
> the Public Sector Management Act 1994, Financial Management Act 1996 or other relevant legislation eg EEO or anti-discrimination;

That is fair enough, Mr Temporary Deputy Speaker. The document from which I am quoting continues:

> 2. All advertising of material must be approved by the Manager, Publishing & Shopfront Services prior to its acceptance. Copy may be rejected without reasons being given.

That is one area one would not necessarily agree with. The list continues:

> The ACT government will not be liable for any penalty if copy is not accepted—

and one accepts that—

> 3. No political advertising of any sort will be accepted—

we can cop that; that seems reasonable enough—

> 4. The following disclaimer must be included in all non ACT Government advertising: "The ACT Government does not necessarily endorse the products or services advertised"—

there is no problem with that—

> 5. In securing advertising the ACT Government will endeavour to treat all potential advertisers equally, providing all areas of the market the opportunity to access the facility.

That is fair enough. The last point is:

> 6. Non Government advertising must be related to staff's employment and/or remuneration, including benefits for staff utilising specific services/products.

The Australian Nursing Federation wrote to the government requesting the inclusion of an advertisement in the pay slips which are sent to nurses. The advertisement went something like this: "The Australian Nursing Federation ACT Branch vigorously represents ACT nurses on industrial relations issues. All non-union nurses are encouraged to contact ANF office"—it gives the phone number—"for details on joining your union or, alternatively, making a contribution to our campaign".

That is a pretty reasonable sort of request—the sort of request that you might hear from any range of people on a range of issues if they are encouraging membership or encouraging some sort of business enterprise. It is quite a reasonable approach.

Mr Temporary Deputy Speaker, following that letter being sent there was a response from the chief executive, which reads—and I am prepared to table all of this material:

> I understand you have made enquiries about inserting a message in ACT Public Service pay advice slips and that you have briefly discussed this issue with … Director of Public Sector Management Group.
>
> As you are now aware, there are guidelines setting out the approach—

I have read them to the Assembly—

> that the ACT Government takes to advertising on this internal Government publication. These guidelines advise that potential non government advertisers; their products and their advertising material will be carefully vetted to ensure that the material is appropriate and there is no conflict with Government policies, programs or activities.
>
> At this time, and because of the contentious—

and this is the point that I think we need to focus on—

> position the Australian Nurses Federation has taken in relation to the current Government pay offer I do not believe it would be appropriate for me to agree to the message you have proposed.

So the government is saying, "If you don't agree with us you don't get a fair go." It is as clear as that. When I go to the list of conditions I cannot see one that says, "Must agree with Mr Moore, must not upset the government." None of those conditions are included. "Must not be a unionist, a union member"—none of those conditions are set out in the list. But, reading between the lines, that is exactly what the chief executive was saying when he wrote to the union rejecting their proposition to put advertising in these publications.

Mr Temporary Deputy Speaker, this is a quite outrageous position. Let me read some of the advertisements that appear on public service pay slips. One reads, "Do you suffer from headaches, stiff necks, sore arms?" It goes on to say, "Massage can help." You can join Community Aid Abroad. There is a men mentoring men program on Triple M. Another says, "Thinking about buying a house or investment property—which bank? Commonwealth Bank loan packages for ACT government employees are now available." We are told that "commemorative birth certificates are now available from the registrar".

There is one for leasing and business finance and "the solutions for you". Another tells us that "some women are born leaders—liberate your leadership skills". There are advertisements relating to Rostrum, the Snowy scheme, SouthCare, the 2001 Woman of the Year Award, Penguin News, and quality, self-contained apartments and townhouses at Merimbula. This is a quite comprehensive list of where the government has been quite open to advertisers when it comes to advertising on the pay slips of ACT government workers.

But when a union makes an application, particularly a union which has been negative towards the government in relation to a pay offer, the government decides, "No, because of the contentious position the Australian Nursing Federation has taken in relation to the current government pay offer, I do not believe it would be appropriate for us to agree." It is all right for Mr Moore to adopt the Peter Reith dogma, howling at the trade union movement, accusing them of being undemocratic and misrepresenting the issues which are concerning unions. Mr Moore did not go into all of the details of the dispute with the unions because his case starts to fall apart very quickly when you do that.

If the government wants to reject the nurses union proposition it would have to include in one of the conditions the words "You must get along with Mr Moore, and if you don't get along with Mr Moore we are not going to put your advertising on the pay slips". This is a ridiculous situation. It seems to me extraordinary that we have arrived at a situation where advertising which merely advertises the existence of the Australian Nursing Federation, what they do and how you can contact them to join or contribute to their campaign, does not qualify, yet everything else qualifies, including the advertising of some quality units down the coast. It is an incredible situation that the government is so locked into its dogma on unions that it would automatically refuse this sort of proposition.

Mr Temporary Deputy Speaker, I said at the outset this is a motion that should not have come to this Assembly. If the government had been reasonable in the first place, advertising by the Australian Nursing Federation would have been accepted without a murmur and we would not have been addressing the issue today. But the union has been discriminated against because it is a union and therefore we have to take up those issues.

The Australian Nursing Federation has attempted to place an advertisement in public service pay packets. There would have been no difficulty if it had not been a union. If someone says, "We are so and so car yard and we are selling motor cars—if you want to contact us and buy a car, here is our phone number," such an advertisement would be automatically accepted. But it is not a political organisation. It is an organisation interested in workplace affairs in the interests of its members. It is merely trying to advertise to its members through the routinely available advertising media provided by the government at a specified cost.

This motion should be supported for no other reason than on the grounds of fair play. The fact that it is a union that made the application should not even have been considered. There is no way that a union should be discriminated against in this way. The government has taken a clear position not because it has made a declaration against unions or because of some mysterious condition in the guidelines but because of the contentious position that the Australian Nursing Federation has taken. If the Australian Nursing Federation had agreed with the government and was singing its praises then we would have to deduce that the federation would be allowed to advertise. But the federation does not agree with the government and it has taken a contentious position, which means that it does not agree with Mr Moore. This is an extraordinary situation and I commend the motion to the Assembly.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (5.11): Mr Speaker, it does seem to me a little extraordinary that we are standing here today debating what goes on the bottom of ACT government pay slips. I would have thought that there were more important issues that the ACT taxpayer might have expected us to be dealing with today. But apparently this is not the case. Apparently the state of our health system, the quality of our roads and our employment programs are less important than what goes on the bottom of the pay slips, and whether the nurses federation can advertise there.

Mr Berry: No, it is who is allowed to advertise and who is not?

MR HUMPHRIES: Mr Speaker, I heard Mr Berry in silence and I would ask that the same courtesy be extended to me.

I listened very carefully to Mr Berry's arguments about this matter. Let me make one comment first of all. Mr Berry's remarks were full of accusation that the government had been laden with dogma, that it was taking an ideological position in opposition to nurses and to unions, that this is all about the government's philosophical bent.

The fact is that the government—the ministers and I, in particular, as Chief Minister—took no role in the decision to reject the nurses' request for an advertising slot on the pay slips. It was a decision made, as is appropriate, by the head of the administration, Mr Tonkin, and it was a decision which reflected, I think, the terms of the guidelines which apply to advertising in ACT government publications.

I do not think Mr Berry ended up tabling the documents he was referring to, so I will instead do so. I would like to table the guidelines in a moment. But I would just draw members' attention to what the guidelines say. These guidelines are publicly available on the government's website. Under the heading "Conditions applicable to non government advertising in ACT Government Publications", the first guidelines reads:

> Potential non government advertisers, their products and their advertising material will be carefully vetted to ensure that the material is appropriate and there is no conflict with:
> - Government policies, programs or activities;

It then goes on to mention things like the Financial Management Act, equal opportunity legislation and anti-discrimination legislation. The third guideline reads:

> No political advertising of any sort will be accepted.

Mr Speaker, I do not have a copy with me of what the nurses propose to include. I only saw what they propose to include when I received a letter, I think yesterday or a day or two ago, from the nurses federation, asking me to intervene in this matter. As I recall, the words included a reference to the nurses campaign. It was not particularly explicit but I took that to mean the campaign that they are running against the department of health for better pay and conditions.

Mr Speaker, I would have thought it is reasonable to argue that a body which wants to seek support in a government publication for their campaign against the government might be said to be in conflict with the condition—a condition which has been in place for some time; it was not invented by us for this situation—which says that there should be no conflict with government policies, programs or activities.

We would not be the only organisation in this country that includes the condition that people not use their advertising as a platform to attack the organisation which is providing the vehicle for the advertisement. This is not really too much to ask. Let me switch the situation around and ask those opposite to consider the alternative. Supposing we were in opposition and you were in government—as you will be from October, I have heard you tell us—and in November we came forward and said, "We're going to put a Liberal Party ad on the bottom of a government pay slip."

Mr Stanhope: We'd say no.

MR HUMPHRIES: Of course you would say no.

Mr Stanhope: It is in the guidelines.

MR HUMPHRIES: That is right, exactly, because it is political. If we said, "Help us bring down the Stanhope Labor government and help us make them deliver on their promises for extra money for multicultural broadcasting," you would say, "No, that is in conflict with government policies, programs and activities and you are not putting an ad in to that effect. You are not putting that into our government advertising. That accords with the guidelines." What is unreasonable about these guidelines? These guidelines are quite reasonable, it seems to me. They reflect the advertising that any organisation would want to put in place. You do not attack the organisation that is providing a vehicle for the advertising. That seems to me to be commonsense.

Mr Speaker, as I say, the government—the ministers or I personally—had no role in this decision. It was made by the public service at the level of the chief executive. He wrote back to Mr Ron Johnson of the Australian Nursing Federation. Mr Berry said that no reasons were given. It seems to me that there are quite clearly reasons given in this letter, and I quote:

> These guidelines advise that potential non government advertisers; their products and their advertising material will be carefully vetted to ensure that the material is appropriate and there is no conflict with Government policies, programs or activities.
>
> At this time, and because of the contentious position the Australian Nurses Federation has taken in relation to the current Government pay offer I do not believe it would be appropriate for me to agree to the message you have proposed.

Mr Speaker, I table that letter and I table the guidelines. I present the following papers:

> Advertising on ACT Government payslips—
> Advertising in ACT Government Publications—Guidelines prepared by Publishing and Shopfront Services (last updated 15 September 2000), dated 27 February 2001.
> Copy of letter from Chief Executive, Chief Minister's Department to Organiser, Australian Nursing Federation, dated 22 February 2001.

I have a copy of what the nurses propose to include in their advertisement at the bottom of the pay slip. According to Colleen Duff's letter to me of 23 February, it would have read as follows:

> The Australian Nursing Federation ACT Branch vigorously represents ACT nurses on industrial relations issues. All non-union nurses are encouraged to contact ANF office … for details on joining your union or alternatively making a contribution to our campaign.

Mr Speaker, I assume the campaign being referred to there is the campaign against the government's position on wages and conditions. I ask members to use the test: in a reverse situation, would a body that was in conflict with an ACT Labor government be

allowed to advertise on the bottom of pay slips? The answer is no, and in those circumstances this motion should be rejected.

MR STANHOPE (Leader of the Opposition) (5.19): The case that was put very well by my colleague has been completely ignored by the Chief Minister in his defence of what really is an outrageous decision by Mr Tonkin. It is a classic example of blatant union bashing. That is all it is and it cannot be characterised or described as anything else. Mr Humphries, in fact, makes the case out of his own mouth. The guideline that Mr Tonkin and Mr Humphries rely on is:

> Potential non government advertisers, their products and their advertising material will be carefully vetted to ensure that the material is appropriate and there is no conflict with:
> - Government policies, programs or activities;

That is apparently the defence relied on by Mr Tonkin and supported by his Chief Minister, Mr Humphries. The advertisement proposed by the Australian Nursing Federation, which surprisingly Mr Humphries has just read into the record, states:

> The Australian Nursing Federation ACT Branch vigorously represents ACT Nurses on industrial relations issues.

Thank goodness. It continues:

> All non-union nurses are encouraged to contact ANF office … for details on joining your union or alternatively making a contribution to our campaign.

At the moment, the issue that seems to have riled or concerned the government and Mr Tonkin is that the government has placed on the table a document as the basis for negotiations. The government is actively negotiating with the ANF new terms, new conditions, to apply at the Canberra Hospital and within the community sector. It is on the table. Yesterday we heard from the minister of health, Mr Moore, saying that he has applied a deadline of 19 March as the date for concluding negotiations on that document. So where is the conflict?

You have got a document on the table headed "draft for discussion", you have got a minister who has indicated that the deadline for discussions is 19 March, and you have got the head of the Chief Minister's Department insisting that because the ANF has decided that it wishes to negotiate on the document that has been provided to it by the government for the purposes of negotiation—that they should dare to even wish to negotiate—it should just fall over obsequiously and say, "We accept, we accept, we accept."

Mr Tonkin insists that there is contention between the ANF and the government. What is the matter of contention—the fact that the nurses want to negotiate? He says that it is a contentious position. According to the ACT government, it is a contention position for a union to negotiate on a draft document provided to them for the purposes of negotiation. It is absolutely outrageous that the chief executive of the Chief Minister's Department describes as contentious the fact that the ANF has the temerity to wish to negotiate on a negotiating draft. He is saying, "How absolutely contentious. How

appalling of them. How dare they wish to negotiate on a draft document provided to them for the purposes of negotiation. How dare they. How absolutely appalling."

The Chief Minister stands here and says that because the ANF wants to negotiate on a negotiating draft it is bringing itself into a position of conflict with the government and it is in conflict with government policies, programs or activities. One is now deemed to be in conflict with the government, its programs and activities if one dares to negotiate on a draft document. What a load of humbug. We all know it is humbug. It is classic union bashing.

It concerns me to see the Chief Minister trying to distance himself from Mr Tonkin, dropping Mr Tonkin in it as the redneck in this case. Mr Tonkin, the titular head of the public service, is indicating to all the union members notionally within his employ that he derides the fact that they dare belong to a union and that he regards their membership of a union as political activity and political activism on their part. Is he in effect saying here that if you are in the ACT public service and you belong to a union—that you dare to belong to a union whilst you work for the ACT government—you are prima facie in conflict with government policy, programs or activities? What an appalling position, what an appalling breach of Mr Tonkin's duty to his employees.

It is worth taking further the ANF's response to Mr Humphries in relation to Mr Tonkin's actions. The ANF state the situations quite explicitly and extremely well. The ANF have written to the government, they have written to the Chief Minister and they want questions answered in relation to Mr Tonkin's absolutely bizarre decision in relation to this matter.

The ANF has asked the government to please explain how it is that this advertisement conflicts with government policies, programs, or activities. Precisely how does it conflict with government policies, programs, or activities? It does not and we all know that it does not. The ANF has asked that the government provide it with the opportunity to consider suggesting amendments to the advertisement. The guideline suggests that advertisements will be vetted. What is it about this advertisement that concerns the government? Why could it not have been amended if there is something that is so appallingly objectionable in it? Why were not some amendments suggested to the ANF in the vetting process?

The ANF has asked the government to explain how the position of ANF members in relation to the government's flawed enterprise bargaining variation offer has any relevance to pay slip advertising guidelines. Quite precisely—how does it? It does not, of course, and we all know that it does not.

The Chief Minister, in his remarks on this matter, in effect did not get beyond suggesting that unions are emanations of political parties or are in themselves political. That is in effect what he said. He has actually included unions and all unionists within the exception in the guidelines that "No political advertising of any sort will be accepted". The Chief Minister has simply accepted the connection between union and politics—I think in Mr Humphries' mind it is a case of union, Labor and politics.

We therefore have this appalling discrimination against a union which is not an extension or emanation of any political party. It is an organisation designed simply to protect and represent its members' interests—and boy, don't we know they need protecting in the current environment of the slash and burn attitude of this mob to nursing numbers, beds and conditions! If you look at the conditions that are sought to be imposed on the nurses in this case you will well and truly understand why perhaps there is some resistance and some real determination by the ANF to negotiate some acceptable outcomes. The negotiations have been simply ignored by this government.

I think the case has been well and truly made. This is quite appalling because Mr Tonkin has almost acknowledged that he has taken into account some irrelevant and quite extraneous considerations in his handling of this matter, and his notion of what is political seems to be really a reflection of his own particular biases.

If, as Mr Humphries suggests, Mr Tonkin was the decision maker in relation to this matter, he is simply quite wrong. He has made an appalling decision and this government should reverse it. This is an appalling example of political judgement and interference by a senior public servant. It is classic union bashing and it simply cannot be tolerated.

MS TUCKER (5.28): The Greens will be supporting the motion. The government, in its wisdom, decided not to accept the inclusion on government pay slips of a message from the ANF describing itself as vigorously representing ACT nurses and encouraging non-union nurses to make a contribution to the campaign. My office had a look at the parameters and criteria that are used. As Mr Stanhope said, there are some serious issues underlying this decision that do need to be debated. Mr Humphries said that it is not a trivial matter at all.

The following conditions are applicable to non-government advertising in ACT government publications:

> 1. Potential non government advertisers, their products and their advertising material will be carefully vetted to ensure that the material is appropriate and there is no conflict with:
> - Government policies, programs or activities;
> - the Public Sector Management Act 1994, Financial Management Act 1996 or other relevant legislation eg EEO or anti-discrimination;
>
> 2. All advertising material must be approved by the Manager, Publishing & Shopfront Services prior to its acceptance. Copy may be rejected without reasons. The ACT Government will not be liable for any penalty if copy is not accepted.
>
> 3. No political advertising of any sort will be accepted.
>
> 4. The following disclaimer must be included in all non ACT Government advertising: "The ACT Government does not necessarily endorse the products or services advertised"
>
> 5. In securing advertising the ACT Government will endeavour to treat all potential advertisers equally, providing all areas of the market the opportunity to access the facility.

> 6. Non Government advertising must be related to staff's employment and/or remuneration, including benefits for staff utilising specific services/products.

Let us look a little closer at point 6—"Non Government advertising must be related to staff's employment and/or remuneration". I would have thought this message from the ANF absolutely and directly relates to staff's employment and/or remuneration. Strangely, that does not always apply to other messages approved by government and inserted on pay slips. "Get started in the share market for $29.95". Is the government suggesting that staff employment is linked to participation in the stock market—that union representation is not acceptable but that playing on the stock market is to be encouraged? Another example is leasing and business finance. Is the government advocating that its employees operate private businesses, leasing premises and vehicles on the side, and focus their aspirations on the private sector?

Even quality, self-contained apartments and townhouses with views of Merimbula Lakes got a run on government pay slips. Perhaps the government is looking to relocate some of our government functions to the coast—CTEC, for example—or is it hoping that if its employees get to have a nice coastal holiday they will not expect to be paid so much? Obviously, the ANF message complied more perfectly with the government guidelines than these private business promotions did, yet its message was refused.

In our search for the real rationale behind this decision, let us look at point 5—"to treat all potential advertisers equally, providing all areas of the market the opportunity to access the facility". We have seen that some aspects of the market, such as financial management, financial speculation and coastal villas are all doing well. It could be that in the government's view unions generically are not part of the market. The market can include almost anything but never a union.

I have a copy of union related messages from 1998 and 1997, so if this is the government's view it is a fairly recent one. One of these messages related to an EBA meeting, so evidently it was not at the time a question of a union promotion during an industrial dispute. The only aspect of the guidelines that might explain the government's decision is point one—"material will be carefully vetted to ensure that the material is appropriate and there is no conflict with government policies, programs or activities". Does the government indeed have a policy or program to oppose vigorous representation for employees? Is the government saying that a union ought never vigorously represent employees but merely facilitate government activity?

Is it the case then that government policy and programs support playing around with the stock market but conflict with the representation of employees? Is it that the government is opposed to unions encouraging employees to join or encouraging non-union employees to contribute towards having their interests represented, or is it simply that the government resents the fact that the union is not cooperating over the Canberra Hospital and so petulantly refuses to allow it to use pay slip advertising as almost any other body or organisation is permitted to do?

MR BERRY (5.34), in reply: Having listened to the debate, I have to say that Mr Humphries' contribution was less than convincing. It was one of his less convincing performances.

Mr Speaker, I just would like to re-emphasise what I said before. This is a poor decision which needs to be reversed in the interest of commonsense. If I could defend Mr Tonkin for a moment, I think Mr Tonkin was probably doing what he thought the government would want him to do. But in the end I think it is a matter of a very political decision which reflects the ideological position of the government and the contest of ideas, if I can describe it that way, which is going on between the nurses, the government and, in particular, Mr Moore. I urge members to support this straightforward and sensible motion.

Question put:

> That **Mr Berry's** motion be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Berry	Mr Stanhope	Mrs Burke	Mr Smyth
Mr Corbell	Ms Tucker	Mr Cornwell	Mr Stefaniak
Mr Hargreaves	Mr Wood	Mr Hird	
Mr Quinlan		Mr Humphries	
Mr Rugendyke		Mr Moore	

Question so resolved in the affirmative.

Canberra Tourism and Events Corporation—relocation

MS TUCKER: I seek leave to move the revised motion circulated in my name.

Leave not granted.

Suspension of standing and temporary orders

MS TUCKER: I move:

> That so much of the standing and temporary orders be suspended as would prevent Ms Tucker moving the motion requesting documents relating to the Canberra Tourism and Events Corporation relocation.

MR MOORE (Minister for Health, Housing and Community Services) (5.40): Mr Speaker, the reason why I denied leave is because we do have a proper process and there is no great urgency about this motion. There is no reason why it cannot be dealt with in a proper way in private members business next week.

Mr Corbell: Then why did you give Paul Osborne leave today?

MR MOORE: Mr Corbell interjects, "Why did we give Paul Osborne leave today?"

MR SPEAKER: Well, he is out of order.

MR MOORE: Mr Osborne had approached us and pointed out that because he was away yesterday he was not able to give notice in the normal way. This is a different situation.

Mr Corbell: Nonsense.

MR MOORE: Mr Corbell, you know that very well. Mr Corbell, should you have family circumstances that prevent you doing something we will also give you leave under those sorts of circumstances. You know that very well.

The situation here, Mr Speaker, is that we have a proper process. The Administration and Procedure Committee meets on the Tuesday to determine the priority order of business, following members giving notice of motions in accordance with the standing orders. It is appropriate to go through that process unless there is a matter of urgency. This is not a matter of huge urgency. If other members see it as important it can be given first priority at next Wednesday's meeting in private members business. In the meantime notice of the motion can be given and we can go through the normal proper process. This does not require—

Mr Corbell: What are you hiding?

Mr Stanhope: Open and transparent government.

MR MOORE: Mr Speaker, I want to draw your attention to the fact that today there has been an extreme amount of interjection from the opposition, from question time onward. I have to say it does make the job much more difficult.

MR SPEAKER: Indeed. The tactic of trying to drown out a speaker is childish and ineffective.

Mr Corbell: Only where it is warranted.

MR SPEAKER: I presume it may be useful in some party meetings, but it does not work very well here.

MR MOORE: Mr Speaker, there is a normal and proper process to follow. If there is good reason to go past that normal and proper process, of course we are happy to listen to it and to consider it, but in this case the normal process has not been followed.

Mr Corbell: You haven't heard the argument.

Mr Stanhope: You touched a nerve, Kerrie.

MR MOORE: I think this is particularly interesting from Ms Tucker, who raises that issue of process with regard to the government on many, many occasions.

MR BERRY (5.42): Mr Speaker, Labor will be supporting this motion for the suspension of standing orders. I understand that there has been some discussion between Ms Tucker and the responsible minister. I understand that there was even an amendment negotiated in relation to the motion that has been put before us. I do not think it is going

to take much debate. The motion arises out of question time, as far as I can make out, and I see no reason to put it off. It is only going to take a few minutes.

I think most members would like to have access to these documents before the next sitting week. If the government wants to prevent us from getting access to these documents before the next sitting week, I can see what its strategy is. I would rather see these documents before the next sitting week so that one can consider what one might do in this place as a result of seeing them. I see no reason to put it off. It would take about two minutes to deal with this.

MR KAINE (5.43): Mr Speaker, I support the suspension of standing orders in this case because this matter flows from a question that was asked at question time today. Ms Tucker obviously feels that she did not get an appropriate response and this action flows from that.

I do not understand why the government would want to object to this. I do not know whether it is their contention that this organisation is not accountable to this place. If that is their contention they are wrong because the CTEC spends $12 million of public money every year and it is appropriated in the budget. It is an organisation which is accountable and which the members of this place are entitled to review to ensure that public money is being properly spent. I do not understand the government's objection, or why they simply do not comply with the requirement and get the matter over and done with.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Motion

MS TUCKER (5.45): I move the revised motion circulated in my name which reads as follows:

> That this Assembly requires:
> (1) the Minister to provide to the Clerk for inspection only by Members all documents relating to the decision by the Canberra Tourism and Events Corporation (CTEC) to relocate its offices to the Canberra Airport, including:
> (a) documents relating to the tender and evaluation process undertaken by CTEC:
> (b) any consultants' reports commissioned by CTEC;
> (c) the minutes of both the sub-committee and the CTEC Board meetings which dealt with this matter
> by close of business, Thursday 1 March 2001;
> (2) the documents to be returned by the Clerk to the Minister 10 working days after receipt.

As has already been covered in the debate on the motion for the suspension of standing orders, I have moved this motion because I was not happy with the answer from the minister. It is correct that I have talked to him since then and I have negotiated this revised version of a motion which will ensure that, if there is any commercial-in-confidence information, members can be sensitive to that. These papers will go to the Clerk so that members can inspect them if they so desire.

The motion asks for documents relating to the tender and evaluation process which the minister referred to today and yesterday in question time, the consultants' reports which were referred to by the minister, and the minutes of the subcommittee and the CTEC board meetings dealing with the matter. It is quite clear from the legislation, the Canberra Tourism and Events Corporation Act 1997, that the corporation shall furnish to the minister such information relating to its operation as the minister requires. It is therefore clear that this is an organisation that has to be accountable and the government has a responsibility to take an interest in it. I am sure that the organisation is accountable. The reason why I am asking for this is so that it is quite clear to everyone in the community that these decisions are well founded, which I hope they are.

There are certainly some interesting aspects to the decision to move CTEC to the airport which I raised in the question. If you look at the act that guides it, you will see under the functions of the corporation, particularly section 5 (d), that it is to establish and operate tourist events and festivals. This is an important function of the corporation, of course, and when any decision is made about where to locate CTEC we would want to see that the functions of the corporation as listed in the act are referred to and that there is a recognition that any move of the organisation would have to take into account its functions and be consistent with those functions. Section 5 (d) says "to establish and operate tourist events and festivals," section 5 (h) says "to undertake activities in cooperation with other persons where appropriate for the purpose of discharging its other functions," and section 5 (f) says "to provide tourism, travel information and booking services".

You would think that those three particular functions as listed in the legislation would require a location which had good access. One would hope, in this very greenhouse aware government, that that would include access by buses, not just by cars. This is not just about greenhouse, of course.

Mr Corbell: You can fly there.

MS TUCKER: You could fly there, Mr Corbell says. That is true. The other issue about access, of course, is the social issue of access. We know that CTEC, to its credit, has had a role in very important cultural festivities and events in our city, including multicultural events, the multicultural festival, Floriade and so on. We also know that a number of small community organisations are involved in those and the success of these events depends on the artistic community that is in Canberra and the wonderful wealth of talent, initiative and creativity that exists in our community. To facilitate that, of course, you want to have easy access to the office where these things are being centrally administered.

We also know, of course, that it is not necessarily the case that all these people have vehicles or cars to be able to drive to the airport. It is also quite difficult for any staff working in that location because there is no bus travel, so I am sure we will see that that was taken into account in any decision as well. I am interested to see how that has been taken into account.

This decision to move CTEC to the airport is interesting, and we are interested to understand why. Also, Canberra is a small community and there are very close relationships which are obvious and which I have already highlighted in question time.

We know that there is always the very important responsibility on government or any organisation to ensure that there is never a perception of bias; that in fact people are really clear in their decision-making to show that there is no bias. That is about the perception of bias as applies in the public sector management guidelines, and it would apply, I would have thought, to any corporation, and certainly one that is under the control of the minister and the ACT government.

This is just an opportunity to make sure that everyone can be confident that this was a good decision. It is also an opportunity for the government to show that they are indeed very open and transparent.

MR CORBELL (5.50): Mr Speaker, I will be brief. The point I would like to make is that not only is this motion important in the context of the issues Ms Tucker has raised with us this afternoon, but also there are some important planning implications that should not be missed in examining the decision-making of CTEC.

The Tourism and Events Corporation is not an insignificant employer. It certainly is not the largest of any of the ACT government agencies or departments by far, but it is not the smallest either. When we are looking at possible alternative locations for ACT government agencies, I certainly am curious to learn exactly why they thought the airport was a more appropriate location than trying to support the decentralised town planning policy that we have for this city and why they decided that they would not be prepared to go to Woden or, heaven forbid, Tuggeranong, or Gungahlin, where there is a desperate need for greater employment location.

I think those are reasonable questions, and the release of these documents would assist us in understanding exactly why those sites were overlooked.

MR QUINLAN (5.51): I have to say that the letting of a building in Brindabella Park to CTEC must attract some scrutiny, particularly in this new era of openness and accountability. In many ways this is a small town with overlapping responsibilities and there is overlapping influence within the town. I also hasten to say that there are many individuals in this town who give of their time and make a massive contribution to the town without necessarily receiving significant direct reward from it, and I recognise that; but, as I said, in many ways it is a small town, and when we have an event like this where there are overlapping interests we certainly do need to subject this decision to the maximum of openness and accountability.

I want to refer to the recent proposed sales of Commonwealth land within the ACT, in Civic, in Barton, and the police complex in Weston. These sales of land and developments are out of the control of the ACT. When the subject arose last week I thought the common sentiment of this house was a concern about the lack of control over planning in the ACT. The Commonwealth could have a very significant impact on the market for commercial space in this town without any reference to this government. Brindabella Park, which is considered Commonwealth land and is outside the planning controls of the ACT, is a similar case.

Now, as a function of this particular deal, we see a government agency supporting and compounding that particular problem. I thought government members at least were nodding and indicating that they would be talking to the Commonwealth and sorting out

this problem. Unused Commonwealth land should have reverted to the ACT. If it is not needed as part of the national capital, I would have thought that it is part of the assets of the ACT. Similarly, we find there is a capacity for a developer to seriously influence the market for commercial space in this town without us having any influence. I guess we are coming to terms with living with an ineffectual planning minister. I can imagine the fearful response as he marches boldly towards the Commonwealth and the NCA to take up the cudgels on behalf of the ACT and its planning.

I see this particular incident as compounding that problem, and it is a real problem. It is a problem that should be addressed. The minister should be coming in here and saying, "I've been up there and I've fixed it. These people have seen the error of their ways," or he should be saying, "They threw me out."

Mr Smyth: I was there on Monday.

MR QUINLAN: And how did you go?

Mr Smyth: We are going okay. You wait and see.

MR QUINLAN: I certainly hope you did, Mr Smyth, because there is lack of control over the growth of commercial space in this place. The very important point made by my colleague Mr Corbell about employment opportunities in Gungahlin in some sort of adherence to the Y plan or rejection thereof, one or the other, should be at the forefront of what is happening here. We, as a community, should be advised of what is intended and what is planned. As a result of your interjection I expect to hear very shortly in this place some positive result in relation to this crazy idea that the Commonwealth does not need car parks around London Circuit so they will flog them off for office blocks that are outside our control.

The revenue for that land, not just the stamp duty, should belong to the ACT. If it is not required for the Commonwealth, not required for the National Capital, then by definition it is ACT land. But this is ancillary to that; this is a case where there is a development out there that is outside our planning range and it will have significant impact on the rest of town. That, in this planned city, I think is intolerable. I am rather concerned about that. I am concerned to hear that that has been sold, and I am concerned to hear that CTEC, a government agency on government funding, would be acting to compound that situation.

I return to my original point. Yes, the papers associated with this should be subjected to openness and accountability, and I would like to see in those papers when I have a look at them the fact that CTEC took into account the interests of the ACT over and above just the pure decision of where they want to go. I fully support the motion, Mr Speaker.

MR BERRY (5.57): Mr Speaker, I have been shadowing the affairs of CTEC for some time now and I do not think I am being unkind to them when I say they have been close to controversy for most of that time. For example, I just offer up Floriade and the $1.5 million extra we are going to have to find for the V8 car race. Those sorts of issues have caused me to be watching the affairs of CTEC closely, as I said, for some time.

When I learned of the shift of CTEC from the CBD out to the airport it was the first hint that I had had that they were going to move there. I think I was quoted in the paper as saying that the only reason I could think of was that they were just going out there to fill a building. If CTEC had to move somewhere, there are lots of reasons for sending them to some of the outlying suburbs.

One of the other concerns I had, incidentally, was about how the staff feel about this. Were they consulted, or does CTEC believe it is okay to cause their staff to have to travel probably an extra 10 kilometres a day—I do not know what the difference is—just because they have a burning desire to occupy a building near the Canberra Airport? I am still curious about this move and I think the tabling of these papers will assist me in coming to a view about their intentions.

I would like also to know what role the government played in this, if any. We have to keep our ear to the ground in relation to that because there has been, over the last few years, a very close connection between the government and what CTEC does in almost every respect, and I would be surprised to find that there is not a certain closeness on this issue. I am keen to see these papers and to see what is in them, and I suspect they might trigger some more interest in the affairs of CTEC in the future.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (6.00): Ms Tucker and I spoke about the way that these papers should be released. To simply table documents that will contain commercial-in-confidence material is unfair, I think, to those who participate in the tender process. They deserve adequate protection of their business details. Ms Tucker, I have to say, kindly came up with this compromise position whereby they will be released to the Clerk so that all members can view them.

I also spoke to Mr Berry. I think it is fair to say that he agreed that it was not to disadvantage any business. I thank him for his guarantee that those commercial parts of the documents that might disadvantage any business will not be used in any untoward way.

This should be open to some transparency, but it has to be appropriate. What we need to do is make sure that people understand that details that they put forward are protected where that is appropriate, and that details put forward that should be out there should be seen by all. The government does not have a problem with the motion now, and I thank members for their guarantees that they will protect the commercial-in-confidence detail that will be in these documents.

Question resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Canberra Hospital—equipment

MR BERRY (6.02): Mr Speaker, I want to briefly raise an issue that has been brought to my attention by a constituent of mine who had to receive some fairly detailed surgery to an arm and which involved the arm being placed in a cast for a time. It was fitted with one of the high-tech, light-weight casts made, I think, from Goretex, Kevlar or some high-tech fibre used for these sorts of processes. In any event, the cast turned out to be inappropriate for some reason. There was some effect on the circulation that caused this person to go to Accident and Emergency at Canberra Hospital.

The cast was removed and a new plaster cast was put on which, of course, weighs a kilo or so. Whatever such casts weigh, they are significantly heavier than the lightweight ones. My constituent asked, "Well, why can't I have a lightweight one?" The answer was: "Because we don't do them here. If you want a lightweight one you have to make an appointment with one of the orthopaedic surgeons to have a lightweight one fitted in their private rooms."

I found it somewhat surprising that in our high-tech public hospital system we are unable to provide what is really a routine support for these sorts of cases. It struck me as quite odd that our Canberra Medical School, with all of its facilities, could not provide this sort of a cast. It led me to the belief that this push out into the private sector of as many activities as possible has led to a situation where patients receive second best in the public hospital system and are then forced to go out and pay dearly for a service in the private sector which should be available within the public system.

I make that point. I hope the health minister has a look at what I have said. I would like to hear a response in relation to this because I do not think it is good enough that a cast that is available generally should not be available in our public hospital system for public patients.

Question resolved in the affirmative.

Assembly adjourned at 6.05 pm