DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

4 June 2002

Tuesday, 4 June 2002

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MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petition

The following petition was lodged for presentation by **Ms MacDonald**, *from 1,406 residents.*

Rugby world cup

> To the Speaker and members of the Legislative Assembly for the Australian Capital Territory.
>
> The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the Rugby World Cup 2003 will be hosted by Australia, the ACT Brumbies are Super 12 Champions and the only Australian team to have won a Super 12 tournament, Canberra rugby fans have the best record in Australia of selling out Super 12 fixtures, Canberra has already played host to international rugby and our sporting facilities are world class.
>
> Your petitioners therefore request the Assembly to: lobby the Australian Rugby Union (ARU) to appoint Canberra a venue for a Wallaby game during the Rugby World Cup 2003, and take whatever actions are necessary to advance Canberra's chances of hosting a Wallaby game.

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

Death of the Rt Hon. Sir John Gorton GCMG, AC, CH

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I move:

> That the Assembly expresses its deep regret at the death of the Right Honourable Sir John Grey Gorton GCMG AC CH, former Prime Minister of Australia 1968-71, former Minister for Defence, the Navy, Education and Science, Works, the Interior, Minister in Charge of Commonwealth Activities in Education and Research, the Commonwealth Scientific and Industrial Research Organisation, Minister Assisting the Minister for External Affairs, Leader of the Government in the Senate 1967-68; Member of the House of Representatives for Higgins and Senator for Victoria, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Sir John Gorton died peacefully at 90 years of age on Friday, 19 May 2002 in Sydney. He was Prime Minister of Australia from January 1968 to March 1971.

Sir John was born in Melbourne on 9 September 1911. His father was an immigrant from England who became wealthy through citrus farming in Victoria's north. He was the child of John Rose Gorton and Alice Sinn. His grandparents cared for him for the first five years of his childhood. He then moved to live with his parents in Sydney until his mother passed away in 1920. Following the devastation of his mother's death, his father left for Melbourne and John was left in the care of Kathleen Gorton, his father's first wife. Sir John was educated at the Shore School and was a boarder at Geelong Grammar School. He went on to complete a degree at the University of Oxford.

Sir John Gorton had a strong social conscience. During his younger years he developed compassion for the disadvantaged, particularly ex-servicemen of the Great War who were living in poverty and people in destitute circumstances that were out of their control.

As well as being one of Australia's highly renowned politicians, he was also a military man and trained as a fighter pilot. He served as a pilot in the Royal Australian Air Force during World War II between 1940 and 1944. During World War II he served in the United Kingdom, Singapore, Darwin and at the battle of Milne Bay in New Guinea. He was shot down twice and suffered injuries requiring facial reconstruction. He was discharged from the RAAF on 5 December 1944 with the rank of flight lieutenant.

Like many contemporary ex-servicemen, Sir John entered politics after the war. His political career began in 1946 upon his election to the Kerang Shire Council. In 1949 he entered national politics. He became Minister Assisting the Minister for External Affairs in 1960, and two years later he was appointed minister in charge of the CSIRO. Sir John became Minister for the Interior and Minister for Works in 1963, also taking charge of Commonwealth activities in education and research. In 1966 he was appointed the inaugural Minister for Education and Science.

In January 1968 he was commissioned Prime Minister of Australia, following the disappearance of Mr Harold Holt in December 1967. He became the first senator to be appointed Prime Minister. During his time as Prime Minister, he made his mark on national politics. He is famously quoted as saying, "Politics is the art of the possible, because you do not know what the possible is until you've tried to do it." Sir John occupied the office of Prime Minister until 1971.

Sir John moved to Canberra in 1959. He was one of the first Commonwealth ministers to own a house in Canberra. He loved the city and quite often enjoyed walking through Manuka. After retiring in 1975, he chose to make Canberra his home. Sir John was a likeable man. He was known as the larrikin politician and had a great ability to inspire affection and community following. As Prime Minister he sought to raise the consciousness of all Australians about what it meant to be Australian.

Upon leaving his parliamentary political career, Sir John commenced a radio series which had a focus on drug law reform. It advocated the legalisation of marijuana and the provision of heroin to addicts 20 years before its time. Sir John kept well abreast of modern ideas and had a good feel for the mood of the nation. He received a knighthood from the Queen in 1977, one of only nine former prime ministers to gain this honour.

In a speech he gave in 1977 he reflected on the responsibility of public office. He said:

> To make a difference, a difference to people's lives in a positive way, Prime Ministers need to grab opportunities when they arise … Grasping opportunities means taking risks. It involves going out on a limb to do something you feel strongly about, and doing it regardless of the short term cost.

Sir John Gorton is survived by his second wife, Nancy Home; his sons, Michael and Robin; and a daughter, Joanna. His first wife, Bettina, died in 1983.

I know all members will join me in expressing sympathy and sincere regret at the death of a great Australian. It is with respect and admiration that we, as Australians and Canberrans, remember Sir John Grey Gorton's contribution to the nation.

MR HUMPHRIES (Leader of the Opposition): The opposition joins in on this motion of condolence. I quote:

> John Gorton was stubborn, wilful, erratic, open, sharp-minded, rubber-tongued, self-destructive, immensely charming (when it suited), immensely natural, just as immensely rude (when it suited), hugely likeable (mostly) and, while ever there was breath in his body, intensely and passionately Australian.

Those were the words written by Alan Ramsay in his obituary for John Gorton. He captured with those words the fact that, while John Gorton was a man who excited enormous passions, he was always a controversial figure. He was nonetheless recognised for his qualities and the powerful use of those qualities in the political life of his country and for being a man who made a difference because he chose to put those energies and passions at the disposal of his country and his government.

As a war hero turned politician, he epitomised for many everything that is wrong—and right—about politics. He also epitomised the value of holding personal and national beliefs and the courage it takes to stand up for those beliefs. He demonstrated that courage when, subject to an internal struggle in the Liberal Party, he voted himself out of office in recognition of the fact that he needed support from his party to be Prime Minister and that support was lacking.

Members have heard that he had a distinguished career in the RAAF and served in local government before entering the Senate as a senator for Victoria. He served as a minister in Sir Robert Menzies' government—details of that have been recorded by the Chief Minister. He contested the leadership of the Liberal Party after the death of Harold Holt and outlasted his rivals to become Prime Minister in January 1968 and hold the position until 10 March 1971.

One word that has been used to describe John Gorton is "nationalist". Although the impact of this has been somewhat devalued by overuse, it is true that John Gorton was a nationalist in the true sense. He broke what had become something of a tradition in government in Australia: to be strongly pro-British, sometimes even at the cost of Australia's national interest. Gorton's allegiance or otherwise to Britain was never an issue. He was Australian. He fought for Australia during the war, and as a politician he fought for Australia and its values.

He took the brave step, for that time, of ending Australia's divisive commitment to the Vietnam War. While his decision was based on pragmatic realities within Australia and within Australian politics, it marked a new maturity in Australian public life. He signalled that Australia was capable of making its own decisions and, indeed, that it would do so. In that respect, I think he was a nationalist of the highest order. He was also very controversial.

He made unpopular decisions in the belief that decisions had to be made for the wider good. He made decisions that were hard for him personally. For example, he resigned from the Liberal Party in protest at Malcolm Fraser's election as leader in 1975. In his quixotic Senate campaign of that year, he even advocated a vote for his old adversary, the Labor Party. He lived much of his political life being reviled by both sides of politics, even if many of those who attacked him now genuinely, if begrudgingly, admire him.

He should be remembered for his commitment to the Australian national consciousness and cultural identity as well as for his contribution to education. He was a long-serving minister for education. Peter Costello, the federal Treasurer, who now holds the seat of Higgins—Gorton's seat after he left the Senate—said that he was a man who stood up for the Australian national interest and was very much a forerunner of the modern prime ministers.

I concur with the view expressed by the Chief Minister that Sir John was a man who made a unique contribution to Australian public life. He was the only person ever to move from the Senate to the prime ministership. He made significant contributions in a number of areas, including creating an independent foreign policy and protecting Australia's ownership of industry. He was the first to recognise the importance of protecting the Great Barrier Reef and took a major step towards promoting Australian arts and culture.

Figures of his magnitude are not often seen on the political stage, particularly in this day and age. A more tempered style is usually preferred by politicians today, which makes it all the more sad that Australian public life has lost a figure of the magnitude of John Gorton. The opposition extends its sympathy to his family.

MS DUNDAS: I rise to add condolences on behalf of the Australian Democrats on the passing of Sir John Gorton.

As Australia's 19th Prime Minister, Sir John Gorton was a proud Australian nationalist. As has been mentioned, he was of a generation that knew the experience of hardship and war. His earliest years were during the First World War, and he was then a school student during the Depression. He then served Australia bravely during World War II.

After returning from the war, he was elected to the Senate in 1949, where he served in many strong portfolios, including the Navy, foreign affairs and the CSIRO, and was also Leader of the Government in the Senate. He then became the first federal minister for education in the mid-60s. He made an important contribution to education by fighting for the equal treatment of government and independent schools, and he maintained a strong commitment to the quality of Australian universities.

Sir John was a man who sought to raise the consciousness of all Australians about what it meant to be an Australian—a contested concept, even to this day.

The circumstances of his departure as Prime Minister have now become part of our political folklore and mythology. Sir John will be remembered, perhaps kindly, by history as a man of solid values. We recognise that debates he began continue to this day, 30 years later—definitely a tribute to a proud Australian.

MR STEFANIAK: I had the privilege of living for many years in the same street as John Grey Gorton. In 1959 he came to Canberra and bought a place in Hamilton Crescent, Narrabundah—an ex-government house, which he duly extended. Apart from occasionally seeing him in the street, my first real encounter with him was immediately after he became Prime Minister when he threw a street party for the entire street. I had just turned 16.

I cannot remember what I drank at the party, but I do recall thinking, "What on earth do you say to a bloke who has just become Prime Minister?" So I tried to say something intelligent about the postal strike that was happening at the time. After a few pleasantries I said, "What are you going to do about the postal strike?" He said, "Look, I'll tell you." He rattled off a few points, and about a week later I read in the paper that that was exactly what had happened. The strike was solved, and I thought that was pretty impressive.

Not many years later, in 1972, I was at university and, like most students, needed a holiday job. I had one lined up for January but not immediately after the uni exams finished. Another old mate of mine, who is deceased, Neville Herbert, manager of the Royals Rugby Club and a builder, had been doing some work on the Gorton place. He said, "John Gorton's looking for someone. Would you like to do some work there? I have recommended you, and he knows you." So I went up there, and I remember basically digging up his back yard. He was putting in a swimming pool, and I was doing a little landscaping.

It was during the election campaign of 1972, and I can recall him coming home at about 10.30 in the morning. I saw him at the window and was a bit surprised when he knocked back what looked like a quick whisky. He had obviously been campaigning pretty hard. It was a very hot day, and at about 11.15 am—I was still beavering away—John appeared with four or five beers, and we sat around the pool and had a few. He asked me how my course was going and said that one of his sons was a lawyer and, if I ever needed any assistance, to pop in and see his son. He told me where his son was and gave me the phone number. On that occasion I found out what a thoroughly nice bloke he was.

I saw him a few times since then. I saw him in 1989—remember, Mr Speaker? We were in the process of going through the move-on bill, which I subsequently had passed in a truncated form. Interestingly enough, two federal politicians—one current and one former—gave me some good advice there. Ros Kelly quite liked it, and John Gorton rang me at home and offered a couple of very sensible suggestions in relation to it. I was quite surprised but tickled pink that he bothered to do that.

He was always happy to help young people. In 1993 my stepson was doing an assignment in year 12 at Narrabundah College. John Gorton said to me, "Bring him around"—it was a political assignment—"I'll help him out with it." I remember that well because my stepson had a shoelace undone and I said, "For goodness sake, you're seeing an ex-Prime Minister. Do your shoelace up." My stepson had a go at me for that, but he did do it up.

John Gorton sat down with him, and they went on so long that I had to go back to work at Manuka—I was working with Bernard Colleary at that time in a legal practice—and then come back to pick up my young bloke. They had gone on for about an hour and a half. Needless to say, my stepson was thoroughly impressed with the assistance he received from John Gorton. John Gorton was that sort of bloke.

He was a very brave man, as indicated not only by his experience as a fighter pilot in World War II but also by the fact of his voting himself out of office—he was morally brave as well as physically brave. He was a real Australian and I think history will record him as one of our better prime ministers, certainly better than some of his rivals, such as Malcolm Fraser.

He lived in Canberra until he was pretty close to his death; he was an old man when he moved to Sydney. I certainly continued to see him around Manuka, Narrabundah and various places until he moved to Sydney. I would like to put on record my appreciation for the various bits of assistance John Grey Gorton gave to me and my family and to honour the passing of a truly great Australian and a great Australian Prime Minister.

MS TUCKER: The Greens would also like to add our voice to this condolence motion for John Gorton. The details of Sir John Gorton's life and career have been covered in detail by others, so I will just make a few comments. In the context of an increasingly conservative government, the liberal approach to public policy that was practised by Mr Gorton has become increasingly rare. It was during his brief tenure as Prime Minister that the groundwork was laid for the Australia Council for the Arts and for the Australian Film, Television and Radio School.

Gorton recognised the importance of cultural development to positive national identity and was prepared to make public investment in the development and support of Australian art and entertainment. He was also, until his death, a member of the Australian Parliamentary Group for Drug Law Reform. His position on this contentious topic was courageous and was clearly formed by his understanding of the issues rather than its political palatability or usefulness.

Arguably, Gorton's idiosyncratic approach to his role was the cause of his undoing. Nonetheless, it is through the individuality and personality of public figures that we remember them, understand them and, in this case, respect them. I express my sympathy to his family and friends.

MRS DUNNE: John Grey Gorton was for many years, during and after his political life, a familiar sight in and around Canberra, and his presence will be remembered by many. Canberrans will remember him as the author of the "Gorton gift". He changed the way we look at land in Canberra and the way we do planning in the ACT.

His prime ministership differed in both substance and style from that of his immediate predecessors, Robert Menzies and Harold Holt. Whatever one may think of what he did and how he did it, he was unmistakably Australian in his passions, his commitment and his demeanour. There can be no doubt about Gorton's attachment to Australia.

Much has been said by commentators over the past week trying to come to grips with the meaning of John Gorton, Prime Minister, and it presents a puzzle—a real puzzle. His informality is praised by his supporters, but his detractors see it as erratic behaviour and a lack of respect for the processes and protocol. His political realism is seen as refreshing by some and as authoritarian centralism by others. He promoted on merit, say his supporters, but others claim he entrenched mediocrity. It goes on and on. And yes, he did it his way.

It is not unkind to say that John Gorton, Australia's 19th Prime Minister, was an accidental Prime Minister. But he was not alone in that, as approximately one-quarter of the 25 occupants of that post can be so categorised: Watson, Page, Fadden, Forde and McEwen.

But his one claim to fame is that he was the longest lasting of the accidental band: he lasted just over three years. John Gorton filled a leadership vacuum that ought not to have been there and, hindsight may suggest, his filling it falls into the category of the streaker's defence: it seemed like a good idea at the time.

Similar remarks could also be made about Gorton's replacement, William McMahon. Suffice it to say, John Grey Gorton was his own man, unique, sui generis. He responded to a certain zeitgeist that was apparent at the time but is increasingly difficult to define or describe as the years go by. It may well have been that he was very much a product of that curious wish fulfilment that pervaded the 1960s. John Gorton was an impulse, not a program; an idea, not an ideology. In many ways he failed because of this. His flaws were inherent in his make-up.

Yet we remember him with affection and fondness—a good man, a sincere man, a brave man, a dedicated man. Whatever his faults, he left his mark, and we remember him accordingly.

MR WOOD (Minister for Urban Services and Minister for the Arts): Mr Speaker, there will be ample support, quite properly, from the other side for this motion. I want to raise just two points. First of all, I give recognition to Mr Gorton as the man who, in the Commonwealth parliament, first provided significant funds to the arts and to film. It is true that Gough Whitlam established the Australia Council later on, but that built on the earlier initiative of John Gorton. Over a period it became quite noticeable that the impact those funding decisions had was very important.

There was another funding decision Mr Gorton made that was not always well received, relating to the leasehold system in the ACT, when in an election period he removed the rent requirement on leases. That was the most significant and perhaps negative change to the leasehold system in all the years of the ACT. It was a controversial issue at the time and perhaps remains so, but it certainly had a very significant impact on this territory.

MR CORNWELL: Mr Speaker, I would like to speak briefly on this matter. I am probably one of the few persons, if not the only person, in this chamber who served the Liberal Party under the prime ministership of Sir John Gorton. I would like to express my condolences on behalf of what I regret to say is a dwindling group of people in my position, who are still active within the party, and on behalf of those who have retired from that active life.

I think it is fair to say that most of the people I speak for remember Sir John with affection. He was certainly not what you could call a Prime Minister without controversy. I suppose that can be said of most prime ministers, but in his case it was not in a simple political context. His arrival on the political scene in the prime ministerial position certainly shook up the Liberal Party, which had become used to a certain mode of operation, particularly under Sir Robert Menzies.

I think history will judge him more kindly perhaps than some of his contemporaries. It has already been said that Sir John brought the party into the 20th century. Like Mr Wood, I have mixed feelings about some of the things he did. Nevertheless, he was a very dedicated and loyal nationalist. I extend condolences on my behalf and on behalf of the number of people in the party here in the ACT who had the privilege and pleasure of serving under him.

MR SMYTH: Mr Speaker, many have summarised the activities and achievements of Sir John Gorton, but there is one thing that has yet to be mentioned. I would like to read the entry under "Gorton, J" in volume 1 of the *Encyclopaedia of Aboriginal Australia*. It just reads:

> John Grey Gorton (b 1911), Prime Minister (1968-71) of the first government to appoint a minister whose sole responsibility was Aboriginal affairs. For his first seven weeks in office (January-February 1968), Gorton held the position himself as member of the Executive Council in charge of Aboriginal affairs. He ceded the responsibility when his government appointed WC Wentworth as minister in charge of Aboriginal affairs under the Prime Minister on 28 February 1968.

It is interesting. Here is a man with a commitment to education, the arts and Aboriginal affairs; here is a larrikin, a speaker, a man with forthright ideas and an ardent nationalist. Yet he is a Prime Minister about whom we know very little except his self-demise, as it were. One of his outstanding achievements and one of the things that he will be remembered a long time for is the elevation of the role of Aboriginal affairs to the cabinet.

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

Legal Affairs—Standing Committee
Scrutiny Report No 13 of 2002

MR STEFANIAK: I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 13, dated 29 May 2002, together with a copy of the relevant extracts of the minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report No 13 contains the committee's comments on three bills. The report was circulated to members out of session. I commend the report to the Assembly.

Rates and Land Tax Amendment Bill 2002

Debate resumed from 9 May 2002, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR HUMPHRIES (Leader of the Opposition) (11.00): Mr Speaker, the opposition does not support this piece of legislation. Prior to the 2001 election, the Labor Party, in opposition, made a number of critical comments about the operation of the ACT rating system. The comments were made against the backdrop of a major reform of the rating system carried out in the Third Assembly by the Liberal government, reform which resulted in the introduction of three-year rolling averages for the calculation of rates liability and the introduction of a threshold which meant that there was some base payment made by all citizens equally, irrespective of the value of their homes.

That was a long, drawn out process which resulted in much comment and criticism, but which produced at the end of the day a change to the rates system that was pretty well universally supported at the time, including, I might say, by the then Labor opposition. Mr Whitecross, who was then, I think, the leader of the Labor Party, indicated that the felt that it was an appropriate set of reforms to undertake. Indeed, we had had in previous years very significant rises in rates, huge fluctuations in rates, in individual suburbs, even in individual homes in individual suburbs, that were seen by many people as quite unacceptable and quite disturbing. The production of three-year rolling averages, thresholds and so forth tended to mitigate the effect of those fluctuations and rises under the new system were less sharp than they had been.

As I said, there was criticism during the life of the last Assembly of the operation of the rate system and the then opposition, now government, argued that the system was producing unacceptable results—rises in some suburbs, falls in others, rises which appeared to be out of kilter with the size of the increase in the value of homes, et cetera. The process was criticised and the then opposition made a number of commitments to change the rating system.

The bill which is before the Assembly today is not the core package of reforms which the government, the then opposition, promised. It is, in fact, only one relatively small part of it—the part which deals with a commitment to peg the overall increase in the rates take each year to what the government has described as the actual movement in the consumer price index rather than a projected estimate of what it will be for the coming financial year.

Members will be aware that in previous years the arrangement was that an estimate was made, usually by the federal treasury, of what the inflation rate in Australia would be likely to be for the coming year and governments would then set the total increase in rates for that year based on the previous year plus the projected CPI increase for the coming financial year, the year in which the rates were actually going to be collected. The government has criticised that arrangement, saying that it results in differences between the actual inflation rate and the inflation rate which is forecast before the beginning of the particular financial year.

Let me concede at the outset that it is true that sometimes the estimates which are made of the coming year's inflation rate are not accurate. Like any projection or prediction, they depend on a number of factors which cannot be fully assessed and sometimes the inflation rate turns out to be different from the one that was forecast. I think that the government will be creating a problem of even greater dimension by what it is doing to remedy that problem. The government is saying that, rather than taking what it expects to be the inflation rate for the coming year as the basis for levying an increase in rates to match that projected inflation rate, it is going to take a previous period of inflation as the basis on which to calculate the collection for the coming year. What the government has chosen is not the CPI for 2001-02, despite earlier indications that it would, for the obvious reason that 2001-02 has not ended yet. We do not know yet what the inflation rate will be for that year. Rather, the government has taken an inflation rate which is calculated on the rise in the consumer price index between the December quarter of 2000 and the December quarter of 2001.

The government has described that as the actual inflation rate. Mr Speaker, it is the actual inflation rate for a period in the past, a period which has now ended. It does not bear a relationship to the period for which the rates are going to be collected. I would put to this house that it is sensible to have the rates collected matched to an inflation rate for the period in which they are going to be collected. Why? It is because the rates collected will be used to fund services in the community and the cost of providing those services presumably will rise by the inflation rate for that period, not by the inflation rate for a previous period.

If I can take an illustration of that. Let us suppose that between the December quarter of a particular year and the December quarter of the following year the inflation rate is worked out to be 2 per cent, but it is projected at the time of this bill or its equivalent being debated in future years that the inflation rate for the coming year will be 5 per cent. That means that the government will be collecting 2 per cent more in rates for that year to provide services in the community, but the actual cost of providing those services will be going up by 5 per cent, which leaves a gap of 3 per cent of the total rates take not being covered by the amount collected.

Conversely, in other years, the government will make rather more money, if the reverse happens, than it needs to provide services in those years. The nexus between raising money from the community to spend it on behalf of the community is broken by this bill. Yes, it has the merit that it is tied to an actual rate of inflation, but the rate of inflation is not the rate of inflation for the period we are talking about. Why should taxpayers in the territory be paying for increases in inflation which do not relate to the period for which the rates are being collected?

The discrepancy in this arrangement is already evident for the coming financial year. The inflation rate between the December quarters of 2000 and 2001 was, apparently, 2.9 per cent and that is the basis on which there is going to be a rates increase of 2.9 per cent for the coming financial year—not, as the *Canberra Times* reported this morning, 29 per cent. Unless the government is going to move an amendment, it will be 2.9 per cent. But the federal treasury estimates that the inflation rate for 2002-03, the period in which these rates are to be collected, will be only 2.75 per cent. The difference in real dollars is about $166,000.

I would suggest that, with a budget of $2 billion, $166,000 is nothing and should be of little concern, but that is in a year for which we are expecting or projecting a relatively small variation in inflation between two given periods. In other years, the variation between inflation rates in one year and the next could be very substantial. Indeed, last financial year there was a notional inflation rate of about 6 per cent, as I recall, compared to a previous year of about 2 per cent. That was, of course, attributable to the advent of the GST. We are assuming that we are going to have a very stable period with low rates of inflation. I think that that is a mistake, particularly given that things like interest rates are projected to be rising in the very near future.

Mr Speaker, I think that it is a serious mistake to break the nexus between the amount of money you have to raise from the community and the amount of money you have to spend on behalf of the community. The government should be matching one with the other. There is an element of showmanship, of window dressing, in this exercise, of the government saying, "We are doing something to deal with the problem of rates rises in the ACT community." The fact is that they are not. The order of increase is likely, in most years, to be about what it might have been previously calculated. There is not likely to be a major difference, on average, in many years. But those years when the inflation rate does fluctuate fairly wildly will be the years when the government will know about it. That will be when the government will be having to cut back other services elsewhere because it has not raised enough in the rates to cover the things that rates money is presently used to fund, and that would be a mistake.

As I said, there is an element of showmanship in this regard. I think the Treasurer said in introducing this proposal that some ratepayers would get a reduction of $100 a year in their rates. He denies having said that, so I will not say to him that he did say it. I seem to recall that that is what was being touted somewhere in the media in reports about how this system would result in a reduction in rates for some people. It follows, if he wants to make that assertion, that there has to be an increase for somebody else of $102.90 to reflect the fact that there is going to be an overall increase in the tax rate of 2.9 per cent.

I also note that when the Labor opposition produced its costings of its election promises on 15 October last year it claimed that its rates policy would be revenue neutral. Indeed, it projected that there would be a reduction of $750,000 a year for rates rebates. I am not sure how that marries with an increase this year projected in the rates. It seems to me to be inconsistent. Perhaps the Treasurer would care to explain how the promise to be revenue neutral is consistent with an increase of 2.9 per cent. I simply raise that point for the Treasurer to address when he rises to close this debate.

Mr Speaker, as I said, this is only part of a rates reform package. Other measures will come forward in the future, measures which, on the face of them, will be also representing a serious erosion of the integrity of our rates system; but they are not for debate today, so I will not go into the details of them. At the very least, if you are going to have a rates system which is based on the value of people's properties and if you are going to have a system which rises by approximately the rate at which the cost of providing services is rising, then it seems to me that you have an obligation to match the rise in what you are collecting with the rise in what you are spending. That is not happening with this bill.

I urge members to reject the legislation and require the government to bring forward legislation that will deal with the rates on the basis of the previous year's calculation of the CPI, which is a projection for the coming financial year. The Treasurer may argue that in previous years the treasury has overestimated the extent of inflation for a coming year. I am not sure whether that is true.

Mr Quinlan: It is true.

MR HUMPHRIES: In some years it has and in some years it may have underestimated the amount of inflation for the coming year. First of all, it is the federal treasury, I think, on which we are reliant for our estimate of rates of inflation, rather than the ACT one. Secondly, if he is concerned about too much being collected from the rates because of treasury overestimating the inflation rate, he can build in a rolling average system whereby the rates are reduced slightly in the following year to account for the fact that he has collected too much in the previous year. In that way, the territory would not be out of pocket when it comes to providing services to the ACT community. But with this system, it will be. In some years, it will be seriously short of money if there are large increases in inflation. Mr Speaker, we should not walk into that problem as it is. I think that we should retain the integrity of the rate system. I argue that, for that reason, this legislation should be rejected.

MS TUCKER (11.15): This bill implements the Labor Party's election promise to cap rate increases for individual properties to the movement in the consumer price index over the previous year. The figure determined for this bill is 2.9 per cent. This approach varies significantly from that of the previous Liberal government. The Liberal government worked out the total revenue it wanted from rates based on the expected CPI increase for the coming year. It then juggled the rates for individual properties, based on the average unimproved value over the previous three years, to achieve a total figure. The result was that the rates for properties in suburbs of increasing land value went up, while the rates for suburbs that decreased in value went down. But overall the total increase in rates was linked to the CPI.

I criticised the Liberals' approach at the time because I thought that it did not create sufficient variation in rates from the lowest to the highest rated properties. There has been a longstanding principle with rates that those property owners who can afford to live on highly valued land should pay proportionately more than those people in low-value properties. The Liberals steadily eroded this principle through increasing the fixed rates charge over time, so that rates were reduced to a narrower band which proportionately increased the rates for lower income earners and favoured the wealthy land owners. I think that that is an inequitable approach to raising rates revenue.

Unfortunately, the ALP has not addressed this issue of inequity, but has actually reinforced this inequity by increasing all rates by the same amount. This approach favours those people living in suburbs of increasing land value because their rates have not gone up to match, but disadvantages people in areas where land values have stayed steady or fallen. The Greens would prefer a much more progressive rate system whereby those people who live in luxury homes are required to pay a proportionately higher level of rates.

The land in the ACT is our major asset and we should not be giving away opportunities to raise revenue from this source in an inequitable way when there are so many demands on the public purse. I accept, of course, that there are difficulties in making our rate system a progressive form of taxation because the value of a property may not be directly related to the income of the people owning the property. One example is where a property was bought some years ago while the owner was in paid employment but is now retired or on a reduced income. The Labor Party, in its election policies, referred to other measures to address this complication, such as a rates deferment scheme and the provision of a rates rebate for long-term residents. I understand that these measures are still being investigated.

I note that the government's amendments are labelled as an interim rating scheme for 2002-03 and will need to be redone before the next financial year. I will give the Labor Party the benefit of the doubt and say that it has not had sufficient time to develop a new comprehensive and progressive rating scheme, but I give notice that I will be expecting to see something better next year.

MS DUNDAS (11.18): As we know, the collection of rates is an important source of revenue for the ACT government, making up over 5 per cent of general government revenue. It is the largest source of territory-imposed taxes after payroll tax. Thus, it is important that we get the formula right to ensure that the taxes we impose on the people of Canberra are equitable and fair and that the taxes fall most upon those who have the ability to pay.

The government has made much of its intention to cap rates at the actual movement in the CPI. It is true that, due to rising land prices in Canberra, leaving the land value percentages as they are currently enacted would lead to a large rise in the general rates imposed on the community. However, because land values are averaged over a three-year period, not all of the rise in land value would be immediately passed on. Secondly, it is usual for the percentage attributed to general rates to be altered regularly to accurately reflect the total appropriation for a particular year, so that an above-CPI increase in land values would be accompanied by a corresponding decrease in the percentage charged for general rates. Both of those factors mean that, despite large increases in land values, the level of rates would not increase as fast as land values have increased.

Furthermore, the government has gone beyond simply capping the increase in rates. It has dictated that all rates will increase by 2.9 per cent, regardless of a rise or fall in land values. Whilst I understand that the actual effect might be small, it is still the case that this bill will mean that some Canberrans will be charged more in rates than they would otherwise. The bill also means that the territory will continue to use last year's average

unimproved land values to determine the level of rates. It will also uses CPI figures from last year.

The government has lauded the benefits of using actual CPI figures rather than projected CPI figures. The benefits of that are debatable, especially as, according to the budget consultation papers the government released earlier this year, the CPI increase for the coming financial year is estimated to be 2.5 per cent. Also, the current estimate of $111 million in general rates given by the Treasurer in his presentation speech is 13 per cent higher than last year's revenue. Inflation is running at 1.7 per cent for the year to March. So, after already paying for a massive increase above inflation this financial year, the government wishes the people of Canberra to pay more than their own treasury estimates of the CPI next financial year.

I note that this bill is, once again, an interim measure that will expire at the end of the next financial year, so that we can, as in every year past, change this part of the act again. It is of concern that a number of pieces of legislation are being introduced in this Assembly as transient measures. Whilst in this case I understand the reasoning, having been informed that the Rates and Land Tax Act is currently under review by the Department of the Treasury, I am increasingly disturbed about the reliance of this government on interim legislation to fix up immediate problems while drawing out long-term decisions on future legislation. That is not a good way to make law.

It does not help people and organisations in Canberra to plan for their long-term future if the state of territory legislation is perceived to be in a constant state of flux, but the Australian Democrats do welcome the review of general rates and land tax. A number of issues need to be examined in any such review and I hope that the government will give serious consideration to all of them.

General rates are made up of two parts—a fixed payment on the first $19,000 of the land value and a percentage payment on the land value above $19,000. Over the past few years, the fixed payment has been steadily increasing while the variable rate has been decreasing. This has occurred to a point where general rates have become regressive; that is, Canberrans are now paying a higher rate on the first $19,000 than on the land value above $19,000. Moreover, both rates and land tax are currently levied on the unimproved value of land. This continues to place an unfair burden on those who, despite having very modest homes, are charged higher taxes because they live in central Canberra than those who live in far more luxurious homes further afield. I strongly urge the government to consider levying rates and land tax on the improved value of homes and businesses, which both would allow a much lower rate to be charged and better reflects the ability of our citizens to pay.

Other areas that I suggest need examination include the effects on social equity that taxes produce. I have already mentioned the fact that general rates are currently regressive. In addition, I note that, despite massive rises in land prices over many years, the taxation bracket has remained at $19,000. The government should seriously consider looking at creating a rates-free threshold and lift it way beyond the $19,000 mark.

In particular, the effects on our older citizens need to be closely inspected, as many retired Canberrans are being squeezed by ever higher rates and are often forced to move from family homes where they have lived for many years because ever-increasing costs

of rates are not reflecting their often smaller incomes. Equally, the effects on the young, the unemployed and the disabled need to be examined, as these groups are often under financial stress and the imposition of high charges only adds to their difficulties.

In summary, I will support the bill, even though it delivers a lot less than the government would like us to think. It does, however, represent some short-term relief for residents, compared with the current legislation, and for that I am willing to add my support.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.24), in reply: I thank the crossbench members for their support. This bill is actually a budget bill. I understand that the opposition wishes to oppose it. This bill commences the process of delivering an election promise that was made by the government to cap the annual increase in the rates charged to existing owner occupiers to the CPI.

The Leader of the Opposition spent a considerable amount of time worrying about which CPI was used, which I would submit to the house is a secondary issue to the proposition that we actually want to have a continuing cap at the CPI for residents as long as they stay in the particular premises. To put into perspective the objections that Mr Humphries has expressed to the bill, I am informed that over the six years of Liberal government rates were increased by 16 per cent, whereas the actual CPI increased by 9 per cent. In fact, if there were to be distortion, it would be in the preservation of what the Liberal government had done over the past six years.

The process that we had before today involved, I would imagine, quite difficult manipulations to try to make it work, to try to keep the total rates revenue take down to CPI, albeit a projected CPI, but yet incorporate into it unimproved land values that were shifting about, and we got even greater distortion. We had the distortion of 16 per cent instead of 9 per cent. The example I remember from last year was of an increase in the average rates in Narrabundah of about 9 per cent and a reduction in the rates charged in O'Malley of 0.5 per cent or something like that, even though land values in both suburbs increased in different proportions, but nevertheless increased. Mr Humphries, quite rightly, kept referring to the cost of services. Hopefully, there is some degree of progressive taxation in the fact that we charge on unimproved values. Nevertheless, we are aware, of course, that we are charging people for city services along the way.

The government's promise, and I guess it was my promise, before the election was, I think, a fairly radical promise. I may well have a tiger by the tail in terms of trying to make this system work. I am confident that it can be made to work, but there is a lot of work to be done and we will be attempting to bring forward the full suite of changes necessary to insulate residents who stay in one place for a considerable length of time from violent fluctuations in their rates, despite the fact that land values may shift around.

It has to be said, as I think it has been said previously in this debate today, that land is the major asset of the territory. I think Ms Tucker said that. That is certainly recognised by the government. We recognise that there have been very substantial increases in the value of land in some areas of Canberra and there have been some very significant windfall gains made in capital value. I would like to give a couple of examples. From 1999 to 2002, over the space of four years, the value of the average block of land in the

suburb of Forrest increased from $422,000 to $645,000, a huge increase and a huge windfall that at this stage accrues directly to the land owners, even though they are sitting on, as Ms Tucker put it, the major asset of the territory.

This government does believe in progressive taxation. All we can say in relation to that, Ms Tucker, is: watch this space over time. But the major thrust of this bill is to ensure that people who have lived in one place for a considerable length of time are not hit by increasing land values simply because their suburb has become popular for gentrification, for people who are well-heeled enough to acquire a position closer to city services than the average citizen can enjoy and are capable of taking up what would be known as choice land by virtue of that.

We have seen Yarralumla gentrified. We are now seeing the inner north and the inner south being redeveloped and people with significant resources being able to acquire properties in those areas and the government, consciously or not, contributing to the forcing out of the original population because the rates have gone through the roof. We intend to work up a system that protects those people. One of the spin-offs of that will be that those people who buy into those suburbs and increase the land rates will pay rates based on the price that they paid for the land. That will be part of the cost of taking advantage of picking up choice land and redeveloping choice land within the territory. I think that that is an equitable road to take.

Mr Speaker, this bill is the one that sets the rates for next year. It sets the rates at the best estimate we can have for the CPI, because it has been measured over, effectively, the last recorded period. It will therefore, through time, not give us the result that we had over the last six years of a 16 per cent increase in rates over a 9 per cent increase in the CPI. That will not happen under this bill. It is our intention to ensure that it does not happen. It will be difficult to bring in the new system, to make sure we cover properties in various modes of ownership, but that is what it is our intention to do and we intend to make the rates system as fair as is possible. This bill is a first step and I commend it to the house.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes, 10		Noes, 7	
Mr Berry	Ms MacDonald	Mr Cornwell	Mr Pratt
Mr Corbell	Mr Quinlan	Mrs Cross	Mr Smyth
Ms Dundas	Mr Stanhope	Mrs Dunne	Mr Stefaniak
Ms Gallagher	Ms Tucker	Mr Humphries	
Mr Hargreaves	Mr Wood		

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Gaming Machine (Women's Sports) Amendment Bill 2002

Debate resumed from 14 May 2002, on motion by **Mr Quinlan**:

> That this bill be agreed to in principle.

MR HUMPHRIES (Leader of the Opposition) (11.38): Mr Speaker, the opposition's view about this legislation is that it is appropriate to encourage, or even compel, the giving of more money towards women's sport from the profit collected by licensed clubs in the ACT from the operation of gaming machines.

Our view, as we have made it clear in the past, is that there is a considerable privilege tied up with the operation of these machines. A proportion of the profit they generate needs to be diverted towards community activities. The Liberal government provided that a fixed percentage of gaming machine profits should be returned to designated community activities.

The Labor Party, in opposition, raised concern that the amount of money going from gaming machine proceeds into women's sport was inadequate. Given that the Labor Party, in opposition, originally opposed the idea of requiring amounts to be taken from poker machine profits and given to designated community organisations, it is heartening to see that they have now taken the view that not only should that be the case but there should be an incentive for more payments to be made.

The way they intend to achieve that in this bill, however, I believe is inappropriate. The bill proposes that there should be, in effect, an incentive arrangement in place so that for every $3 a club contributes towards defined women's sports activities it should have the capacity to claim $4 towards their obligation under the Gaming Machine Act, so that a club wishing to make a payment to fulfil its requirements under the legislation can do so more cheaply by paying some or all of that money to women's sport.

As a member of the government that originally put forward the scheme for fixed amounts to go to community organisations, including sporting organisations, I view with concern measures which will water down or deplete the effect of that legislation. In some ways this bill does just that.

Mr Speaker, consider who it is that might be interested in taking up these arrangements. First of all, it will not be the very large clubs, because large clubs, to my knowledge, already meet or exceed their obligations towards the community with their fixed percentages. Some of them exceed them very amply indeed. So those clubs have no interest in minimising the amount they pay. They are already paying more than they are obliged to. It is hard to see why any of them would be interested in taking advantage of these provisions.

The micro-clubs, conversely, are capable of being exempted from the provisions of this legislation altogether. From recollection, a number of small clubs already are exempt on a year-by-year basis. Their needs are not relevant in this situation either.

The clubs that will take advantage of this arrangement are almost certainly the reasonably small clubs that claim that the payment of 6 per cent—or 7 per cent, as it is going to become on 1 July—of their net gaming machine revenue to community organisations is a burden. They cannot afford to do that any longer. They do not wish to contribute at that level and presumably would like to take advantage of an arrangement which means that they can satisfy their legal requirements by paying less. Instead of paying, say, $1,000 to the community, they need pay only $750 to the community. It so happens that to be able to do so they need to pay that money into women's sport.

The opposition supports increased payments to women's sport. It is an area which is clearly neglected by current contributions from this source. In general, women's sport does not receive the attention it should from sponsors and supporters in the community. The phenomenon of men's sport dominating the available dollars floating in the system is true in this area, as it is elsewhere in Australia.

But to achieve this goal by depleting the total amount of community organisation contributions is not appropriate. A better system would be to preserve the total amount paid to community organisations so that women's sport receives a larger, fairer share of the pie but not at the expense of other community organisations.

In effect, this bill takes money from the pockets of other community organisations and puts it into women's sport. That, I would argue, is not appropriate. The organisations that will take advantage of this are the smaller clubs that struggle to reach their targets at the moment. They will take advantage of this to pay less and therefore will presumably not fund organisations they have previously funded or, if they fund them, fund them to a lesser extent. It is hard to see how this can have an effect other than depleting the amounts that would otherwise go into community organisations as a whole.

The opposition has foreshadowed an amendment which provides that a different system should be in place. I will not speak about the amendment in length at the moment, but it requires that, as from 1 July, when the total proportion of net gaming machine revenue paid to community organisations rises from 6 to 7 per cent, half a per cent of that 7 per cent should be hypothecated into women's sporting organisations, as defined by the process which the government has outlined in its bill. If an organisation fails to do so, then they are deemed to have failed to meet their requirements and will have a taxation penalty to pay.

It is also possible, under our amendment, for a number of clubs to pool their obligations, so that if a number of clubs get together one of those clubs can focus on provision of funding to women's sport to satisfy the requirements of all the clubs, provided that half a per cent across the board is met. As I said, I will discuss the amendment in more detail when we get to the detail stage.

Members should support this legislation but not support a system which depletes funding of the community in order to meet a particular requirement, a system which takes from the hands of organisations which are worthy and deserving of support in order to meet the objective of better supporting women's sport. That is what this legislation does.

There are ways of achieving this goal without that reduction. We should take the opportunity in this debate today to achieve that outcome and to preserve the integrity of a system which has been very important in lifting the amount of money going into community organisations in this territory.

MRS DUNNE (11.47): I rise to support the comments made by the Leader of the Opposition and to add my concerns about the proposal put forward by the Labor Party. The community contribution regime under the gaming machine legislation was hard fought and opposed at all steps by the Labor Party. Like the Leader of the Opposition, I am pleased that the Labor Party have suddenly become converts to the system.

But I am unhappy because the bill reduces the pool of money available to community organisations. It does this by inflating the value of contributions to a particular sector. The risk is that this scheme will skew the community contribution system in all other sectors. It is regressive, because it encourages clubs not to give to charities, not to give to community groups, not to give to men's sport; it encourages clubs only to give to women's sport by inflating the value of the money they give to women's sport.

In addition, it creates for the club sector an enormous administrative nightmare. I went through the last report on the operation of the community contribution scheme and looked at the organisations mentioned. I will give one example of an organisation I know. The Brindabella Blades Ice Skating Club receives assistance from clubs to run their operations. I know about this group because I used to be a parent member, and at least one of my children was a member.

Can the Treasurer tell me whether a contribution to the Brindabella Blades Ice Skating Club would be a contribution to women's sport? Most of the active members of the club are girls, but a substantial number are boys. Does it mean that the licensed club that makes a contribution to them has to work out how many girls and how many boys there are in the club? Come on, let us be frank.

Mr Quinlan: That would be hard!

MRS DUNNE: It would be, because the membership changes from time to time. That is only one example. Just think about the amount of administration you are adding to voluntary organisations such as an ice skating club or a pony club that have both boy and girl members. You are perpetuating that across the licensed clubs who have to account for their contributions.

This is a regressive system that undermines the whole thrust of the community contribution scheme, which was essentially aimed at ensuring that licensed clubs contribute to the wide community. This bill discourages clubs from contributing to the wide community.

MRS CROSS (11.51): Mr Speaker, despite better funding and more media attention, women's sport continues to be the poor relation in terms of general exposure. Just why this is so is not entirely clear, as Australia has over the years produced women of world calibre in a variety of sports—women like Margaret Court, Evonne Goolagong, Dawn Fraser, Shane Gould, Heather McKay, Cathy Freeman, Lisa Curry Kenny and many more. Each time they have dominated the news there has been a resurgence of interest by the general public, but it has seldom been sustained.

If anyone doubts women's commitment to sport, they just have to go to the netball courts at Deakin on a Saturday to see the several hundred girls and women in competition cheered on by hundreds of keen spectators and supporters. When Norm goes to see his daughter Mairead play netball or Dave and Bev head out to see Amy blitz the field in a triathlon, they need assurance that the event will be well managed and accessible to grassroots Canberrans.

There are over half a million registered netball players in Australia, so netball is by far the most popular women's sport. Netball has come a long way since it arrived in Australia with English schoolteachers in the early 1900s and was introduced to primary school children as women's basketball. It appears to have been derived from the men's game of basketball, which was invented in America in 1871. The game of basketball was introduced into England in 1890, but at that time it made little impression in men's sporting circles, where the more traditional games or soccer, rugby and cricket were firmly entrenched.

Women liked the game, despite the fact that their long skirts, bustle backs, nipped waists and button-up shoes impeded running on the court and their leg-of-mutton sleeves restricted arm movement and made dribbles and long passes difficult to execute. To overcome this, the ladies decided to adapt the game to suit their circumstances. They divided the court into thirds and introduced a rule that the ball must be caught or touched at least once in each third, and no-one was allowed to run with the ball, which established restricted playing areas for each position.

More players were added, making nine players in each team (later reduced to seven). They got rid of the unsightly backboard by allowing five seconds (later reduced to three) to shoot for goal, and they modified the goal ring to suit the smaller sized soccer ball. In other words, they created netball.

Although the first set of rules was not published until 1901, the *Chambers Encyclopaedia of Sports Records* showed that the first game of netball was played in England in 1892, on grass with clothes props for goalposts and paper bags for baskets.

As far as Netball Australia can tell, the game was brought to Australia by English schoolteachers in the early 1900s. Netball Australia is proud of the following achievements. The game is the most popular women's sport in Australia. Netball Australia has a national membership of over 350,000 and 541 affiliated associations. Including the registered numbers of Netball Australia, there are an estimated 1.2 million netball players in Australia. Internationally, netball is played in approximately 50 countries, 45 of which are affiliated with the International Federation of Netball Associations, otherwise known as IFNA.

MR SPEAKER: You are just about to come to the taxing issue, aren't you?

MRS CROSS: I am, Mr Speaker. I am delighted that you are entertained by all this. Netball is a game that moves fast, requires a high level of fitness—which I know you have, Mr Speaker—and coordination, and at its top levels requires skills of a very high order, which I know many members in this chamber possess. It is an activity that inspires passion by those who play and those who watch. It is worth recording that netball was one of the eight foundation sports when the AIS opened in 1981, and considerable success has followed from that.

Finally, despite the occasional victory from those across the Tasman, the Australian national netball team has been the best in the world for a considerable time.

Admittedly, netball is only one of many women's sporting activities, but it serves as a useful example of what good organisation can do to lift awareness and promote participation. As such, it is a role model for the organisation for other women's sports.

The opposition welcome greater investment in women's sports in the ACT. It seems that media interest more often centres on those women's sports with the skimpiest clothing or those sportswomen who are the best in the world. This makes sponsorship much harder for women who are talented but yet to break into top-level competition. This is unfortunate and needs to change.

We need to assist the young Dawns, Cathys and Lisas of Australian sport in constructive ways. We also need to provide assistance to the young women of Canberra to become, or stay, involved in sport at a recreational level. Hopefully, this legislation, as amended by the opposition, will do just that.

MS GALLAGHER (11.56): I am not sure whether I am going to be as entertaining as Mrs Cross. I certainly feel better informed about netball than I have been for some time. I will speak briefly on the bill. The bill, if passed, will provide incentives for ACT licensed clubs to make financial contributions to women's sport in the territory. The incentive is an extra credit of $1 that can be applied towards their total reportable community contributions for every $3 they contribute to women's sport.

In the ACT we have the highest rate of women's participation in sport. Something like 48 per cent of all women engage in some form of physical activity. This is slightly higher than the national average. Women in sport in the ACT are doing amazing things, from the elite level with the Capitals and the Eclipse to groups such as Females in Training to all the women and girls who get out on weekends to play netball, softball, soccer, rugby and hockey.

At the recreational and grassroots level, organisations are managing competitions and training sessions without large amounts of financial support. They do everything from providing oranges and uniforms to holding raffles and sausage sizzles to gain extra funds. As in most areas in our community, inequity exists between the financial support given to men's sport and the amount given to women's sport. For some reason, sponsorship for men's sport is easier to get than it is for women's sport, despite the incredible efforts of women in sport in the ACT.

As a parliament we need to do everything we can to encourage financial support for women in sport. An easy way to do this is to provide incentives for that support to be given. This bill does not force clubs to pay a certain amount. It does not tell them how to make their contributions. It says, "We would like you to donate to women's sport. To encourage you to do this, we offer you this incentive."

There are so many worthwhile women's sporting programs which could benefit from the increased attention extra sponsorship would attract. One which springs to mind is a program focusing on the mentoring of women in sport in the ACT. This program was initiated and facilitated by Heather Reid because she recognised that there was not enough support for women to take on leadership positions or roles within the very male-dominated sports industry here. Heather informed me that the female representation in leadership jobs in sports in the ACT reflects the national average of about 15 per cent. Obviously, if you are not attracting women to these positions, then the ability to lobby for women's sponsorship dollars is reduced. So there is so much work to be done in creating a level playing field—excuse the pun—for women in sport.

Programs which provide education, mentoring, training and support to ensure women stay in critical roles within the sports industry require and deserve the attention of sponsors. With extra support, I believe we will see more women remain in the industry to lobby for an equal share of all resources.

This bill is a positive step in the right direction for women's sport in the ACT. As this is a new measure, it will be useful to see whether the incentives offered by this bill deliver outcomes for women's sport. We need to encourage clubs to look towards women's sport, and this bill achieves that goal.

MS DUNDAS (12.00): There are a number of difficulties in the approach the government has taken with this bill. I agree that the funding, recognition and support that women's sport receives are dismally low compared to men's sport. That goes not only for this territory but nationally and internationally. There is a huge inequity for women's sport. This is something that not just those of us in the Assembly but sporting organisations, businesses, media and the community at large need to take responsibility for and begin to address.

I am glad that the government has taken up this issue and is attempting to do something, however small it might be. But the Australian Democrats have a number of concerns about the particular policy instrument the government has chosen to use.

I hold reservations about embracing the idea that the problem can be addressed by resorting to gambling revenue. I agree that gambling revenue is a large source of income for sporting organisations in general and that practically all of it goes to men's sport. But there is a contradiction in using the proceeds of something that causes social harm to do social good. I am uncomfortable with this sort of social mathematics that is often used as an excuse by governments and businesses to ignore problem gambling.

I bring this up because there seems to be very little consideration of policy options outside the realm of gambling revenue. The government seems to have overlooked or disregarded things like the allocation of government sporting grants or direct government funding of women's sport. They seem to have talked very little about working with

women's sporting organisations to improve their marketing skills and fundraising abilities. They seem to have ignored other options.

Other options include encouraging, or providing incentives to, businesses or philanthropic organisations to contribute more towards women's sport. There may also be methods of leveraging greater private sector funds. In short, the government seems to have decided that gambling revenue is the only avenue of improvement and that that is all they will be doing.

This bill seeks to amend an act that is currently under review by the Gambling and Racing Commission. I have concerns that this bill seeks to change the way community contributions are allocated, without taking into account the broader issues under consideration by the commission.

There were a number of recommendations in the December 2001 report from the commission relating to community contributions, including a recommendation that a minimum level of contributions to charitable and social welfare organisations be established.

This bill pre-empts the outcome of that review and means that we are considering one group of contributions without looking at the effect on other groups. I have a particular problem that the bill will mean that the needs of one group will be raised above those of many other worthy groups such as social welfare and charitable organisations.

I believe it would have been better for the government to allow this issue to be dealt with in conjunction with the rest of the review of the act, so that the relative needs of many groups could be taken into account. The Australian Democrats believe that issues like this need to be examined in the context of the wider problems in gaming machine regulations, because dealing with problems in isolation can lead to myopic perspectives and unintended outcomes.

Even though the government is dealing with this issue in isolation, it does not seem to have done very much research. When I was given a briefing on this bill, I was very surprised that the government seemed to have very little background information. They were unable to tell me how much funding women's sport currently receives through community contributions and could not give me even the vaguest estimate on how much this bill would generate for women's sport.

We have very scarce information on the implementation process that would accompany the passing of this bill. We have been told that ministerial guidelines will be produced, but we have not yet been given any indication of what might be in them. No-one has yet been able to give me a definition of what would be recognised as women's sport, a point raised in detail by the opposition.

Mrs Cross spoke at length about netball as a women's sport. I play netball in a mixed team.

We have not been told what level of sporting organisations will benefit from any additional funding. It would be far from optimal if all funding for women's sport was directed at a few elite teams, which would benefit very few people. I have seen nothing that would prevent this.

The government seems to have left very little room to move in the time frame for implementation. For this legislation to be implemented, it needs to be passed and gazetted and the ministerial guidelines finalised before the end of June. It would have been more helpful if the government had either waited for the Gambling and Racing Commission report or at least introduced the legislation much earlier in the year to allow more detailed consideration. Considering that the guidelines will need to be ready by the end of June, it is unfortunate that we are not able to see them at the beginning of June.

This all means that the Assembly is being asked to pass legislation without full information on the issue and under great time pressure. This is a situation I am not very happy about. If this Assembly is to make informed, reasoned decisions about the laws of the territory in the best interests of the people, the government has a duty to implement its legislative program in a timely fashion, with adequate information being made available to members.

Even if we confine ourselves to gaming revenue funding options, the mechanism the government has come up with has many problems. I understand that the government wishes to use a market-based mechanism to allow the clubs flexibility to determine where their allocations will be directed.

However, this mechanism creates the odd situation that a club's calculated contributions will not reflect the actual amount they pay. Clause 5 of the bill states that for every $3 of women's sport community contributions that a club contributes the club's community contributions must be calculated as if the club had contributed $4. This means that we are going to purposely use fictitious figures in calculating community contributions. This legislative sleight of hand also means that the total amount of community contributions may fall. If we are looking for statistics about how much money is going to women's sport, this sleight of hand will not help us.

The bill attempts to increase the women's sport allocation by decreasing the contribution to other groups. We have no information about which groups this will come from. However, given the strong commitment ACT Clubs has already shown to sporting organisations, we might infer that they would be more likely to cut funding from charities and social welfare organisations. I admit that this is speculation, but once again we are in the dark about how clubs will respond.

Furthermore, there is an issue about what impacts this incentive will have on decision-making processes within clubs. I note from the Gambling and Racing Commission's report that in the last financial year over 70 per cent of clubs donated over 6 per cent of their net gaming revenue to the community, even though they were required to donate only 5 per cent. Those 70 per cent of clubs accounted for over 90 per cent of community contributions. I am still to be convinced that a club which voluntarily contributes more than is already required will see any incentive in a discount for donating to women's sport. Why would anyone seek a discount if they are already happy to pay much more than is required?

The central problem is that this so-called incentive only gives clubs the opportunity to cut their community donations. This bill makes the assumption that clubs are interested in minimising community contributions. Given that clubs are supposed to exist in order to serve the interests of the community and most clubs give much more than they are required to give, this assumption seems ill founded. This might be a good assumption if we were dealing with profit-making businesses but clubs, constitutionally, are not. We are dealing with community organisations looking to maximise the benefits for their members and the wider population.

There seems to have been very little discussion of other legislative methods of implementing the purpose of this bill. It appears that a particular mechanism has been decided upon without a lot of consideration. It would be good to discuss the relative merits of other approaches, including a matching funding mechanism that required clubs to give a percentage of sporting donations to both men and women's sport or a community-based board to guide funding allocations.

I will be moving an amendment to this bill to insert a sunset clause, as I believe we should ensure that if this bill is passed this issue is brought back before the Assembly before any such regime is implemented in perpetuity. It will also give us an opportunity to view this mechanism in conjunction with other amendments to the Gaming Machine Act that may arise from the review currently under way or other things that come up as we discuss this issue.

MR PRATT (12.09): I support the need to amend the government's bill in order to guarantee revenue for women's sport. My colleague Mrs Cross spoke most eloquently of skirts and bustles—excuse me while I go a fraction dizzy over that—and gave a colourful history of Australian women's netball.

The opposition seeks to increase the designated levy for clubs from 6 to 7 per cent as from 1 July and guarantee one half per cent of that levy for women's sports. This would mean an extra $500,000 per annum for women's sports. It is very important that women's sport be well supported.

Women's sport often misses out on revenue and sponsorships. Most high-profile sporting teams in the ACT, by tradition, are men's teams. They tend to attract greater sponsorship. Perhaps it is time we started to discriminate in favour of women's sports. Women's sports in the ACT have the greatest percentage of community participants in this country. They have a proud tradition. It is time the community undertook assertive strategies to give a boost to women's sport. This is what the opposition seeks to do in its endeavour to amend the government's bill.

We must also continue to encourage school-aged and young adult women, along with their young male colleagues, to maintain their community sporting interests. Sport is important to community spirit and as a preventative health measure. When teenagers are wondering about their priorities in life, it is important to encourage them to be involved in sport. Therefore, funding to encourage participation is important.

The government's bill does not guarantee the sponsorship funding that women ought to be getting. The opposition's amendment will be a great investment in women's sport. I must commend the amendment. It will be a minor impost on clubs. It will guarantee government revenue, which is also extremely important. Finally, it will benefit women's sport.

MR STEFANIAK (12.13): The principles raised in the scrutiny of bills report were touched on by the Leader of the Opposition and other speakers.

I can see where the Treasurer is coming from. As minister for about 6½ years, I was always very keen, as the then government was, to promote women's sport by trying to get better airplay, better media coverage and more money for women's sport. The previous government initiated specific programs, including sports grants for women and women's sporting organisations. We initiated the women in sports grants to encourage more women into sport. Under the business programs, I was delighted to see us fund the Canberra Capitals and the ACT women's hockey team. I would imagine the current Treasurer and sports minister would be doing the same as we did to encourage sponsorship of women's sport.

I estimate that $300,000 of the community fund is going to women's sport at present. Joan Perry, who is in the gallery, said it may be about $350,000. That is not a huge amount when you think of all the money going into other sports.

The scrutiny of bills committee drew the attention of the government to the effect this legislation would have in providing that for every $3 a club spends on women's sport it will be credited with spending $4. That will have a significant effect on the potential revenue going to other sporting and community groups. While novel, it has a number of problems. I commend to the Treasurer the scrutiny report, which he may have responded to already. It highlights some problems.

The Leader of the Opposition will be proposing an alternative which protects the revenue going to community and sporting groups from the gaming machine community contribution levy, which goes up, as Mr Pratt has said, to 7 per cent in July.

I was pleased to see in the last report from the gaming commission that there has been a considerable increase in spending by clubs on community activities, especially sporting activities. As Mr Pratt said, sport is the fabric of life in this community. It is terribly important to community wellbeing and in training young people in healthy habits, which is important with growing obesity amongst our young. The money that goes into sporting endeavours from the community contribution fund is of immense benefit to our territory.

There are better ways of helping women's sport than the way the Treasurer is proposing, however admirable the principles behind what he is seeking to do. Again, I highlight that the report of the scrutiny of bills committee raised the potential for damage to revenue that otherwise would go to other sporting activities and other community activities covered by this legislation.

MS TUCKER (12.17): This bill is the result of a Labor Party election commitment. While it is commendable that the party is delivering on its commitments, the Greens are unable to support this bill.

We acknowledge that women participate in sports less than men do and that women's sport is underfunded, compared to men's, in club sporting contributions. But we do not have clear data to tell us by how much and in what areas.

We are supportive of measures which can effectively address this imbalance but do not believe this bill is a good tool to achieve what is a good end. We need to look at much broader issues such as those Ms Dundas referred to.

What is women's sport? Is it sports that are traditionally women's sports, such as netball, which is very popular? Is it women playing sports that are traditionally men's sport, such as rugby? Is it more broadly about physical activity and even about social group contact?

We need to be aware that there are activities other than team competitive sports. We could encourage bushwalking, tai chi, dancing, yoga and so on, also activities that improve physical fitness. Do we know whether the lower participation for women is across the board, or is it only in the team competitive sports?

What is needed for women's participation levels to increase or to be maintained? As adolescents, women tend to drop out of active recreation more than men do. Is it increased awareness at school level of the kinds of activities and programs that create supportive environments for girls' physical activity?

Do we need more facilities? Do we need more football stadiums. Do we need more rock eisteddfods? The Rock Eisteddfod has certainly resulted in very strong physical activity by girls and has had a positive impact on substance abuse in our community. It is important not just for physical fitness and physical activity but in a social sense as well. Many forms of dance are extremely physically strenuous and can have an important social impact on young people, particularly young people at risk. Look at breakdancing, for example. With a cultural group significantly at risk, you can see a relationship between substance abuse and engagement in this form of physical activity, which is a solid part of their cultural identity.

Is sports funding targeted funding for the non-gender specific sporting groups in Canberra to support them in encouraging women to get involved? Roslyn Dundas said she is in a mixed netball team. Is there something we need to be doing through promotions, uniforms, new competitions or whatever to encourage more women to participate in mixed teams? Mixed-team soccer, touch football and netball are popular social sports in the inner north. Often it is social networks or work networks which draw people into teams and competitions. How could we support drawing in women in that way?

My point is that there are many ways that government could be looking into women's participation in sports. How broadly do we see sport to be? What is the definition of sport? We can look at how we can encourage physical activities more generally, look at the problem and work out appropriate targeted means to address the problem.

There is a lack of clarity in available data. The Gambling and Racing Commission—although it has records from all the clubs showing how much money they gave, for what purpose or to which individual or organisation—could not identify easily how much

money went to women's sport. There has been no requirement for clubs, or the groups they are paying, to specify how much of the contribution goes towards women's participation, so there is no baseline data. It is mainly supposition.

It would be useful to have an educative approach. If we agree there is a problem with clubs' support of women in sport, we could draw attention to that by requesting more specific information from clubs on how much of their sporting grants assist women's participation in sport. That would mean that clubs would have to find out about women's participation from their grant recipients.

Perhaps the information could be categorised into women's competitions or other activities, mixed competitions or other activities, and men's competitions. It would also be interesting to see how much was spent on grassroots sports and activities as distinct from elite sports. Both have a place, but it would be good to see how much is spent on each. Reporting clearly on the balance between women's and men's sports would bring attention to it, which can be a powerful tool in social change.

My final point of opposition to this proposal is that we are changing the criteria for gaming machine revenue in a fairly ad hoc way. Important as increasing support for women's sport is, I do not believe any serious thought has been given to the relative importance of women's sport compared to services for homeless women, for instance. As other speakers have said, at whose cost will this bill be, and why have we chosen this area for special attention without looking at all the other priorities and then making a decision based on that information? Sport and other activities can be positive for people's engagement and sense of self as well as for fitness. But there are other very important priorities as well.

The system of gaming machine community contributions has already been skewed by including sports, so what effect will this bill have on overall contributions? It is true that most clubs contribute more than required, but that is no argument against the possibility that this bill may further skew where the money goes. It may even end up reducing the amount given to women's sport. Last year a club may have given $400 to a women's sporting competition. This year, if that club gives $300 it will count as $400. Is it really an incentive to give more?

There is also a question whether extra funding, if there is any, will go to grassroots activities or to elite sports. I have heard pleas from women's elite sports for easier access to sponsorship, so this is also a problem. High-profile women's sports also may increase participation generally through providing role models, planting the seed of the idea and so on.

There is also a strong argument for grassroots sports for women boosting opportunities for participation. I understand that the government has said they are seeking extra funds for grassroots sport through this measure. However, without regulations in front of us, we cannot see how the government will ensure that this happens. We need to be able to see what the target areas and groups are. How will the government ensure that money reaches them? Do new opportunities need to be provided?

Moreover, we are yet to hear the final results of the Gambling and Racing Commission's review of the Gaming Machine Act. The commission, I understand, did not have any real input into this proposal. It was presented as something the government was committed to doing, so it was not subjected to the kind of informed consideration that I would hope the independent Gambling and Racing Commission is there to provide. The commission came up with a rough idea of how much went to easily identifiable women's sport—roughly half a million dollars—but this is not clear data.

The Labor Party may well have developed this proposal by thinking through all the possible impacts and thinking through what the target is and how they can ensure that the ends will be what they say. But given that we do not have any clear regulations to consider along with this bill and given that there is no clear data to inform us, it is hard to come to grips with this reasoning.

While the government funding of women's sport for the last year exceeds (a bit) that for men's sport by more than the difference between the participation rate for women in sport and that for men, is this really the limit of government's responsibility for this problem? I acknowledge also that the Treasurer announced in December that there would be funding to develop community sport and recreation programs for women and older people, and I am aware that the government is supporting women's sport to review its direction and programs.

Healthpact last year gave grants towards various physical activities and sports, including dancing. That is another program that could bring attention to the relative impact on women. But it is still not clear why we are doing this ad hoc thing. I would like us instead to understand the problem and then effectively address it. The Standing Committee on Health is looking at the health of school-aged children, and a number of sports groups are talking to the committee about these sorts of issues. The issue of girls and sport is going to be addressed by this committee. I hope this committee work will be useful to everyone in the Assembly in understanding why there is less participation by women and young girls.

I will talk to the amendments when they are moved.

Finally, the Greens want to see genuine work to improve women's participation in sports and other activities, but we are not convinced this bill is a useful tool. It pre-empts the work of the Gambling and Racing Commission. We cannot see what the impacts of this bill will be. It sets a precedent. Both Mr Humphries' amendment and the Labor Party's proposal set a precedent. It would be perfectly justifiable for any community organisation to lobby members of this place for a similar incentive for their area. They would be able to argue that their area was a priority, as women's sports groups have argued to government that their area is a priority. It is not a good form of policy. This bill is fraught with problems we will have to deal with if it is passed, and I understand that it will be passed. I think it is a mistake, even though I am very sympathetic to the intention of it.

Debate (on motion by **Mr Wood**) adjourned to a later hour.

Legal Affairs—Standing Committee
Scrutiny Report No 14 of 2002

MR STEFANIAK (12.29): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 14, dated 4 June 2002, together with a copy of the relevant extracts of the minutes of proceedings.

I ask for leave to move a motion authorising the publication of Scrutiny Report No 14.

Leave granted.

MR STEFANIAK: I move:

> That the report be authorised for publication.

Question resolved in the affirmative.

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: Scrutiny report No 14 contains the committee's comments on one bill. I commend the report to the Assembly.

Sitting suspended from 12.30 to 2.30 pm.

Questions without notice
Revenue—goods and services tax

MR HUMPHRIES: My question is to the Treasurer. It concerns the ACT's revenue from the goods and services tax. Under the original GST agreement, it was projected that the ACT would be better off under the GST by the financial year 2004-2005. Treasurer, can you advise whether it is likely to remain the case that we will be better off by 2004-2005, that is, GST positive, by then? If so, is it possible, as a result of the recent federal budget, that that revenue may be accelerated and we could be GST positive by as early as 2003-2004?

MR QUINLAN: I want to take that on notice so that I can get a precise answer for you. I do not want to be standing up here saying that we are going to be GST positive by 2003-2004 if we are not. However, the numbers that we have seen so far would indicate that the GST inflow is ahead of projections. It varies from state to state, as you are aware. Queensland may well be there in a year or so. We are a bit behind that, but I will take that on notice so that I can give you the precise response.

MR HUMPHRIES: Supplementary, Mr Speaker.

MR SPEAKER: He has taken it on notice. Do you want some further information?

MR HUMPHRIES: I want to add to the information that he might take on notice.

MR SPEAKER: Okay.

MR HUMPHRIES: Does the government intend to retain the original deadlines for getting rid of other taxes and charges that were part of the intergovernmental agreement on the goods and services tax?

MR QUINLAN: That is a different question, inasmuch as we have already seen this year some reneging on the part of the federal government in relation to fuel excise. In the federal Treasurer's advice and explanation about that to the meeting of treasurers, there was a very broad hint in relation to tobacco excise as well. Whether we, or the states, will honour our commitments under that intergovernmental agreement will largely depend on whether, from this point on, the intergovernmental agreement is honoured by the Commonwealth.

As you are probably aware, some of the states are ahead of the game, as is New South Wales with the debits tax. We have no intention, at this point, of accelerating the elimination of those taxes but, all things being equal, we hope that we will be able to put the ACT economy in a similar position to the economy of the state that surrounds us, and on a par generally with the nation's. The intent is to be as good as those economies, if not better.

It is a difficult task, as you are probably aware already, and it does depend on whether the intergovernmental agreement falls apart or not. There were some threats to it at the last treasurers meeting, and there certainly was some discussion among the states about whether they would necessarily eliminate all the taxes that were agreed upon if the Commonwealth started to nibble at the edges of the agreement.

Territory Plan—draft variation No 200

MS GALLAGHER: My question is to the Minister for Planning. Can the minister tell the Assembly about the community's response to the garden city draft variation No 200 to the Territory Plan?

MR CORBELL: I thank Ms Gallagher for that question. Mr Speaker, there has been a lot of interest in the draft variation following its launch and release on 30 April, last Thursday. The public have shown a very strong interest in the variation. About 150 copies have been distributed over the two working days since its release. The *Canberra Times* and other media have generally reported strong support for the variation from a range of people and organisations, and these include Mr Ken Taylor, who is president of the National Trust in the ACT.

On behalf of the National Trust, Mr Taylor has described the release of the draft variation as one of the most significant steps taken in planning since self-government. I am very pleased to inform members that Mr Taylor has also indicated that he believes that the National Trust will now have to seriously review its listing of nine garden city suburbs in Canberra on the endangered places program. That listing, of course, was brought about by the previous Liberal government's determination to systematically—or

perhaps I should say, without a system—wreck the amenity of those suburbs. I am very pleased with the level of response to date.

Other organisations and individuals have contacted my office to express support for the intention of the variation. Most of the comments I have received support the principles of the variation, which protect the urban amenity of our city, and promote development around centres in a focused way to achieve and implement our sustainability objectives. I am also grateful for the comments from other Assembly members, in particular Ms Tucker, who has indicated generous support for the variation to date.

Mr Speaker, PALM has established a help line for people who are seeking further information about the variation. Most of the inquiries received have been about the government's proposals in relation to dual occupancy development.

There has, of course, been a range of comment from industry associations, including the HIA and the MBA. They have raised a number of concerns about the details of the draft variation, and I welcome their comments, because this government is releasing this draft variation for a very thorough community consultation process. Unlike most other draft variations, most of this one does not take interim effect for a period of two months from the date of its release, last Thursday. This leaves a significant period of time in which to address procedural fairness issues for people who already have applications in the pipeline, and it also allows for a good range of comment to be received before any of the proposals take effect.

I look forward to receiving those comments. I look forward to working with everyone interested in this very important variation, as we seek to implement its provisions and respond to concerns that are raised along the way.

MS GALLAGHER: Can the minister explain the government's response to concerns expressed by some industry groups that there should have been consultation prior to the release of the draft variation?

MR CORBELL: I thank Ms Gallagher for the question. This is an important point. I think it is worth reminding members that there has already been extremely extensive consultation about proposed new residential land use policies. There will be much more consultation as we work through the release of the draft variation document itself.

I think it is important to remind members that draft variation No 200 was prepared in response to the previous government's proposed residential land use policies and ACTCode 2. Those two proposals of the previous Liberal government were a matter of such serious public concern that the Assembly required the government to withdraw that draft variation, and undertake another three months of community consultation on those draft variations.

Mr Smyth: That was politics. Let's fess up here.

MR CORBELL: I see that it obviously still hurts the former minister for planning. It is as a result of that consultation process that the new government has introduced draft variation No 200. A report on those discussions was tabled by the previous minister, Mr Smyth, on 30 August last year. In this document you can see the range of concerns

raised by the community, which are now being reflected in the provisions of draft variation No 200. For the information of members, I again table a copy of that report. I present the following paper:

> Proposed Residential Land Use Policies including the ACT Code for Residential Development, Report on discussion paper consultation, 21 April-23 April 2001, dated August 2001.

That report outlines a range of the concerns about overshadowing, about lack of private open space, about the ad hoc nature of dual and triple occupancy redevelopment—a host of issues that draft variation 200 seeks to address. As I have already indicated, clearly draft variation 200 will go through a very extensive consultation process, through the draft variation process, through an Assembly committee and, ultimately, on the floor of the Assembly itself.

It is wrong to suggest there has been no consultation. Draft variation No 200 is the result of a wide-ranging process that was commenced by the previous government in relation to residential land use policies. The discussion paper tabled by the previous minister, Mr Smyth, outlined the major concerns to which we have sought to respond.

Neighbourhood planning

MS DUNDAS: My question is also for the Minister for Planning, Mr Corbell. Minister, the focus of neighbourhood planning, since its inception, has been in your electorate of Molonglo. Minister, when will the other areas of Canberra be able to undertake much-needed upgrades within or without the neighbourhood planning process?

MR CORBELL: I am grateful for Ms Dundas' question. I think the first point that I should make is that the priorities of the neighbourhood planning program were outlined in the government's election document. Before the election, we said where the priority areas would be: the inner north and the inner south of Canberra, Woden and Weston Creek. It was outlined in our planning policy before the last election and, not surprisingly, we are seeking to implement that policy.

Those areas facing the most immediate redevelopment pressure were the areas to receive the attention of the neighbourhood planning program, as outlined in our election policy. That was our election commitment. We are seeking to implement that.

That does not mean that no change or planning is happening anywhere else in Canberra. The government remains committed to a detailed master planning process, as relevant, and as needed across Canberra, including in Tuggeranong, Belconnen and other areas that are not currently part of the neighbourhood planning program. We will continue to focus on master planning on a case-by-case basis, as is needed in those areas. Where appropriate, we will seek to make sure that master planning occurs parallel with the neighbourhood planning program. However, it will not necessarily have to be that way, particularly in areas that are not due for neighbourhood planning for some time.

MS DUNDAS: When will the neighbourhood planning process move out of the inner north and inner south into other areas and, in line with the master planning process, would you please—

MR SPEAKER: Would you come to the question?

MS DUNDAS: Articulate your commitment to the community service needs of areas such as Kippax and West Belconnen, which have been calling for action for a number of years?

MR CORBELL: As I just indicated, the government set out in its election policy a three-year program for neighbourhood planning. We anticipated that it would take three years to complete master planning across the inner north and the inner south of Canberra, Woden and Weston Creek, and so we are working to that program. However, as I have also indicated, master planning and associated planning exercises will also take place on a case-by-case basis around the rest of the city, and that includes areas such as Kippax.

The government is already undertaking a number of studies that relate to Kippax, and some of the other recommendations of the previous Planning and Urban Services Committee's report on draft variation No 158 will also be considered through that process. Reviews are currently being undertaken by various ACT agencies in relation to the provision of library, health and community facilities in the Kippax and West Belconnen areas. These will provide updated information on the needs of the community, which have changed significantly over the last 20 years. The results of these studies are due in September this year.

At that time, the government will begin work on the preparation of a strategy for unleased territory land in Kippax. I know this is an issue of some concern to residents in the Kippax area. I am prepared to make a commitment here today, on the record, that the government will not release any of the unleased land between the existing library and Kippax Fair before that strategy for managing unleased land is completed, and before the government has made decisions about future community facility needs in Kippax, informed by the studies that are due at the end of September this year.

The government has a clear commitment to making sure the planning process for Kippax is orderly and comprehensive, and that it addresses the demands and concerns of the community. In that regard, I think my colleague Mr Wood has already indicated quite clearly that the government will also be focusing on, and has a commitment to maintain, library facilities in Kippax as a matter of course. The government has a comprehensive approach to planning in Kippax. I hope the points I have raised address Ms Dundas' concerns.

Gungahlin Drive extension

MRS DUNNE: My question without notice is to the Chief Minister. Chief Minister, on radio 2CC on 23 May, you admitted in relation to Gungahlin Drive—and I will use your exact words—"We haven't done the basic planning work". You went on to assert that there was a conspiracy against you on this issue, and again I will quote from you: "It's an expensive business, it's detailed, it's quite long and very involved. We're in a position now where we can't do the necessary planning that's required to get the western route under way."

However, a couple of days later, on ABC radio on 29 May, the Planning Minister was much more gung-ho, and he declared—and again this is a direct quote: "We made the commitment. We're going to stick to that commitment on time, on the western route, on the same budget." That, as far as I can tell, means starting the road this year and completing it in 2004.

Chief Minister, who is right? Is it the case that, given your enormous commitments and your enormous popularity, you are out of the loop on this? Or is Mr Corbell making commitments on behalf of the government which, on your own admission, you cannot keep?

MR STANHOPE: I am grateful for the question. One of the things that we are particularly pleased about is that the people of Gungahlin are now in the loop. It has been very interesting for all of us to see that the residents of Gungahlin are now fully aware of the role that the Liberal Party is playing in seeking to ensure that the people of Gungahlin will be deprived of access to the rest of Canberra, via the Gungahlin Drive extension.

Mr Humphries: You know that is not true.

MR STANHOPE: It is true. Get out to Gungahlin and have a word to the residents out there. Get out to Gungahlin and have a word to your constituents about what they think about the tawdry role of the Liberal Party—trying to score some cheap political points and doing everything in their power, in collaboration with the Commonwealth government and Commonwealth agencies—in trying to stop Gungahlin Drive proceeding along the western route.

It really is quite amazing to me, and to the people of Canberra, and in particular to the people of Gungahlin, that you have not copped it sweet yet. You lost the election. There was a referendum on the issue of where Gungahlin Drive should go, and whether it should go west or east. The referendum was the ACT election and you lost it. You lost it because you lost the trust of the people of Canberra, who realised that you did not have it in you, and you are not up to it.

You know that you are not up to it, the people of Canberra know it, and the people of Gungahlin in particular know it now. We promised a road along the western route if we were elected. We were elected. We went to the election on that. We were specific. Mr Corbell and I said it time and time again: a vote for Labor is a vote for Gungahlin Drive on the western route. We went to the election on it. We made a promise about it.

You went to the election on "a vote for the Liberals is a vote for the eastern route", and they did not vote for you. It was remarkable to see Harold Hird actually entering the joust—poor old Harold must be having some withdrawal symptoms—I think on the same day as I was on the radio. He was out there saying, "The Labor Party should just give up and build it on the east," where he, Harold, had always said it should go. However, Harold, campaigning on the eastern route, lost his seat, only by 54 votes admittedly, to you, Mrs Dunne, but 54 votes is 54 votes—the missing 54 votes.

We wonder where they went. I am still sorry that Mr Hird did not pursue that challenge. I would like to know where those 54 votes went, too. It is one of those little mysteries.

The fact of the matter is that the Liberals in the Commonwealth parliament, through Mr Kemp, are determined to stop this government building Gungahlin Drive on the route on which this government said it would be built. You cannot dispute that.

Mr Pratt: We can dispute that.

MR STANHOPE: You cannot dispute that. You have not been listening to Kemp. You have not been listening to the AIS or the Australian Sports Commission. You have not been listening to what they say. However, your federal colleagues, the federal Liberal Party—and you are complicit—are determined to stop Gungahlin Drive being built on the western route. You will do whatever you can do to stop it or delay it, because you think there is some short-term, tawdry political point to be scored through either stopping the development of the road or delaying it, and the timetable that has been announced.

This is a moot point. We have the NCA apparently suggesting that they will not countenance the construction of Gungahlin Drive along the western route unless all of the AIS' concerns are addressed. So, despite everything that the ACT government has done—all those reports, the planning, the engineering studies it has instituted, everything that it has suggested it is prepared to do—if the AIS come along after all that and say, "Too bad. We are still not satisfied," the NCA will say, "That is it. You cannot have the road."

Interestingly, now the Australian Sports Commission is suggesting that it will not necessarily even be satisfied with Gungahlin Drive on the eastern route. That is what it is now suggesting. What is the Liberal Party response to that? There would be no Gungahlin Drive at all on either the eastern or the western route, because the AIS objects, and the NCA has said that, so long as the AIS has an objection, the NCA will not approve the route. Do you support that position? Have you abandoned your commitment to the people of Gungahlin to the extent that you are prepared to cop that?

Mr Humphries: No.

MR STANHOPE: You obviously do support that, because you are not prepared to protest.

Mr Humphries: Build the road tomorrow on the eastern route.

MR STANHOPE: We cannot do that, as the NCA will not approve that, because your federal Liberal colleagues will not agree to it. You have urged them not to agree to it, because you think there is some short-term political point scoring yet to be done on this. Let me tell you this: the people of Gungahlin have woken up. The people of Gungahlin know what you are doing.

Mr Humphries: Is there an answer to Mrs Dunne's question anywhere in this diatribe?

MR SPEAKER: Well, Mr Humphries, I have to say, I thought the subject—

Mr Humphries: The question was does he stand by the comments Mr Corbell has made about building the road on time, within budget, on the preferred route.

MR SPEAKER: I thought I heard her ask whether he was in the loop, and I thought he was doing a pretty good job of telling you that he was. However, I am sure he is close to winding up anyway. Mrs Dunne, do you have a supplementary question?

MRS DUNNE: Chief Minister, given the commitment to build on time, on budget, your preferred route and the whole caboodle, when will you start the planning?

MR STANHOPE: We are already planning. Significant planning is under way.

Mrs Dunne: So you misled the people on 2CC?

MR STANHOPE: No, there is planning and there is planning, and there is detailed planning and there is extensive planning.

Mrs Dunne: We have not done the basic planning.

MR STANHOPE: We will be planning until the day the road is completed.

MR SPEAKER: Order! We went through this for the main body of the question. We have had a supplementary question. Be good enough to sit there quietly and let the Chief Minister direct his answer through the chair and then we will get to the next question.

MR STANHOPE: There are some genuine issues.

Mr Smyth: On a point of order, Mr Speaker: you have just asked the Chief Minister to answer through the chair, and yet he consistently addresses the gallery. If he spoke to you, we might get a better answer.

MR STANHOPE: Mr Speaker—

Mr Smyth: He does it again.

MR STANHOPE: You ought to do a bit of basic research on what "address the chair" means.

Mr Smyth: I did not think it meant turn your back. It is "through the chair".

MR STANHOPE: You ought to do some study about what some of these expressions mean.

Mr Smyth: You ought to be involved in the planning.

MR STANHOPE: Don't you know what it means, you bloody simpleton?

MR SPEAKER: Order! Stop baiting each other.

MR STANHOPE: For the edification of poor Mr Smyth, "through the Speaker", addressing the chair, does not mean standing here and gazing at the Speaker with the adoration that one normally shows for the Speaker. Addressing the chair does not require one to look at the chair. Don't you know that, Mr Smyth? This is fairly basic stuff, mate.

Mr Smyth: Like the difference between basic planning and real planning?

MR STANHOPE: Juvenile. The boy!

MR SPEAKER: Order! Would you come to the point of the question? Mr Smyth, please be quiet.

MR STANHOPE: There are some very significant issues at stake here, in relation to this particular issue. There are significant costs involved in the decisions that have to be made about the construction of Gungahlin Drive. It is a big project. It costs a lot of money, and we are not so negligent of our responsibilities to the ACT taxpayer that we are going to go charging down burrows if, at the end of the day, the Commonwealth, assisted by you, is going to put the mockers on the route.

If the Liberal Party, both locally and federally, succeeds in the campaign it is running to stop the route, we are not going to be left holding an enormous bill as a result. The Liberal Party here in the ACT is determined to do whatever it can do to stop Gungahlin Drive being built along the western route, where we promised it would be built.

Mrs Dunne: We want to get the road built on time and on budget.

MR STANHOPE: You do not. You are not prepared to cop the fact that you lost the election. You are not prepared to cop the fact that the people of Canberra have accepted that this road will be built on the western route. That is where the road is going to be built. You will not accept it. You are doing everything you can do to stop it. At the end of the day, after having stopped the road from proceeding on time, you cannot stand up and say, "You did not actually build the road in time. We stopped you from doing it, but you have not built it on time. Ha, ha, ha, how smart are we?" Goodness me. Everybody is awake to that nonsense.

Gungahlin Drive extension

MRS CROSS: Mr Speaker, my question is to the Minister for Planning, Mr Corbell, but I would rather ask it while looking adoringly into your eyes.

MR SPEAKER: It will not help you. Go for your life.

MRS CROSS: The view is a bit more attractive looking that way than the other way. Minister, does the government have a timetable for the construction of the Gungahlin Drive extension?

MR CORBELL: Yes, Mr Speaker, the government has been very clear about its timetable. The intention is to complete construction of the road in accordance with the previous government's capital works timetable.

MRS CROSS: Minister, will you table that timetable by the close of business today?

MR CORBELL: I have just done that, Mr Speaker. I have told you what the timetable is. The intention is to seek to complete it by the end of 2004. That is the commitment we made and the one we will seek to stand by. However, as the Chief Minister has already outlined, this government has a range of very serious concerns about the approach adopted by those opposite, Mr Speaker.

Mr Smyth: On a point of order, Mr Speaker: the supplementary question specifically asked whether the minister would table his timetable. It was not about any other peripheral issues. It was a very succinct question and the answer is either yes or no. It may be a little bit longer if he wants to tell us when the timetable—

MR SPEAKER: Mr Corbell.

Mr Smyth: The question is will he table the timetable.

MR SPEAKER: Mr Corbell is coming to the point.

MR CORBELL: The real concern, though, is that this government—and, again, it is important for those opposite to understand the context in which the government is making these decisions—is facing a deliberate and orchestrated campaign by the Liberal Party in the ACT, and federally, to prevent the building of the road on the western alignment. They have to own up to it.

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

MR CORBELL: They have to own up to that agenda, Mr Speaker.

Mrs Cross: It was a very simple question. I asked whether the minister has a timetable and, if he has a timetable—I do not want to hear excuses—I want to have a look at the timetable. If you have one, table it by the end of today. Can you do that, Minister?

MR CORBELL: I am very happy to come to Mrs Cross' question. However, it has to be put in context, and they cannot walk away from that context. The context is that they are running a deliberate and orchestrated campaign to prevent this government from implementing the road on the western alignment. If that is the case, the government has to seek to respond to that in appropriate ways.

However, the government has said what its intention is, and it will seek to stand by that intention. The details of all capital works, as members opposite would almost surely know, are part of the capital works budget, and it would not be appropriate for me to disclose the details of capital works projects prior to the release of the budget.

Griffin Centre

MS TUCKER: My question is to Mr Corbell. Mr Corbell, you would be well aware of the interest in the new community facilities proposed to replace the Griffin Centre and of the concerns expressed in this place over the past five years that the proposed development was not informed by any real analysis of what community needs would be

now and into the future and did not dedicate sufficient space for community purposes. Clearly, you would be well aware that peak organisations such as ACT Shelter and the Youth Coalition have no guarantee of accommodation in the new community facilities.

Mr Corbell, given that the planning process under the previous government clearly was inadequate and that the resulting facilities will not be able to meet community needs, even in the short term, can you advise the Assembly of any advice that you have received on the cost to the ACT of withdrawing draft variation No 189 to the Territory Plan and renegotiating the community facilities component of the proposed development in an open and informed manner? Secondly, can you table that information, if you have it? Also, could you table the contract with Queensland Investment Corporation by the close of business today?

MR CORBELL: Mr Speaker, the previous government entered into a contract with Queensland Investment Corporation for a tender to develop sections 35 and 56 in Civic. A lease has already been issued to QIC for part of the site, section 84, which is the car park area. Section 35, the proposed community facility which is the new Griffin Centre, cannot proceed until the draft variation is approved by the Assembly. Currently, the draft variation is before the Planning and Environment Committee for deliberation and report. The Planning and Environment Committee has been provided with a briefing, as I understand it, on the tender process and the assessment of tenders for section 56 in Civic as a result of a direct request.

Mr Speaker, I have not sought advice on the cost of withdrawing from the contractual arrangements that the territory has entered into. I have not done so because I believe that, without a doubt, the cost would be substantial. We have entered into a contractual arrangement for the development of section 56 and any attempt by the territory to withdraw from that almost invariably would mean costs to the territory. For that reason, I am not prepared to countenance that, particularly when I do not believe that the arguments are sufficient to justify a withdrawal from the arrangements.

Section 56 is a significant redevelopment project in the middle of Civic. It is consistent with the government's policy of seeking higher density urban consolidation activity, both residential and retail and commercial activity, within Civic and within town centres. We want to see more residential development in Civic. This project is one part of achieving that. I am amazed that Ms Tucker—a person who argues for urban consolidation in strategic locations, as does this government—is prepared to jeopardise one of the most significant urban consolidation activities in terms of residential development within Civic itself. This government is not prepared to do that.

In relation to tabling the contract, I will seek advice on the matter and seek to answer Ms Tucker's question later today.

MS TUCKER: I have a supplementary question. Will you consider seeking to ascertain the cost? You said that you already know that it would be too much. I am asking you whether you will seek the information that I have asked for, which is the cost of changing this contract.

MR CORBELL: I am happy to seek that advice, Mr Speaker, and I will endeavour to let Ms Tucker know the outcome of those inquiries, but the real issue here is whether the territory should be in a position to withdraw from a commercial arrangement of the nature that is now in place for section 56. It is my strong view that we should not and it is the government's strong view that we should not. This is about a major redevelopment project in Civic. Urban consolidation does have to occur somewhere in our city and I cannot think of a better site than a car park in the middle of Civic.

Roads—funding

MS MacDONALD: Can the Minister for Urban Services tell the Assembly what the implications will be for the ACT of the federal government's decision to cut the national roads to recovery scheme by $100 million in the next financial year, down to $200 million?

MR WOOD: Yes, I can. It will have an impact because there was an allocation in the former government's estimates of $5 million for the next financial year and that, of necessity, is now being cut back to $3.33 million. The allocation was part of a four-year program for the ACT at a cost of something like $20 million. The cut will bring about problems for the ACT, as for the whole of Australia. Perhaps it will bring about bigger problems in other parts of Australia.

The Australian Local Government Association put out a media release expressing its concern about the cut. I will quote part of it. It reads:

> Apparently, no thought has been given to the consequences for local communities, now forced to cover a $100 million financial shortfall in order to meet their road construction commitments or pay unknown but potentially huge penalties for breaking contracts with construction companies.

These cuts relate to forward commitments. As Mr Smyth and others opposite would know, these commitments are entered into well ahead of time in anticipation of the work proceeding. To cut funding in the federal budget a month or two before the commencement of a financial year is no help at all to those people who build roads. It is the nature of those programs that any changes in funding need a long lead time.

In the ACT, two projects are currently drawing funds from that source. One is on the Monaro Highway at Dairy Flat, which I see every day on my way to work. The other, the Monaro off-road cycling lane, I also see on my way to work. Both are well known to other people. They will be impacted upon, but that will be managed. DUS has advised me that cash management will take over and it will work those projects through to see that they are completed by the target date. But there will be an impact elsewhere because two other road upgrades—the Sutton Road upgrade and the Boboyan Road upgrade—will now be deferred after a time until 2003-04 and 2004-05. That will be the impact and it does seem to me to be a short-sighted, instantly reactive way of managing affairs by the federal government.

To put on another hat, as minister for housing I went a little while ago to a housing ministers meeting and was disappointed to hear Amanda Vanstone, the federal minister, making quite clear that there would not be so much money for the CSHA next year.

These policies and attitudes of the federal government are not particularly helpful to the ACT.

ActewAGL

MR CORNWELL: My question is to Mr Quinlan as Treasurer. It concerns ActewAGL and comments made by Mr Ivan Slavich to the *Canberra Times*. The article reads:

> General Manager retail Ivan Slavich said that through its prudent management ActewAGL and its customers were protected from price rises. "This absolutely vindicates the value of the joint venture between Actew Corporation and AGL," he said.

The *Canberra Times* went on to say:

> ActewAGL buys much of its bulk electricity on a contract with AGL, a much larger player in the market. Mr Slavich said the benefit of the joint venture with AGL was it protected against price spikes.

Minister, have you received similar advice from Actew on the benefits of this joint venture?

MR QUINLAN: Not specific advice, Mr Cornwell, no. But let me say that the argument that Mr Slavich puts forward supports the argument that I do not think anybody disagreed with some time ago that remaining in the retailing of electricity was fraught with danger for the original Actew. I think the house is vindicated by these words for the action that it took in the days when the Liberal government wanted to flog off Actew in toto and, in fact, was foiled by this house from doing so. Certainly, I think it is sustainable to say that it would have been dangerous for Actew, because of its small nature, to have remained in the buying and selling of electricity.

Let me remind the house that when the fallback option came up for the immediate past government beyond the actual sale of Actew, the first offer that it received from AGL was the offer to take over the retail sale of electricity, to embrace that, which would have given you the direct results that you are talking about. I think it is important for the house to realise that there was therefore no compelling reason why we would sell half of the electricity distribution system and half of the water and sewerage distribution and collection systems to the joint venturer when we could have retained those in public hands and received the revenue from their operation without necessarily jeopardising the enterprise by staying in retail.

I think that what has happened today has been in accord with the expectations of every member of this Assembly over the past few years and does not come as a particular surprise. But if in some way it is to be inferred from that that the joint venture itself in the particular joint venture that we are in is somehow vindicated, I do not think that you can actually go that far in the conclusion.

Mr Humphries: That's what he says.

MR QUINLAN: That is one man's opinion, but I am saying that it does not necessarily rest in logic, Mr Humphries.

MR CORNWELL: I have a supplementary question. Treasurer, has your government considered making any changes to the ActewAGL joint venture arrangements?

MR QUINLAN: At this point, no, because I think the agreement is such that quite stringent conditions apply to making some changes and, effectively, to make some changes you would want a willingness on the part of both parties or a fundamental breakdown. Of course, this is an egg that cannot be unscrambled. We have a joint venture that is not only operating the distribution system and reticulation systems that it purchased, but also extending upon them. We now have the joint venture building additional arms to the distribution system in Gungahlin and other developmental areas, so that to undo the joint venture from this point would be a very difficult process.

TransACT rollout

MR STEFANIAK: My question is to the Treasurer and relates to the TransACT rollout. Treasurer, are you able to update the Assembly on TransACT's rollout of its broadband network? Can you explain to members why TransACT still has no plans scheduled for connecting Canberra's most northern suburbs to the network? If so, have you been able to assist TransACT to overcome these difficulties?

MR QUINLAN: To answer the last question first, I do not think that we are in a position to help them roll that out because that is a case of actually throwing money at the problem. Quite clearly, TransACT found difficulty, for a number of reasons, through the course of the last calendar year. We saw—I cannot remember the exact date, but people will remember it—a change in the leadership of the organisation, with Mr Del Gigante being appointed to the chief executive's position. We saw something of a clearout of the senior management ranks, which appeared to be a little bit overburdened.

We also saw—I am sure that members on the other side of the chamber would have been aware of it—a rationalisation of the rollout process. That was staged to bring forward, I guess, the date when TransACT became cash positive. They now have a rollout program which does put back some of the outer areas. They have, effectively, slowed down the rollout in order to try to consolidate on the premises they now pass that are not connected. I cannot give you the numbers off the top of my head, but in the last report I had TransACT were publicly claiming that their connection rate had accelerated considerably, so that they have virtually changed their plan.

Let me also advise members that, to some extent, they are cherry picking the market inasmuch as they are skirting around areas where there is underground electricity and it is much more difficult to reticulate a hard-wired system, much more difficult than it is in the back-spine overhead reticulated suburbs that are the norm around Canberra. In order to remain viable, TransACT has rearranged and has delayed some areas for connection. It is not out there trying to connect every house in Canberra by the end of the week. They do have a plan that spreads their time over a reasonable space.

Just as a bonus, I will say that, as I understand it from talking to people in the financial world, the prognosis for TransACT now is quite good. If TransACT can extend the product that it has available, possibly through picking up Fox Sports, and therefore widen the scope of the product that it can supply, the connections that I have in the

financial world say that it is an absolute winner, but it is virtually in the throes of trying to organise an expansion of its product.

Yes, it will be the case that some outer suburbs will not be connected as rapidly as they might. Let me also say that our influence over that, as a government, is considerably diminished—diminished more than it ought to have been, I have to say—by the process by which the last government injected funds into TransACT, whereby it did not have the wit to exercise or to arrange for a re-evaluation to write-off those losses that were seen as losses with the change of equipment and those losses that were seen as difficulty in installation which would not be recoverable within a financial model. Those losses should have been written out of the value so that when we put in another $30 million we would have got full value for it, but we did not get full value for our investment at that time and our share of TransACT is that much more diminished. We do not run the show; we are a minority shareholder.

MR STEFANIAK: I have a supplementary question. Treasurer, have you approached the federal government to get assistance for Telstra to lay extra cables, which would certainly enhance TransACT's ability in the outer northern suburbs, especially at Gungahlin?

MR QUINLAN: No, I have not. I do not know whether TransACT has. I would be interested in talking to you privately about this matter, if there is a prospect that somehow TransACT would attach itself to the Telstra network. Certainly, TransACT offers telephonic services virtually through Telstra, but TransACT also has its own broadband network and that is its real product. I am presuming at this stage—I had not even thought about it, I have to say—that they want to own and completely own their own system. As I said in answer to the previous question, I have no doubt that if TransACT does kick on, which is more likely than not, then there will be lots of parties interested in joining with TransACT, maybe subsuming TransACT into their operation. Certainly, it is one of those $50 on-the-nose jobs as far as an investment goes.

O'Connell Education Centre

MR PRATT: My question is to the minister for education, Mr Corbell. The O'Connell Education Centre, previously the Griffith primary school, is soon to be vacated by the education department, which has recently utilised the place for departmental administrative purposes. Clearly, you have judged the facilities to be surplus to requirement for government sector schooling purposes. Minister, in the spirit in which surplus DECS properties are normally handed over to communities for community use, why have you not considered the applications and the approaches by Blue Gum School, which is desperately seeking new facilities for 2003 and which has identified the O'Connell Education Centre as a most suitable choice for leasing?

MR CORBELL: Mr Speaker, the government has not determined that the building is surplus to requirements. The department of education—not I—has made an assessment that the building is no longer required for the department's uses. Without going down and being a micro-manager, I accept the department's advice on that issue. I think that it is important to note that the decision to relocate the O'Connell centre from Griffith to an alternative location was a process commenced by my predecessor, Mr Stefaniak. It is a process which I have inherited and which I am also prepared to endorse.

Mr Speaker, the issue with Blue Gum School is that it believes that it is the department of education's responsibility to find it accommodation. Blue Gum is a private school and it is not the role of the department of education to find accommodation for any non-government school in the ACT, Blue Gum or otherwise. That is the view of the government and that was the view held by the previous government.

I have indicated to Blue Gum that I would be amenable to investigating its ability to use the old Griffith primary school site once the property is transferred to the land and property area of the Department of Urban Services, which is responsible for all unrequired land from line agencies. To facilitate this process, I have already provided Blue Gum with copies of the detailed assessment audit of that facility so that it can make judgments about whether it is financially and otherwise practical for it to use that facility.

Mr Speaker, if Blue Gum determines that it can use that facility, I will certainly, as Minister for Planning responsible for the land part of land and property, assist wherever I can to make sure that that process is worked through. But it needs to be done in a fair way and it is not appropriate simply to say that Blue Gum has the only potential call on that building. There may be other community organisations and non-government organisations that believe that the building would be suitable for their needs. That is why it is not appropriate for the department of education to facilitate this process, but it is for the government's surplus asset manager, land and property, to manage this process.

MR PRATT: I have a supplementary question. Minister, if these properties are best made available to schools, do you not understand the concerns therefore of the families of Blue Gum School which need to know now what their plans for schooling will have to be next year?

MR CORBELL: Mr Speaker, it is not the responsibility of the ACT government to guarantee accommodation for private schools, in the same way as it is not the responsibility of the ACT government to guarantee accommodation for any other private organisation. As I have already indicated, it would be grossly unfair to say that Blue Gum is the only organisation that has a right to investigate and use the Griffith primary school and should be first in the queue.

For that reason and for the reasons I have just outlined, the government is embarking upon a fair process that allows Blue Gum as a private school, along with any other organisation that wants to use Griffith primary school, to be assessed on the basis of their capacity to use the facility, to pay for the use of the facility in terms of its maintenance and upkeep and to be suitable for that facility.

That is the process the government has embarked upon. There is no obligation on this government and there was none on previous governments to provide accommodation for private schools, but we will work with Blue Gum and any other community organisation interested in using that facility to make sure that they have all the relevant information to make judgments about whether they are capable of using that facility and to apply a fair process in determining who should be the tenant or tenants of that property once it is no longer used by the department of education.

Mental health facilities

MR SMYTH: Mr Speaker, my question is to the Chief Minister. Chief Minister, on 20 May you attended and launched a mental health community forum as part of Schizophrenia Awareness Week. The forum addressed the issue of responding to the crisis in mental illness and discussed the proposed time-out facility. With regard to the time-out facility, the following comments were made by Detective Sergeant Matt Innes of the AFP:

> … there is a great deal of benefit … it would assist to re-establish medication, calm down and assess …

Mr John Bubear, team leader of the mental health Crisis Assessment and Treatment Team, said that a time-out facility "would be of great benefit to both the police and CATT". Chief Magistrate Ron Cahill said:

> I applaud this initiative to find an alternative course … it would be less stressful for a Magistrate to have a third choice.

He also said:

> I think it is a very exciting idea that could save lives and take the pressure off families and the community.

Since that forum, Dr John Howard of the Ted Noffs Foundation has also commented in support of the time-out facility. We already know that both the Schizophrenia Fellowship and the ACT Mental Health Foundation are very supportive of such a facility. Chief Minister, do you now accept and agree that the community want a time-out facility? Will you listen to their repeated requests and grant them such a facility?

MR STANHOPE: I have never for a second thought or suggested that a time-out facility was not a worthwhile initiative. A number of other things were said at that forum that Mr Smyth has not relayed to us. For instance, Mr Cahill, at the end of the address in which he did say the very things that Mr Smyth has just attributed to him, said, "Of course, these initiatives cost money. Of course, these initiatives are driven by available resources. Of course, there is a whole range of other initiatives that we could adopt in relation to health and the health portfolio if only there were more money available." You will recall, Mr Smyth, that those are some of the other things that Mr Cahill said in his address.

Mr Cahill went on to make the novel suggestion that he would perhaps support a 1 per cent levy on all taxpayers in the ACT to be hypothecated for expenditure on health. Mr Smyth, did you endorse that suggestion of the Chief Magistrate? Do you support that suggestion that Mr Cahill made at that forum as well? Mr Cahill would support a 1 per cent levy on every taxpayer in the ACT to be hypothecated for health in order to fund initiatives such as the time-out facility for people facing mental issues. I think that that comment of Mr Cahill's does put some perspective on the debate.

There are a whole range of things that it would be wonderful for us to be able to do, aren't there, Mr Smyth? You know that from your time in government. You know that as somebody who has managed a departmental budget. You know as somebody who has sat

in on cabinet budget considerations that there are a whole range of incredibly worthwhile things that it would be just wonderful for us to be able to do. I would love to be able to wave a magic wand and just conjure up the money from thin air that all of these initiatives require. It is interesting, Mr Smyth, that Mr Cahill did put some perspective around the issue of a time-out facility.

Irrespective of that, certainly the notion of a time-out facility for people who come into contact with the police as a result of their behaviour in public places or elsewhere, perhaps whilst under the influence of a substance if they are suffering issues around substance abuse as well as suffering from a mental illness, certainly represents a good option. One can ask Mr Smyth why his government, in its seven years in office, did not develop a time-out facility. One could be crass and unkind and ask Mr Smyth why, in seven years of office, the Liberal government did not do so and why he thought that this was a significant issue, why he thought that it was a priority, only when he fell into opposition.

Mr Humphries: Because you rejected the legislation to do it.

MR STANHOPE: To have a time-out facility? Garbage. It is a moot question, Mr Smyth: why did you, after seven years in government, discover that a time-out facility was a priority only when you fell into opposition? Why did you discover it only after seven years of inaction? Why did you discover only then that mental illness was an issue that affects a significant proportion of the population? Why after seven years in office did you discover that the ACT has the lowest expenditure per capita on mental health issues of any jurisdiction in Australia? Why did you allow that to happen? In your seven years in government, why did you allow this jurisdiction to fall into the situation of providing the least per capita expenditure on mental health issues of any jurisdiction in Australia, Mr Smyth? Why did you do that? Why is it that you discovered the importance of appropriate funding for mental health only when you fell into opposition?

That is why we went into the last election campaign with a cast iron commitment to expend at least $1 million over and above what you spent in the last financial year on mental health, and we will do that. We will allocate an additional $1 million to provide overdue mental health facilities for the people of the ACT. A time-out facility is a worthwhile initiative and it may well be that we can build on a proposal to establish a drying-out or night shelter at the Ainslie Village by adding a proposal to incorporate time-out facilities for people with mental illness or dual diagnosis. We will explore that possibility. There probably is a real opportunity there for us to expand the range of services that will be provided at the night shelter at the Ainslie Village by ensuring that people with mental illness or dual diagnosis also have available that option rather than being taken to the lock-up.

It does need to be remembered in relation to this matter that there are a whole range of circumstances there whereby a time-out facility for many of the people that come into contact with CATT or the police simply will not be appropriate. People cannot be directed to attend a time-out facility. People cannot be directed to attend a night shelter. People cannot be locked up against their will without due process. There are a whole range of issues around the rights of all people, including people with a mental illness.

MR SMYTH: I have a supplementary question. Chief Minister, have you heard the voice of the community? Is your commitment to reinvigorating Labor's connection with the Canberra community a hollow promise?

MR STANHOPE: We went to the last election with a raft of promises in relation to unmet need for people with a disability. We know the level of unmet need in relation to disability services. You have just got to read the Gallop report. You have just got to talk to people in the sector. You have just got to go out into the community and talk about the level of unmet need in relation to disability services. We went to the last election with major commitments in relation to people with a disability and we will move to address significantly those issues.

We recognised the appalling paucity of respite care for people in the ACT. We recognised that and we went to the election promising at least $1 million of extra resourcing for respite services in the ACT. Do not tell me that you do not know that there is such a paucity of respite care for people, particularly people with disabilities and people with mental illness. We made significant promises in relation to respite care, and we will meet those promises. Similarly in relation to mental health, an issue that you dared to raise today. I do not know how you could bring yourself blushingly to do it, having regard to your mismanagement and your total neglect of these sectors in seven years of doing nothing. We promised at least $1 million in relation to that, and we will deliver.

Public liability insurance

MR HARGREAVES: Mr Speaker, my question, through you, is to the Treasurer. Last Thursday, the Treasurer represented the territory at the second meeting of the insurance summit. Could the Treasurer please inform members of the progress made at that meeting?

MR QUINLAN: I appreciate the opportunity to inform the house. The first piece of bad news at this seminar was that the consultants engaged to provide information had identified the ACT as being the most expensive jurisdiction in Australia in relation to public liability claims. I do not think that this information was hitherto known, but it became a matter of public record last week. The ACT is amongst the ruck in terms of insurance company profitability or lack of profitability in the public liability area and the agile mathematicians amongst us will have immediately concluded that ACT premiums must therefore be very high already, so the large hikes we hear of organisations within the ACT receiving in their premiums are on top of what are apparently considerably higher premiums than apply elsewhere.

In the overall context, it would seem that governments have been in the situation where they have been—they may have had no choice—dancing to a tune set somewhat by the insurance companies. They, particularly the international reinsurance market, have collectively refused insurance in some cases and offered high premiums in most others. In relation to that, the meeting did elicit from the Commonwealth an agreement that the ACCC will update its insurance industry marketing pricing review and the Commonwealth will provide the ACCC with a standing brief to continue to update this report on a six-monthly basis over the course of the next couple of years.

There will be changes to legislation in various jurisdictions. I have mentioned some of those before. We will be evaluating those and adopting the consensus position in many of the cases, but not necessarily all of them, at this stage. They include protection for volunteers and not-for-profit organisations and law reform. The legal definition of negligence might be refined so that we do not have all the crazy cases that get all the media attention. That, apparently, is not as easy a task as one would expect and the collective jurisdictions will be engaging three eminent jurists to provide advice on how we might set up common legislation for general law reform and tort law reform to ensure that a finding of negligence is a finding against someone who has actually been negligent in a genuine sense, rather than just being associated with a particular facility.

I have spoken before about waivers for risky activities. We have discussed the very vexed point of capping claims. That is one on which this government will take further advice before it moves, but some states are moving for both caps and thresholds on awards. The important thing for us to note is that New South Wales is at the head of that pack and will be introducing legislation in September to bring some of its caps in line with those that already exist with third-party vehicle insurance and other personal injury claims. That would make us an island within New South Wales. That would make us very vulnerable in terms of our capacity to gain insurance cover and that would also make us quite vulnerable as a possible forum if people wish to do a bit of forum shopping in relation to insurance claims, bringing the claims to court in the ACT because there are not particular caps.

Let me advise the Assembly at this stage that the caps that are envisaged by other states are not particularly onerous. An example is that the cap on the loss of personal earnings would be at three times average national earnings. You would want to be in the salary range of over $100,000 a year before you could lose, but those people who are above $100,000 a year in their earning capacity may find that they need to take a personal loss of earnings cover against a calamitous accident that might limit their capacity at some future time. The Commonwealth government has moved to allow structured settlements. It should be bringing forward the appropriate legislation this week in the big house on the hill. There will be some moves to try to improve the handling of claims without resort to litigation, possibly the pre-litigation exchange of information and evidence and compulsory conferencing.

At the end of the day, there will be no silver bullet in relation to this package of measures. Our treasury people have examined them and most of them will have only a marginal effect. It is my sad duty, I suppose, to advise the Assembly that improvement in this situation will not be an overnight happenstance and that, even if the states were to implement all of the proposed reforms or changes that have been discussed, it would not necessarily follow that we would see a dramatic change in the insurance market.

I table the joint communique from last week's meeting so that members can get a copy, if they wish. I present the following paper:

> Public liability—Ministerial Meeting—Joint communique—Melbourne, 30 May 2002.

MR HARGREAVES: I have a supplementary question. Can the Treasurer say what he will be doing to notify the ACT community of these measures?

MR QUINLAN: Already the departmental people have been in touch with in the order of 2,000 organisations offering advice and letting them know that we are involved in pursuing group insurance schemes so that our organisations, a very small slice of the market in Australia, might still have access to those group insurance schemes that are likely to be able to gain cover whereas we, as a small jurisdiction, may not. In addition, on Thursday, 13 June there will be a public liability insurance forum hosted by the Chamber of Commerce. We are liaising with the chamber with a view to making sure that all interested parties and affected parties and stakeholders have an opportunity to attend that seminar.

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

Revenue—goods and services tax

MR QUINLAN: Mr Speaker, during question time, I took a question on notice from the Leader of the Opposition in relation to GST and when the guaranteed minimum amount would equal GST revenue. It is expected under the current model to be 2004-05 and will not be going positive in 2003-04 due to the GST, as I understand it. That is our best estimate.

Answers to questions on notice

MR CORNWELL: Mr Speaker, under standing order 118A, I ask for a response to question No 140 I placed on the notice paper on 10 April. The time limit of 30 days has expired. The question was directed to the Minister for Community Affairs.

MR STANHOPE: I apologise for the late response to your question, Mr Cornwell. I signed it off today.

Auditor-General's reports Nos 2 and 3

Mr Speaker: presented the following papers:

> Auditor-General Act—Auditor-General's Reports—
>
> > No 2 of 2002—Operation of the Public Access to Government Contracts Act, dated 3 June 2002.
> >
> > No 3 of 2002—Governance Arrangements of Selected Statutory Authorities, dated 5 June 2002.

Motion (by **Mr Wood**, by leave) agreed to:

> That the Assembly authorises publication of the Auditor-General's Reports Nos 2 and 3 of 2002.

Executive contracts
Papers and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, for the information of members, pursuant to sections 31A and 79 of the Public Sector Management Act 1994, I present the following papers:

Long-term contract:

Barbara Baikie, dated 16 May 2002.

Short-term contracts:

Gordon Davidson, dated 16 May 2002.

David Butt, dated 13 May 2002.

Julie Field, dated 8 February 2002.

Schedule D variations:

Peter Gordon, dated 7 May 2002.

Geoff Keogh, dated 7 May 2002.

David Butt, dated 13 May 2002.

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

Leave granted.

MR STANHOPE: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 14 May 2002. Today I present one long-term contract, three short-term contracts and three contract variations.

Papers

Mr Stanhope presented the following papers:

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Members of the ACT Legislative Assembly—Determination No 102, dated 28 May 2002.

Chief Executive and Executives—Determination No 103, dated 28 May 2002.

Full-time holders of public office—Determination No 104, dated 28 May 2002.

Part-time holders of public office—Commissioner for Public Administration—Determination No 105, dated 28 May 2002.

Part-time holders of public office—Commissioner for Surveys—Determination No 106, dated 28 May 2002.

Mr Quinlan presented the following papers:

Financial Management Act, pursuant to section 13—Revised Financial Statements for 2001-2002.

2001-2002 Capital Works Program—Progress Report—March quarter.

Canberra Tourism and Events Corporation Act—

Pursuant to subsection 28 (3)—Canberra Tourism and Events Corporation—Quarterly reports for—

1 April to 30 June 2001.

1 July to 30 September 2001.

1 October to 31 December 2001.

Pursuant to subsection 23 (8)—Canberra and Tourism Events Corporation 2001/2002 Business Plan.

Planning and Urban Services—Standing Committee
Report No 75—government response

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (3.53): Mr Speaker, for the information of members, I present the following paper:

Planning and Urban Services—Standing Committee (Fourth Assembly)—Report No 75—Section Master Plans for Turner Section 46, 47, 48 and 62—Government response.

I move:

That the Assembly takes note of the paper.

Mr Speaker, it is with pleasure that I table today the government response to report 75 of the previous Standing Committee on Planning and Urban Services, on section master plans for Turner sections 46, 47, 48 and 62. I was a member of this committee in the last Assembly. The committee held two public hearings and tabled report 75 in the Assembly on 23 August 2001. The committee made 11 recommendations. I am pleased to advise members that the government agrees, or agrees in part, with all 11 of the committee's recommendations.

The committee resolved to examine the section master plan process in relation to certain sections in Turner following representations by local residents. Residents expressed concerns about issues in regard to lack of certainty, some level of opposition to redevelopment, ambiguities in PALM's consultation process, minimal setbacks, lack of housing diversity and whether section master plans should prescribe a minimum period during which redevelopment is not permitted.

The government's response to the committee's recommendations draws heavily on the initiatives the government has already taken in relation to the release of the garden city draft variation to the Territory Plan and the launch of the neighbourhood planning process.

The garden city draft variation released on 30 May this year addresses the committee's key recommendations. The draft variation introduces provisions removing the mandatory requirement for section master plans in the B11 and B12 areas and removes the ability of section master plans to override the provisions of the Territory Plan. For the first time all residential redevelopment will be subject to the same building envelope controls. All lessees adjacent to residential redevelopment will receive the same protection of their residential amenity in relation to solar access and overshadowing.

The launch of the neighbourhood planning process at Albert Hall in February demonstrated the government's commitment to responsible and responsive neighbourhood planning. This was a key message and commitment given by the government during the election campaign.

At the Turner neighbourhood planning meeting held on 9 April, I announced that existing planning policies such as the B11 and B12 areas would remain in place. However, I said that there was scope to consider detailed implementation as the Neighbourhood planning program was rolled out, developed and implemented and as we developed the spatial plan for Canberra.

Completion of the remaining section master plans will now be built into the neighbourhood planning process. The process will be simplified with one integrated document for each suburb. Through the neighbourhood planning process there will be ample opportunity for residents to contribute to the development and review of section master plans. The government is committed to consultative and collaborative planning for and with the Canberra community. Through this process, planning for people will achieve the balance our city needs to grow and change as we all grow and change.

The government is committed to best practice urban consolidation and redevelopment. This is essential to the future of a sustainable Canberra. I commend the report to the Assembly.

Question resolved in the affirmative.

Papers

Mr Wood presented the following papers:

Legislation Act, pursuant to section 64—

Building Act—

Determination of Prudential Standards—Disallowable Instrument DI2002-48 (LR, 27 May 2002)

Determination of Approval criteria—Disallowable Instrument DI2002-49 (LR, 27 May 2002)

Determination of Application form for fidelity fund schemes—Disallowable Instrument DI2002-50 (LR, 28 May 2002)

Food Act—

Food Regulations 2002—Subordinate Law 2002 No 10 (LR, 7 May 2002)

Determination of fees—Disallowable Instrument DI2002-37 (LR, 9 May 2002)

Health and Community Care Services Act—

Determination of fees and charges—Disallowable Instrument DI2002-40 (LR, 13 May 2002)

Land (Planning and Environment) Act—Determination of matters to be taken into consideration for the grant of a further rural lease—Disallowable Instrument DI2002-47 (LR, 30 May 2002)

Nature Conservation Act—Declaration of species of native animals or native plants requiring special protective status—Disallowable Instrument DI2002-42 (LR, 16 May 2002)

Public Place Names Act—

Determination of public place nomenclature in the Division of Phillip—Disallowable Instrument DI2002-43 (LR, 16 May 2002)

Determination of public place nomenclature in the Division of Campbell—Disallowable Instrument DI2002-44 (LR, 16 May 2002)

Rehabilitation of Offenders (Interim) Act—Instrument of appointment of a non-judicial member to the Sentence Administration Board of the Australian Capital Territory—Disallowable Instrument DI2002-27 (LR, 10 May 2002).

Indigenous suffrage in Australia
Discussion of matter of public importance

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

The fortieth anniversary of universal indigenous suffrage in Australia.

MS GALLAGHER (3.57): I rise today to talk on a significant yet relatively obscure day in the history of this nation's democracy. On 18 June 2002 it will be exactly 40 years since an amendment to the Commonwealth Electoral Act commenced, finally extending the right to vote to all indigenous Australians. I say "finally" because it took over 170 years after the arrival of white people in this land before indigenous Australians received the right to participate in the direction of this country.

I raise this as a matter of public importance for a number of reasons. We recently commemorated National Sorry Day, last week was Reconciliation Week, and yesterday was the 10th anniversary of the Mabo decision. We commemorate and celebrate these events as part of an ongoing process of reconciliation between indigenous and non-indigenous Australians.

I raise the issue to remind us of the fact that indigenous people have had basic democratic rights for less than half a century in this country. I raise this issue because to examine the history of indigenous suffrage in Australia is to recognise the necessity for reconciliation and recognise the inequalities of our own making that existed and continue to exist between those who were here first and those who came later.

It has been a consistent theme of colonisation to impose certain values on an indigenous population without granting the basic civic rights that should accompany those values. Sadly, the first few decades of the federation were an exercise in limiting what democratic rights indigenous Australians had accumulated.

In the 1850s, when the individual colonies framed their constitutions, Victoria, New South Wales, Tasmania and South Australia gave voting rights to all male British subjects over 21. This included Aboriginal men. In 1894 South Australia extended this vote to women, including indigenous women. However, few Aborigines voted as many were unaware of their rights and, as the colonies drew closer to federation, those votes were threatened.

The Constitution, which federated Australia, did not explicitly extend the vote to indigenous people or women, though section 41 legislated for those who were entitled to vote at a state level to vote in a federal election. This technically meant that Aboriginal people who had a state vote also had a federal vote. Paradoxically, the Constitution also excluded native Australians from the census and thus from being effectively represented.

In 1902 the new Commonwealth parliament passed the Commonwealth Franchise Act, which was progressive in that it extended the vote to adult women, but it also deliberately excluded indigenous Australians, stating:

> No Aboriginal native of Australia, Asia, Africa or the Islands of the Pacific … shall be entitled to have his name on the electoral roll unless so entitled under section 41 of the Constitution.

This became an even bigger problem when the first Solicitor-General, Sir Robert Garran, interpreted section 41 to give federal voting rights to people who were enrolled on state electoral rolls before 1902. Thus indigenous people who enrolled to vote in state elections after that time were not entitled to vote in federal elections.

The extent that the federal government went to in order to avoid extending the vote to indigenous people nationally is appalling and deserves to be remembered. The blatant manipulations of the law to deny indigenous people basic democratic rights must be recognised as part of a prevailing racist attitude and, sadly, it must be recognised that that attitude was woven into the beginnings of Australian federation.

One such example of the shameful conduct of the Commonwealth in manipulating the situation to keep Aborigines without a vote arose in the 1920s when an Indian man who had gained the right to vote in a Victorian state election challenged the Commonwealth's interpretation of section 41. He went to court and won. The magistrate ruled that section 41 meant that people who acquired a state vote at any time were entitled to a Commonwealth vote. Rather than accepting the reasoning of the magistrate, which would have also enabled indigenous people with a state vote to exercise a Commonwealth vote, the Commonwealth went out of its way to pass an act giving all Indians the vote while continuing to reject indigenous and other coloured applicants. After all, there were only 2,300 Indians in Australia at the time, and the white Australia policy ensured that there would be no more.

This incident in Australia's history is not well known, yet it is part of an overtly racist legacy that we have only recently begun to deal with. If we are ever to truly move on from this attitude and create a new history of equality for the coming generations, we as a nation and a community must accept that these disappointing and petty points in history are part of our common story.

We cannot celebrate 101 years of federation without also acknowledging that for some in our community that history was one of denial and struggle. So while we celebrate 40 years of indigenous suffrage, we must also remember the struggle that led up to it and how relatively recently it was.

Clearly, the attitudes of the 1902 government did not prevail, and the 1940s saw a shift in the attitudes of white Australians towards indigenous Australians, with various lobby groups taking up the cause of indigenous suffrage. In fact, under the lobbying of William Cooper, a prominent indigenous activist and founder of the Australian Aborigines League, together with the National Missionary Council of Australia, the Sunday before Australia Day in January 1940 became the first day of mourning, Aboriginal Sunday.

In 1949 the Chifley Labor government amended the Commonwealth Electoral Act to specifically extend the vote to Aboriginal people who were entitled to a state vote or who had served in the armed forces. While this was a major improvement, it did not extend the vote to all indigenous people, especially those in Queensland and Western Australia.

The 1960s saw even more vocal opposition to racial inequality. And as race issues in the United States and South Africa received more attention, Australia could not ignore the appalling treatment of indigenous people in their own country.

So in 1962 the Commonwealth Electoral Act was amended to grant universal suffrage to indigenous Australians, and the new act commenced on 18 June 1962. We may all breathe a collective sigh of relief that we were able to finally deliver to indigenous Australians the rights that had been denied to them, but there were still many necessary changes to come. The 1962 amendment made it illegal to encourage indigenous Australians to vote, so many in remote communities did not exercise their right. It was not until December that year that the first vote granted under the act was actually cast.

We must also remember that it took Queensland another three years to extend the right to vote in state elections to indigenous people. And it was two years after that, in 1967, that indigenous Australians were finally included on the census, after the biggest yes vote in any Australian referendum struck out section 127 of the Constitution.

It was not until 1984, less than 20 years ago, that enrolment and voting became compulsory for indigenous Australians, 60 years after voting was made compulsory for white Australians.

It took nine years after the 1962 amendment before an indigenous Australian sat in federal parliament and over 28 years after that before a second indigenous person was elected to the Senate. We have yet to see an indigenous member of the House of Representatives or a female indigenous federal politician, although the last Western Australian election saw Carol Martin from the Labor Party elected as the first female

indigenous parliamentarian, and Marion Scrymour was elected to the Northern Territory parliament last year.

The history of the right to vote highlights the many ways indigenous Australians were locked out of meaningful political participation. In remembering 18 June as the 40th anniversary of the right to vote being granted universally to indigenous Australians, we can celebrate the beginning of indigenous Australians and non-indigenous Australians coming together as equal participants in democracy. At the same time, we should reflect on the struggle that was required before this basic right was extended to indigenous Australians and recognise how far we still have to go.

MR HUMPHRIES (Leader of the Opposition) (4.06): Ms Gallagher describes this as a significant but relatively obscure anniversary on the Australian political calendar, and I suppose that is true. It is a day which perhaps is more significant in its acknowledgment today than it would have been many years ago. Certainly, one wonders what publicity the passage of the legislation by the Menzies government in 1962 had at the time—whether it was reported at all, whether it was reported positively or whether it was treated with a little bit of indignation in some quarters of the media or by the popular commentators of the day.

As Ms Gallagher notes, this was a significant event, because for the first time it provided a right for all indigenous people in this country to vote in Commonwealth elections. As Ms Gallagher points out, it was not by this act that all Aboriginal people were entitled to vote in the state elections. As I understand it, in 1902 the Commonwealth passed its first Electoral Act, which specifically excluded indigenous people from the right to vote, and then in 1949 the Commonwealth granted indigenous Australians who had a right to vote at state level the right to vote also in Commonwealth parliamentary elections and referendums.

As of 1949, this included Aboriginal people who lived in New South Wales, South Australia, Victoria and Tasmania. It also included those Aboriginal people who had completed military service. As of 1962, approximately half of the Australian Aboriginal population were entitled to cast a vote at state elections, and at Commonwealth elections if they had the right to vote at state elections. But in other states that was not yet the case.

During 1962, the year in which legislation was passed to provide the right for Aboriginal people to vote in Commonwealth elections, two other jurisdictions—namely, Western Australia and the Northern Territory—extended state voting rights to indigenous Australians. It was not, however, until 1965, three years later, that Queensland granted indigenous people the right to vote in state elections.

Ironically, according to my research, by 1965 there was no impediment to Aboriginal people voting anywhere in Australia except the Australian Capital Territory, where, as far as I can see, there was no provision for them to vote. I am not sure when that problem was rectified. Certainly by 1949 it had been rectified in approximately half the states of Australia and by 1965 in all the others, except for the Australian Capital Territory.

At that stage it was not compulsory for Aboriginal people to vote in federal elections or state elections. There was only an entitlement to register and to vote if they so chose to do. I think today the voluntariness inherent in this and another provision which I will

refer to in a moment could be said to have dangerously racist undertones and was preventative of any measures to encourage participation and education of indigenous people in their right to vote.

The provision I refer to is a provision in the 1962 act which made it both voluntary for Aboriginal people to vote if they wished to but also illegal for a person to encourage an Aboriginal person to enrol to vote. Encouragement to do so, be it by an advertising campaign or running around and saying to people, "Why don't you register to vote?" would have been considered illegal and would have made people subject to prosecution. Whatever rights were being extended at that time were being extended rather cautiously and subject to rather severe restrictions that today we would find completely unacceptable.

Two years after Queensland granted indigenous people the right to vote was the very celebrated constitutional referendum to which Ms Gallagher referred, a referendum which was overwhelmingly supported by the Australian people, which gave indigenous Australians the right to be included in the census and removed restrictions on the Commonwealth from legislating specifically for the interests of this community. Section 51 of the Constitution previously read:

> The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to …
>
> (xxvi.) The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws.

The effect of the 1967 referendum was to strike out the words "other than the aboriginal race in any State". It then meant the Commonwealth had the power to legislate with respect to Aboriginal people.

I do not think the Commonwealth has exercised the power—at least not in recent years—to legislate for any other race. The idea of legislating for particular races is an idea which I suspect today would be abhorrent. But the power to legislate for Aboriginal people is a power which has been taken up and used many times by the Commonwealth, including in recent years to legislate with respect to native title.

The 1967 referendum was perhaps the most significant measure taken in the last 40 years to enhance the social position and the political rights of Aboriginal people, and much of the progress made in addressing the needs of Aboriginal people in the last 30 years or so has been a flow-on from the recognition the Australian community gave in 1967 with that very significant referendum result.

Mr Speaker, I had a search done of the ATSIC website to see what indication there was of celebrations of the 1962 anniversary. Although it provided details of the 30th anniversary celebration of the 1967 referendum, there was no mention of the 1962 vote, which is perhaps a matter ATSIC needs to look at, since it is a matter of great significance that perhaps they have overlooked.

It was not until some years later that provision was made for it to be compulsory for Aboriginal people, as for every other Australians, to vote in federal elections. It was not until 1984 that compulsory voting was finally introduced in respect of all Australians.

In one sense unfortunately, this is the celebration of the 18th anniversary of true universal compulsory indigenous suffrage for state and federal elections. Nonetheless, it is a milestone worth noting. I hope that it will count as a matter of public importance even if many key players in this debate fail to acknowledge how significant this anniversary is.

MS TUCKER (4.15): We have a very racist history of federal government in Australia. Less than a year ago the Commonwealth government enacted legislation to ensure that as many as possible of the Afghanis and Iraqis desperately hoping for our succour and help were rejected by this country. This was precisely 100 years after Labor and conservatives united in their first bipartisan act to introduce the white Australia policy.

We all know that the British, in contempt of the existing people on Australia, used the legal fiction of terra nullius to claim the continent of Australia. We also know that the federal government, time after time, did everything it could to limit the voting rights of indigenous people.

Arguably that was part of the British heritage, as the introduction of Australian citizenship in 1947 resulted in citizenship being awarded to all Australians, including indigenous people. The right to vote in federal elections, however, was fully extended to Aboriginal Australians or indigenous Australians only in 1962. That is what we are commemorating today. As Mr Humphries said, it was not a clear right, as it was an offence to encourage indigenous people to vote. I was not aware of that. I think it is important to have that on the record, because it shows that it was a qualified right.

In a rare show of progressive unanimity, but many years too late, the parliament voted in favour of the Commonwealth government making laws for indigenous people, including them in the census and so on. That was the basis of the 1967 referendum, which was supported with 90 per cent of the vote.

It seems fairly clear, however, that the Commonwealth parliament has been, in most instances, fairly careful not to offer national leadership in dealing with indigenous people.

Today we are celebrating 40 years of indigenous suffrage at federal elections. The vote is a basic right to democracy. It is something to which all adult citizens ought to be entitled.

In the United States of America, unfortunately, people who are, or have been, imprisoned are not eligible to vote. These sorts of arrangements build in a bias against people who are caught on the margins of society. Universal suffrage is a significant principle that underpins our parliamentary democracy.

It is arguable, however, that the right to vote has not been the most important factor in the changing relationship between indigenous Australia and those of us who arrived quite a long time later.

To date there have been only two indigenous Australians in the Commonwealth parliament, both senators. It was only last year that the first Aboriginal woman was elected to a state or federal parliament.

The changes to the status of indigenous people in Australia are more a product of action in civil society—by indigenous people primarily, and their supporters—and through the courts. In that context then the Pilbara strike in 1946, the freedom ride of the mid-1960s, the walk off Wave Hill by the Gurindji people, the Aboriginal tent embassy in the 1970s and land rights legislation in 1976—direct action—have more significance than the awarding of the vote in a piecemeal fashion. Perhaps this is true of all major progressive change in society.

Yesterday was the 10th anniversary of the High Court's Mabo decision. There is a proposal made that that be a national day. At a philosophical level, this decision effectively recognising native title, and the later Wik decision that found that native and leasehold title to coexist, more significantly establish positive and respectful partnership between the indigenous people of Australia and more recent intruders. However, since then the parliament, led by Howard, has done what it can to undermine these understandings.

In the delivery of social policy—on education, health, crime, community development, for example—there is clearly a role for state and Commonwealth governments. In participatory democracy, the rights and responsibilities of indigenous people to vote for ATSIC and land council members and to influence the actions and policies of those bodies will remain important for some time to come.

There remain key actions that the government of Australia still must take if we are to see an equitable, united and respectful Australia. It would start with an apology and then move on to a treaty or treaties. Perhaps then we could bring the executive, the parliament, the courts and the people into one accord.

MR SMYTH (4.20): Mr Speaker, I commend Ms Gallagher for this matter of public importance today. I believe it truly is a matter of public importance that a democracy founded in 1901 took 83 years to reach the true measure of democracy, one in which all are able to participate. When Gordon Freeth, Minister for the Interior and Minister for Works, introduced the Commonwealth Electoral Bill in 1962, he said:

> This is a short bill and a relatively simple one, but the implications in it are of the greatest significance. I would hope and expect that it will be received by the House with enthusiasm and passed without dissent. By so doing we would proclaim to the world that the representatives of all sections of the Australian community are determined to ensure that the aboriginal people of Australia enjoy complete political equality with the rest of the community.

The question needs to be posed: has that been achieved? There is an awful lot we still need to do. To see how inequality started, you have to look at the racism that was evident in the original parliaments of Australia. The questions they debated were: "Who will we give the franchise to? Will we give it only to white male Australians or will we give it to female white Australians also? Will we extend it to indigenous Australians? Will we allow only indigenous men to vote, or will we allow indigenous women to vote also?"

A document entitled *Voters and the franchise: the Federal Story* makes interesting but sad reading. The debate was decided on the argument that said, "If we extend the vote to indigenous people, they could run for parliament. Would we as good Australians want

indigenous Australians sitting in parliaments with us?" That is an incredibly sad reflection on that time.

To avoid vote rigging, we were going to protect indigenous Australians so they could not be dragooned into voting for somebody they might not know. Labor Senator George Pearce from Western Australia remarked:

> We have to remember also that in the north-west of Western Australia we have large numbers of aborigines living upon the sheep and cattle stations … Allow the squatters to get them put upon the roll, and who is the returning officer when the election comes around but the squatter himself? What is to prevent him from enrolling all the blackfellows on his run and manipulating their votes at election times …

The obvious answer was not to give them a vote. The logic was astounding. This document goes on to say:

> In contrast to the much-lauded virtues of 'white' women—variously described as 'the fair sex', 'elevated above [men]', having 'a too refined intelligence' and being endowed with 'sacred functions'—parliamentarians saved their most vituperative comments for indigenous women. 'Surely', said Senator Alexander Matheson (Free Trade, WA) 'it is absolutely repugnant to the greater number of people of the Commonwealth that an aboriginal lubra or gin—a horrible, degraded, dirty creature—should have the same rights, simply by virtue of being 21 years of age, that we have, after some debate to-day, decided to give to our wives and daughters.

When you consider those words, even in the context of the times, we have so much to make up for and we have so much more to do. Our relationship with our indigenous brothers and sisters, our fellow citizens, started from such a low base, because we put them there. The words of Senator Matheson are incredibly sad. Because of such arguments, by a majority of 12 to eight votes, the Senate voted to exclude Aboriginal people from the right to vote.

Then followed World War I, the Depression and World War II, when various states did give Aboriginal people the right to vote. In 1949, as Ms Gallagher mentioned, the Chifley government's Commonwealth Electoral Bill gave Aboriginal people the right to vote at Commonwealth elections, if either they were enfranchised under a state law or they had been a member of the defence forces. In the debate on that bill Arthur Calwell said, "To our eternal shame, we have not treated the Aboriginals properly." He added:

> At last, our consciences have been stirred, and we are now admitting some of our obligations to the descendants of the Neanderthal man, whether he be full-blood, half-caste or three-quarter-caste.

The 1949 act said that if Aboriginal people had the right to vote in a state they could have the right to vote at the federal level. Not all jurisdictions had reached that stage. The debate did not go easily. Although the legislation passed, it did not give absolute franchise.

In 1961 the then Labor opposition moved to delete provisions denying Aboriginal people the right to vote. The Menzies government set up a select committee comprising members from both sides of the House of Representatives to report to the parliament on

the matter. The committee, chaired by Mr George Pearce, then member for Capricornia. presented a unanimous report that said:

> It is recommended by your committee that a penal provision be inserted to the amending Act in respect of the use of duress or undue influence on aborigines in the exercise of their franchise.

The committee recommended:

> That the right to vote at Commonwealth elections be accorded to all aboriginal and Torres Strait islander subjects of the Queen, of voting age, permanently residing within the limits of the Commonwealth.

It is extraordinary that in 1961 the federal parliament was voting in that way. It was a turning point in the debate. The select committee, thankfully, rejected suggestions that criteria such as literacy, employment, financial status or receipt of public assistance should determine whether Aboriginal people should be able to vote. It did so on the ground that such criteria were not applicable to the electorate at large.

Again, there was not a total right. We had to go through the 1967 referendum, put in place by the Liberal-Country Party government of the day. That referendum was passed. More work needed to be done. It still was not absolute. Some provisions pertaining to Aboriginal people did not pertain to the rest of the nation. It was not until the Commonwealth Electoral Amendment Act 1983, sponsored by the Hawke Labor government, that Aboriginal people were treated exactly the same as the rest of the voting population.

It is an interesting history. It took us 84 years as a nation to come to the position where indigenous Australians had the same right to vote as somebody not of indigenous background. That is a sad tale. It is a tale that is too long. We do need to look back. I thank Ms Gallagher for her MPI to bring to people's attention that 40 years ago we were passing legislation to upgrade the status of indigenous Australians. Forty years ago we were still arguing over whether or not indigenous Australians should be able to vote. The work done in the last 40 years is a credit to a lot of people, but a lot of work still needs to be done.

The argument that too much was done is disproved by the brief summary I have given of the fight, the struggle and the effort over 84 years to grant Aboriginal people a right that we all take for granted. Upon reaching the age of 18, once 21, we assume that we should be able vote. To have that right dependent on literacy, income or any of the other furphies that were thrown up in the 1960s would be appalling. There is so much more to do.

I am pleased that have debates such as this in this place. This Assembly, since its inception in 1989, has gone a long way towards reconciliation by inviting Aboriginal people here to tell us their stories, by passing legislation and by negotiating agreements with the local Ngunnawal people. The work has been good, but there is an awful lot of work to be done. Ms Gallagher is to be commended for her matter of public importance.

MS DUNDAS (4.30): As a number of members have noted, 1965 is the date that marks true universal Aboriginal suffrage in Australia, as between 1962 and 1965 Aboriginal people in Queensland were still denied the right to vote in state elections. But the Commonwealth Electoral Act 1962 marked an end to the exclusion of Aboriginal people from voting in federal elections so is a significant date and one well worth celebrating.

Progress towards indigenous suffrage was achieved through a series of steps. Some of these were backwards rather than forwards. The last step to full equality in suffrage occurred as late as 1983, when voting finally became compulsory for enrolled Aboriginal voters.

From the earliest debates about suffrage, progressive voices were heard on the subject as well as the voices of self-interest and prejudice. As early as the 1850s, Victoria, New South Wales, Tasmania and South Australia entrenched suffrage for Aboriginal men in their state constitutions. South Australia extended suffrage to all—both Aboriginal and non-Aboriginal—in 1894.

But there was no natural progression from this point to suffrage at a federal level. When the first Commonwealth parliament was elected by state voters, it was the Commonwealth parliament that then had to decide who should be entitled to vote for it in the future. In the debates of 1902, questions were asked about whether women, non-white immigrants and Aboriginal people should be allowed to vote. Government Senate leader and future High Court judge, Richard O'Connor, presented to the Senate the Commonwealth Franchise Bill, which in its original form conferred voting rights on Aboriginal people. In tabling the bill, he said:

> I think we might treat the position of Aboriginals under our electoral laws not only fairly but with some generosity ...

As has been noted, some senators objected to this bill. Their spokesman was Senator Alexander Matheson, an English aristocrat and businessman who migrated to West Australia in 1894. He said, "We must take some steps to prevent any Aboriginal from acquiring the right to vote." Mr Smyth alluded to the denigrating way in which Senator Matheson viewed Aboriginal people. Senator Matheson moved an amendment to exclude Aboriginal people from voting in federal elections. O'Connor spoke strongly against the amendment, saying:

> It would be a monstrous thing … to treat the Aboriginals whose land we are occupying in such a manner as to deprive them absolutely of any right to vote in their own country ... Surely we are not going to apply this doctrine … with a savagery which is quite unworthy of the beginnings of this Federation?

Matheson's amendment was defeated, but when the bill went to the House of Representatives for debate this initiative to legislate Aboriginal suffrage was undone. Labor leader at the time, Chris Watson, feared that giving the vote to Aborigines would disadvantage the ALP. Mr Watson said in the chamber:

> In Western Australia where Aboriginals are very largely indentured to squatters … they would not dare to attempt to exercise their votes in defiance of the wishes of their masters ... Uncivilised blacks … could in sufficient numbers be brought in to turn the tide at an election.

Watson was supported in these moves by the pro-Labor independent, HB Higgins, who moved an amendment to deny Aborigines the vote. In his speech, he stated:

> It is utterly inappropriate to grant the franchise to the Aborigines or ask them to exercise an intelligent vote.

The Barton government, reinforcing all the bad things that were happening, accepted the Higgins amendment, it was carried in both houses and discrimination against Aboriginal people was entrenched in the Commonwealth Franchise Act. That sad part of Australian history was reinforced over and over again over many years.

Some Commonwealth officials asserted that no Aboriginal people had Commonwealth voting rights at all and began to illegally take the franchise from Aboriginal people who had been enrolled in 1901.

But by 1962 pressure to recognise Aboriginals' rights as full citizens had grown to the point that the Commonwealth franchise was extended to all Aboriginal people. Western Australia gave Aboriginal people the right to vote in state elections in the same year. It is these two things we are celebrating today. And as mentioned, Queensland was able to follow in 1965. From that date all Aboriginal people in Australia finally had the right to vote.

In 1971 the first Aboriginal man took a seat in federal parliament and , as has been noted a number of times today, the first Aboriginal woman member of an Australian parliament was elected only last year. I hope that more Aboriginal women will soon take seats in both federal and state parliaments. In 2001 Aiden Ridgeway became part of the leadership team of the Australian Democrats, the first indigenous Australian to be part of the leadership team in any federal political party.

On this great day I honour all the people who fought for Aboriginal suffrage and with the Assembly recognise the shameful history of the Commonwealth in excluding Aboriginal people from our political system for so long. But we must recognise that the vote is only one part of equality in our community. We must continue to fight discrimination, racism and the great social inequities that, unfortunately, successive governments constantly reinforce rather than addressing as part of the reconciliation that the Australian community is so desperately crying out for.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.37): Mr Speaker, as other members have indicated, 2002 is the 40th anniversary of universal Aboriginal and Torres Strait Islander suffrage in Australia and the 10th anniversary of the High Court's Mabo decision.

Ask Australians when Aborigines got the vote and most of them will say 1967. The referendum in that year is remembered as marking a turning point in attitudes to Aboriginal rights. In one of the few yes votes since federation, 92 per cent of Australians voted to change the Constitution to allow the Commonwealth to make laws for Aborigines and to include them in the census.

But the referendum did not give Aboriginals the right to vote. They already had that. Legally, their rights go back to colonial times. When Victoria, New South Wales, Tasmania and South Australia framed their constitutions in the 1850s, they gave voting rights to all male British subjects over 21, which included Aboriginal men. In 1894, when South Australia gave women the right to vote and sit in parliament, Aboriginal women shared that right. Only Queensland and Western Australia barred Aboriginals from voting.

Very few Aboriginals at this time knew their rights, so very few voted. Some eventually did. Point McLeay, a mission station near the mouth of the Murray, received a polling station in the 1890s. Aboriginal men and women there voted in the South Australian elections and voted for the first Commonwealth parliament in 1901.

The first Commonwealth parliament was elected by state voters, but when it met it had to decide who should be entitled to vote for it in the future. Three groups attracted debate. Women and Aboriginal people had votes in some states but not in others. And there were some Chinese, Indian and other non-white people who had become permanent residents before the introduction of the white Australia immigration policy.

The debates reflected the racist temper of the times, with references to savages, slaves, cannibals, and Aboriginal lubras and gins. The Senate voted to let Aboriginals vote, but the House of Representatives defeated the proposal. The 1902 Franchise Act gave women a Commonwealth vote, but Aboriginal people and other coloured people were excluded unless entitled under section 41 of the Constitution.

Section 41 stated that anyone with a state vote must be allowed a Commonwealth vote. South Australia got that section into the Constitution to ensure that South Australian women would have Commonwealth votes, whether or not the Commonwealth parliament decided to enfranchise all Australian women. The Commonwealth did enfranchise all women, so they did not need section 41.

Section 41 did seem to guarantee that, except in Queensland and Western Australia, Aborigines would be able to vote for the Commonwealth because of their state rights. But did it mean that? The first Solicitor-General, Sir Robert Garran, interpreted it to give Commonwealth rights only to people who were already state voters in 1902, so no new Aboriginal voters could ever be enrolled and in due course the existing ones would die out. The joint Commonwealth/state electoral rolls adopted in the 1920s give some idea of the number of Aboriginals who voted for their state parliaments but were barred by the Commonwealth. The symbol “o” by a name meant “not entitled to vote for the Commonwealth” and almost always indicated an Aborigine.

Garran’s interpretation of section 41 was first challenged in 1924, not by an Aboriginal but by an Indian who had recently been accepted to vote by Victoria but rejected by the Commonwealth. He went to court and won. The magistrate ruled that section 41 meant that people who acquired state votes at any date were entitled to a Commonwealth vote. Instead of obeying that ruling, the Commonwealth passed an act giving all Indians the vote (there were only 2,300 Indians at the time, and the immigration policy would see there were no more) but continued to reject Aborigines and other coloured applicants under its own interpretation of section 41.

It was not until the 1940s that anyone began to battle for Aboriginal political rights. Various lobby groups took up the cause, and in 1949 the Chifley Labor government passed an act to confirm that all those who could vote in their states could vote for the Commonwealth. The symbol "o" disappeared from the electoral rolls, but not much was done to publicise the change and most Aborigines, told for so long that they could not vote, continued to believe it.

In the 1960s moral outrage at the way countries like South Africa and the United States treated their black populations stirred Australians to look at their own behaviour. Many changes in Aboriginal rights and treatment followed, including at long last full voting rights. The government gave the Commonwealth vote to all Aborigines in 1962. Western Australia gave them state votes in the same year, and Queensland did not follow until 1965. It was only then that all Aborigines in Australia had full and equal voting rights.

Next on the agenda was representation in parliament and Aboriginal land rights. In 1971 Neville Bonner was nominated to fill a vacant seat in the Senate. He was the first Aborigine to sit in any Australian parliament. Since then a number of Aboriginal and Torres Strait Islander people have been elected as parliamentary representatives at all levels of government in Australia.

In relation to land rights, yesterday the nation celebrated Mabo Day, not yet a holiday but a day of enormous significance. The day, as we know, is named after a man whose lasting legacy on the debate around the inseparable relationship between land and identity is beyond measure, and its effects are still being felt today, 10 years on, throughout the nation. By insisting that the law recognise his traditional ownership of Murray Island, he helped secure land rights for indigenous people across Australia and changed the way the nation sees its past, such was his impact.

Eddie Mabo's great challenge was to convince the court that his people had a system of law, a system of social organisation and a system of property rights and that these systems survived the annexation of Murray Island from the British to Queensland in 1879.

In fact, there was a system, a way of life, that had a great affinity with the land, a land that in turn gave their people their identity. It is connection to land that helped illustrate in the parlance of the law that there were systems of traditional law and therefore traditions of ownership in Murray Island culture.

Eddie Mabo proved to the High Court that Murray Island culture clearly defined the boundaries of ownership of their land. In a practical sense this manifested itself as rocks marking the boundaries of the land, piles that were recognised by Murray Island families as denoting ownership. Murray Islanders have had to fight to maintain their identity.

Another enduring legacy of the Mabo case is the recognition of the nature of connectedness to land—that there is no such thing as terra nullius, land belonging to no-one. Shamefully, even at the time when Eddie Mabo's epic struggle was coming to a close, Australia stood out as the only former British colony that did not recognise the pre-existing rights of its indigenous people. Every former colony had reconciled with its indigenous people by treaty or otherwise, except Australia.

In light of this fact, we are forgiven for thinking that, in the face of such opposing views and in the face of such precedence, the outcome of Eddie Mabo's challenge to white law was just a formality, but it was far from it. After 10 long years it is hard to imagine the emotion of the plaintiffs tempered by the recent passing of Eddie Mabo, when the court read:

> In the result, six members of the Court are in agreement that the common law of this country recognises a form of native title which, in the cases where it has not been extinguished, reflects the entitlement of the indigenous inhabitants, in accordance with their laws or customs, to their traditional lands and that, subject to the effect of some particular Crown leases, the land entitlement of the Murray Islanders in accordance with their laws or customs is preserved, as native title, under the law of Queensland.

It was the challenge for the ages that will have reverberations for a long time. We are extremely lucky to have Eddie Mabo's papers here in Canberra at the National Library, and I encourage Canberrans to go to the library to look at the papers, to look at the photographs and to read about Eddie Mabo and his struggle for identity.

The full Mabo agenda has yet to be fulfilled and will continue to challenge the Australian community and legal system as Australians increasingly become an inclusive society. As we move forward in improving the status of the first Australians, it is important that we acknowledge the clear milestones—the 40th anniversary of indigenous suffrage and the 10th anniversary of Mabo Day—that have been achieved throughout the struggle for voting, land and representational rights.

MR SPEAKER: The time for the discussion has expired.

Gaming Machine (Women's Sports) Amendment Bill 2002

Debate resumed.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.45): Mr Speaker, I do not wish to speak for long in the debate on this bill. This is a significant and very good piece of legislation. I urge the members of the Assembly to support it as it is.

We all know, perhaps in detail, the extent to which women's sport in the ACT, in Canberra and in Australia, does not get either the support or recognition it deserves. It is one of those things that really are beyond debate. It cannot be gainsaid.

In any discussion about sport, and inequality between men and women in sport, we need to be mindful of the notion, or terminology, of women's sport. There is men's sport and there is women's sport, but we should not imply that, in some way, one is different from the other. It is simply the case that we all play sport. Men and women play sport but we differentiate between them. We differentiate in the level of resources provided to women in their pursuit of sport; we differentiate, throughout the community, in the provision of facilities; and we differentiate on infrastructure and recognition for women who play sport. I am not aware of the statistics or the details, but I have seen them. I know things are changing but they are changing slowly.

One of the great indicators is the extent to which women who play sport receive coverage through our media. I do not know the latest statistics on that, but I can hazard a guess. I know that, six or seven years ago, in comparisons of the coverage of women and women playing sport in the daily metropolitan newspapers of Australia, the average column space devoted to women playing sport was something like 10 per cent of all sports coverage.

I understand, and have always acknowledged, that the one paper that did stand out from the other national metropolitan daily papers was the *Canberra Times*. The *Canberra Times* has always led the nation in its preparedness to provide additional media, additional column space and additional photographs of women participating in sport. Even so, the *Canberra Times* only gets the level of coverage of women's sport up to around 20 per cent of the coverage of all sport.

There is a definitional issue there. We need to be careful about the extent to which one, for instance, regards horse racing or car racing as men's or women's sport, and the extent to which we seek to designate that as men's or women's sport. I think it is fair to do that. On the indicators, or the indicia, used in assessing the extent of coverage in the printed media, women and women's sport receive only between 10 and 20 per cent of all coverage. The electronic media is far worse than that.

It is a classic chicken and egg problem. The owners of the news outlets insist that they will not cover women's sport because women's sport is not valued, or viewed, to the same extent by the community. They say the community are not interested in watching women or women playing sport on television to the extent that they are interested in watching men and men's sport. Perhaps the crowd numbers indicate that, but it is one of the classic "what comes first" questions.

Women are not supported in their pursuit of sport. It is not embraced; it is not encouraged and it is not valued—in fact it is devalued. We have created a culture where sport played by women does not have the same value or should not be supported or resourced in the same way. An almost self-fulfilling conclusion is arrived at in relation to that. The statistics stand for themselves.

It is these sorts of issues that this bill seeks to address. This bill seeks to pursue a cultural change in relation to women and the value of sport for women—indeed, the value of sport for all of us and the need, or demand, for equality. We need equality in recognition, equality in support, equality in resourcing and equality simply in the value of sport to all of us. We must acknowledge that women are, have always been and continue to be, discriminated against in a most serious way when it comes to their capacity to play sport and participate in sport—everywhere, at all levels. That cannot be denied. We all have personal experience of that. Even with funding, governments here in the ACT have always battled, and continue to battle, to ensure that the same level of resourcing goes to women's teams and to support sporting opportunities for women.

At the big picture, or macro, level you can reduce that to the level of support we provide to infrastructure, not just to individual teams—the construction of sports grounds and sports facilities, and the fact that this community has, in the last couple of years, spent $60 million or $70 million on a football stadium. This community, in toto, has not spent $60 to $70 million in the last 20 years on infrastructure for women to play sport, yet we

spent $60 million, in one go, on a football stadium and we did not blink about it. We do not think about whether or not that is equitable expenditure.

I acknowledge that many women go to watch football matches, and that is wonderful. They go to watch women play football as well, but women do not utilise the Bruce Stadium or the Canberra Stadium. We know that women play at some other facility, somewhere down the back.

These are the sorts of issues that we know are out there, and we struggle to find ways to break the chain—to change the culture. As with so many things—discrimination against women, recognition of women in sport, funding and resourcing aspects—it is a question of changing the common, everyday assumptions, such as: "It is only women playing sport, it does not really matter. Women are not really interested in sport, they are just having a bit of fun, they are not serious. You do not need to take it too seriously because they do not have a competitive instinct. It does not mean as much to them. Nobody wants to watch anyway."

Those are all the old assumptions, which must be destroyed. They must be destroyed by creating a new culture about the value of sport to everybody, the importance of sport to women and girls, and the importance of us not discriminating against half the population in such a vital area of government expenditure and government infrastructure development.

What Mr Quinlan has proposed is one way of creating a culture around the need for us to stop and think about what we are doing, and look at all the clubs around Canberra which were developed to support sporting teams. The biggest club in the ACT is the Tuggeranong Football Club. The club of the year was the Ainslie Football Club. The most popular club of the year, in the last club awards, was the West Belconnen Rugby League Club. You can go through the list. They are big clubs, massive clubs, with enormous turnovers, all supporting men's football teams and throwing a few bob at women's teams.

Mr Quinlan's bill tells us to stop, listen and think about this. It is positive encouragement and positive discrimination for clubs in favour of supporting women playing sport, women's sporting teams, and infrastructure developed for women. I believe it is a tremendous initiative, insofar as it creates those major Canberra institutions—namely our clubs—which do such wonderful work in the community.

I am not putting them down. The sporting infrastructure the clubs have developed in Canberra is simply wonderful. We would not be in the place we are without the clubs. I am an enormous supporter of the clubs—I am not criticising them. They are fantastic institutions. They support this community in the most wonderful of ways. In fact, the clubs are one of the major generators of social capital that we have in Canberra, and I fully support them.

This proposal is a significant, positive message to these major community organisations. It says, "Look, we want you to think a bit more about the way you spend your money. We are prepared to assist in the cultural change. We are prepared to assist you, if you assist women wishing to play sport. You should be prepared to think seriously about the

needs of women and women playing sport." It is a great initiative and it should be supported.

I do not support some of the other proposals for amendments. The suggestion that we should hypothecate some community funding just for women's sport should not be supported. The clubs should have the freedom to choose. They are community clubs, they operate under a whole range of rules in relation to their formation—their raison d'être. I do not think it is for us to impose on them some other mandatory requirement in relation to how they conduct themselves. I do not believe they should be directed—particularly in relation to sport. It will then move on to something else. It will hypothecate all over the place. Every member in this place with an issue that they want to see pursued or developed will then be introducing legislation or amendments. It will be hypothecating club expenditure.

Mr Wood: And work against this motion!

MR STANHOPE: It will, all around the joint—precisely. It works against the cultural change we are seeking to adduce through a motion such as this.

I commend the bill as it is. It should not be toyed with. It should not be changed; it should be supported as it is.

The bill does two things. It will generate additional funds for women, for women wishing to play sport, and for sports infrastructure for women. It will force a cultural change in relation to the way we, as a community, think about these issues—and think about issues of plain fairness.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.57), in reply: To close the debate, Mr Speaker, firstly, I repeat my thanks to Ms Dundas, who is going to support the bill. I thank Mrs Cross for the potted history on netball—I found that fascinating.

I am pleased to hear, from Mr Humphries, some perception and understanding of the club industry and its processes. It is a mechanical understanding, I am sure, and not an empathetic understanding, born of limited experience or contribution within the club industry. Nevertheless, you seem to be coming around a bit, Mr Humphries, on exactly where clubs are at.

I can only repeat what has been said. The word "culture" is part of my speech. It shows the perception of Jon Stanhope that he picked that up as a major theme in his speech, because that is what this is about. This legislation is about creating an environment and giving a message without compulsion and without coercion. Most of the clubs in this town do not need coercion.

As some of the speakers in this debate have mentioned, clubs contribute over the odds to the community. I have in front of me the last report that says that the total required contribution by clubs for the last completed year was $5.3 million. They gave $14 million! So it is not about pressing the clubs, it is about the message that is there.

Ms Dundas criticised the government, at one stage, because this might be the only thing that is being done. That is not the case. Very recently, I opened the seminar for funding for next year. I emphasised, to a full room of sporting organisations, that this government is interested in the promotion of women's sport; it is interested in the promotion of sport for mass participation, and it is interested in sport and recreation for the ageing.

More recently, I opened a seminar specifically pitched towards sport and recreation for the ageing, under the title of Active Ageing.

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 QUINLAN: It is quite clear that there is a higher drop-out rate in sport amongst women. I have been happy to see that some of the sports organisations around town are addressing that, and I want to encourage that. You will see far more female participation in cricket and soccer,.

Mr Hargreaves: And Aussie rules!

MR QUINLAN: As Mr Hargreaves points out, we are seeing far more participation of women in Australian rules—and young women.

It is important that we encourage sport, and that we encourage the attitudes within the clubs. A lot of those teams, which are the feeder groups to our elite teams, come from the same clubs that we are talking about. So it is about a cultural change.

Our two most recent national championships in the ACT are the Capitals and the Eclipse—both female teams. The Eclipse needed additional funding to get to the grand final. When we came to government, they were not even listed as one of our elite teams, although they were playing in the national competition. In fact, they won the thing—good luck to them!

I ask members to consider this in the spirit in which it is put forward. I have detected, from the other side of the house, what seems to be a spoiling approach on a couple of issues that have come through this place before. They have voted for stuff that they would not normally have voted for. Because they were against the government, they voted for those.

Mr Humphries: Such as?

Mrs Cross: Such as ?

MR QUINLAN: Let me think. Some of the green measures that you were talking about before.

MR SPEAKER: You do not have to answer that question—questions come tomorrow. Just continue.

MR QUINLAN: Okay. The block of land at Narrabundah for the petting farm. That was another one that you would never, in a million years on this side of the house, have voted for.

Mr Smyth: On a point of order, Mr Speaker: that is untrue. I spoke to the petting farm people before the election and told them how to go about their business. He should withdraw.

MR SPEAKER: That is not a point of order—resume your seat. Mr Quinlan has the floor.

MR QUINLAN: It does seem to me that that is possibly the case now—either the spoiling role or the one-upmanship role. I know Mr Humphries' fascination for winning debates and not working, but I would like the house to consider this in the spirit in which it is put forward. It is to try to contribute to a change in culture, to a change in profile for women's sport in the ACT. I commend the bill, unamended, to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MR HUMPHRIES (Leader of the Opposition) (5.04): Mr Speaker, I move amendment No 1 circulated in my name *[see schedule 1 at page 1895]*.

I have already outlined what my amendments are meant to do. This is the first of those. If this fails to get up, then the others will lapse.

I will briefly explain it, once again. The opposition proposes the hypothecation that 0.5 per cent of the clubs' net gaming machine revenue should be put towards the women's sport objectives which are described and facilitated by the government's bill, and that it be possible for clubs to pool their responsibilities so that if one club exceeds, another club may take advantage of that fact. The advantage of this arrangement is that it does not deplete the totality of money which is designated for the community.

The money that goes to women's sport is, first of all, most likely a significantly larger amount than would be possible, or likely, under the government's amendments. So this amendment is more friendly to women's sport than the one put forward by the government. Secondly, it does not result in the depletion of the total pool going to the community. Although I am aware that the numbers are stacked against the amendment, I commend it to the house.

MS DUNDAS (5.06): Mr Speaker, these amendments show that Mr Humphries shares a number of the same concerns as I do about this bill. However, I will not be supporting these amendments because I believe they create further difficulties.

Whilst Mr Humphries addressed the issue of ensuring that all clubs will continue to contribute the whole of their minimum legislative contribution, I still have concerns that it will erode the provision of social welfare contributions further than the government's bill already does.

In addition, it further entrenches the idea that some groups in our community are more deserving than others. Furthermore, it will mean that every club—even those who would not normally contribute to any sport and have little knowledge of sporting issues—will be forced to contribute money to women's sport. This is likely to lead to poor targeting of funds and the possibility that funds will be funnelled into high profile, elite sporting organisations.

So whilst I think Mr Humphries' amendments highlight the problems with the government's bill, I believe that, on balance, they create more problems than they solve, and hence I cannot support them.

MS TUCKER (5.07): The Greens will not be supporting this amendment. By specifying an amount, Mr Humphries increases the possible skewing. Specifying an amount for women's sport without specifying an amount for problem gambling services, for instance, accentuates the potential negative effects of the government's proposal.

I understand Mr Humphries' argument—that leaving it as an incentive rather than a requirement may not achieve anything—but it is no good taking a mandatory approach if you are undermining other objectives. While perhaps we could just require that equal amounts of dollars go to women's sport and men's sport, as I have said, I believe that the incentive for scrutiny, by requiring clear reporting on funding for women's sports, could have some effect, just by itself.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.08): Mr Speaker, quite obviously, I am not going to support this. The presumption that it might affect the quantum of contribution has been negated already. I think that, when almost three times the required contribution is made by the club industry, this is simply a nonsense. I believe that, if the bill were changed to Mr Humphries' specification, it would probably empower the government to do what it is already empowered to do.

Question put:

> That **Mr Humphries'** amendment be agreed to.

The Assembly voted—

Ayes, 7		Noes, 10	
Mr Cornwell	Mr Pratt	Mr Berry	Ms MacDonald
Mrs Cross	Mr Smyth	Mr Corbell	Mr Quinlan
Mrs Dunne	Mr Stefaniak	Ms Dundas	Mr Stanhope
Mr Humphries		Ms Gallagher	Ms Tucker
		Mr Hargreaves	Mr Wood

Question so resolved in the negative.

Amendment negatived.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4 agreed to.

Clause 5.

MS DUNDAS (5.13): I move the amendment circulated in my name *[see schedule 2 at page 1895]*.

Mr Speaker, my amendment seeks to provide a sunset clause for the major changes in this bill. It does not affect the new section 60B (1) (c) that recognises women's sport as a unique category of community contribution. I am happy to support separately recording women's sport contributions, so we can more closely examine how clubs allocate sports funding. However, I think this issue needs to be discussed in the wider context of reform of the Gaming Machine Act. That is why I have moved this amendment, which expires at the same time as the current cap on gaming machines. This will give us the opportunity to look at the entire issue of community contributions and how they are allocated, and not focus on a single group.

I believe that other groups that receive community contributions, such as social welfare organisations and charities, deserve the same consideration as women's sports, when we consider the operation of this act. It may also give us some time to look at the government's implementation of this new scheme, to see how it will function on the level of funding that results from this initiative. I am very keen to see this new regime considered in the wider context of the gaming review, the results of which I hope we will have before 30 June 2003.

As I have mentioned before, this mechanism for funding women's sport includes many problems that I have concerns with. Given the small amount of information we have on the outcomes of this legislation, and the lack of detail in the implementation process, I believe it is most prudent to insert this sunset clause, to ensure that it undergoes reconsideration by the Assembly before being enacted, perhaps permanently.

MR HUMPHRIES (Leader of the Opposition) (5.15). Mr Speaker, I move the amendment circulated in my name to the amendment of Ms Dundas. It simply changes the sunset clause from 1 July 2003 to 1 July 2004 *[see schedule 1 at page 1895]*.

It seems to me that the review currently being talked about is not the appropriate vehicle for assessing whether or not these amendment to the Gaming Machine Act ought, or ought not, to continue.

The review is already substantially completed. I understand the review will be reporting on possible changes to the Gaming Machine Act some time in the next few months. I doubt that it is going to be able, in any valuable way, to assess the effect of these amendments passed today. They do not come into operation until 1 July. I suspect they will not have any significant effect, and there will be no empirical evidence about their effect on women's sport or whatever, before the report is due to be delivered to this place, so I think it is wrong to link these two matters.

However, a reporting date in a sunset clause of 1 July 2004 means that the Assembly can see the operation of this new legislation for the period of a year. It will have the report of the Gambling and Racing Commission on the effect of this amendment for its first year of operation. Then, in light of that information, we will be able to have a debate some time—presumably in early 2004, before the operation of the sunset clause—to decide whether the provisions should or should not continue.

MS TUCKER (5.17): Ms Dundas is trying to insert a sunset clause, and I notice Mr Humphries wants to extend the time. The aim is to ensure that this is a trial. Because we do not have any clear data at the moment, we will look at the results of this change after a period of time and evaluate it on the basis of further information.

I will support this amendment. However, I note that, without baseline data, it is a problem. Without data on which forms of women's sports and activities are getting what money now from clubs, it will be very difficult to assess the results of this new scheme. Therefore, I strongly encourage the government to do the work now, to find out where the money is spent—including mixed sports—to expand women's participation, women-specific teams and so on.

MS DUNDAS (5.18): I cannot support Mr Humphries' amendment to my amendment. Even though I take on board his points, we must consider these new amendments to the Gaming Machine Act in the context of the outcomes of the review, even if these new amendments cannot be specifically considered by the review.

The review being undertaken is a very wide, sweeping review of everything to do with the Gaming Machine Act and this is an amendment to that act. When we have the outcomes of the review and are looking at implementing them, we cannot ignore this new regime that we have inserted underneath the review while it is going on.

The gaming machine cap finishes on 30 June 2003. Putting in a sunset clause with the same date means we have a clearer understanding of the dates that are important for the gaming review, and that we can consider it all at once. That is why I cannot support the opposition's amendment.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.19): I agree with everything Mr Humphries has said. However, I will not be supporting his amendment because I need those two women at the end of the Assembly, and in fact—

Mr Cornwell: Discrimination and patronisation, I would say.

MR QUINLAN: No, it is not patronisation.

Mr Hargreaves: It is called grovelling, it is not called patronising.

MR QUINLAN: That means I have just been beaten up by them! The fact is that we have reports once a year on the contributions of the clubs. Mrs Dunne earlier referred to the possibility of an administrative nightmare, and we do not want to create that. This report comes out in about October. When it comes to 30 June next year, we probably will not know a lot more than we know now, unless we go through an administrative nightmare, which we do not intend to do. I will be very happy to revisit the extension of this bill in June next year.

Mr Humphries' amendment negatived.

Ms Dundas' amendment agreed to.

Clause 5, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Territory Records Bill 2002

Debate resumed from 11 April 2002, on motion by **Mr Wood**:

> That this bill be agreed to in principle.

MRS CROSS (5.21): Mr Speaker, the opposition supports good records management. We support this bill in principle, but have several amendments that I will speak to shortly. First, I wish to take the minister, Mr Wood, to task over some of the statements he made in his tabling speech. If casual readers of Mr Wood's speech had taken it at face value, they would believe that the new Labor government had recently developed this legislation, and that it was far superior to any previous attempts in this Assembly to implement a records management regime.

However, some of us know that the minister is trying to have a lend of us on this point and that he is, perhaps, being a bit mischievous. The former Liberal government gave a commitment, at the 1998 election, to establish a new records management regime. The Liberal minister in the last Assembly, Mr Smyth, undertook an extensive community consultation process to that end and, over a period of time, legislation was developed.

The Territory Records Bill 2001 was tabled by Mr Smyth in June last year. However, owing to time constraints towards the end of the parliamentary term, debate on the bill was not finalised. Mr Wood referred to this previous bill in his speech introducing the one that is before us today. He compared the merits of the two bills and said:

> The legislation introduced but never debated by the Humphries government is not likely to have earned the public's confidence that this government was serious about the management of its records. The legislation that I am introducing today is designed to give confidence to our community that government records will be created, managed, and accessible. This is a key component for open and accountable government.

When I heard this, I was disappointed to learn that Mr Smyth's bill was so bad by comparison. Then I put the two bills side by side and went through them in detail, and guess what, Mr Speaker? The bills are virtually identical, almost word for word, and the two explanatory memoranda are even more so. There are a few minor differences that are simply rewordings or renumberings of the contents of a clause. Some changes place more of a spotlight on certain provisions than does Mr Smyth's former bill, but the changes were not significant enough to rate a mention in the new explanatory memorandum. They were hardly earth-shattering, Mr Speaker.

Rather than go through each of those minor differences in detail, I wish to draw to the attention of members four more significant differences. The first is in clause 7, which contains the list of agencies that are covered by the bill. Mr Smyth's former bill included territory-owned corporations in the list. Mr Wood's legislation does not. The Greens have an amendment that reflects the position of Mr Smyth's former bill, and I indicate to the Assembly that the opposition will support that amendment.

The second point of difference is contained in clause 18. This clause contains a provision for the approval of the standards and codes for agency records management. Mr Smyth's former bill provided for the relevant minister to give approval of the regime. Mr Wood's bill gives responsibility for that approval to the Director of Territory Records. The reason provided to my office for this difference was that the change provided for more of an arms-length process. That is fair enough. We agree with that. However, it does make the next point of difference in the bill rather difficult to understand.

Clause 39, the first clause the opposition will oppose, provides for ministerial directions to the Director of Territory Records. I am somewhat mystified that the government would go to great lengths to set up an arms-length process, a process intended to increase public confidence and to ensure open and accountable government, and then provide for the government of the day to interfere. What a charade. This clause will surely not instil confidence in the community.

I want to dwell on this point of process for a moment, and appeal again to Ms Dundas and Ms Tucker for their support. Perhaps they may yet be persuaded, Mr Speaker. While I agree that clause 39 does contain a transparent process, in that the minister would be required to table in the Assembly a copy of any direction given to the Director of Territory Records, the opposition maintains that this arms-length process would be polluted by allowing a minister to meddle. I ask Ms Tucker and Ms Dundas to carefully consider this point.

The final point of difference I wish to raise, Mr Speaker, relates to the provision in the bill for a Territory Records Advisory Council. Provision for the council was included in early drafts of Mr Smyth's former bill, but it was excluded from the final version he tabled last year. The reason for this was that there was no proven need that could justify the cost of yet another advisory council.

Should the Director of Territory Records need advice, he or she is perfectly able to formally seek that advice on any matter, at any time he or she chooses, without having to set up a formal advisory body. Accordingly, this side of the chamber will oppose this provision.

Overall, this is a good piece of legislation. I think it is now fairly obvious that the minister has been less than generous in his comments on the former Liberal government's efforts to establish a new approach to managing territory records. We were, and still are, serious about ensuring good records are kept, and we developed legislation to achieve that. On this side of the house, we know that the new Labor government is just as serious, and we thank you for reintroducing our legislation.

We support this bill in principle, however, I foreshadow that, in the detail stage, the opposition will support the Greens' amendment to clause 7, the government's amendment and the 10 amendments that I have had circulated. Although there are 10 amendments listed in my name, they only cover two matters. Amendments 1 to 3 and 5 to 10 remove reference to the advisory council from the bill. Amendment 4 removes the provision for ministerial directions to the Director of Territory Records.

MR BERRY (5.28): I am pleased to be able to support the Territory Records Bill and see it debated today. This is an issue in which I have had an interest for some time. I was just looking through my copious drafting instructions from the last Assembly and my notes on the issues related to this matter, and was reminded of the significance of archives and record keeping during the term of the last Assembly.

However, for the purposes of this debate, I think we only have to read the Auditor-General's report on Bruce Stadium or the report on the coronial inquiry into the Royal Canberra Hospital implosion to realise that there was a problem with record keeping in the last term of government, and it had to be dealt with.

To its credit, the former government came forward with a territory records bill. However, it soon became clear to me, and to my staff, that there were concerns out there in the community among the professionals interested in archiving and record keeping. It was as a result of its consultation with those groups that Labor eventually committed itself to doing something about this particular issue in this term of government. I am pleased that Mr Wood has brought forward this legislation, because it deals with all of the concerns that the professionals out there in the community raised with me.

I hear what Mrs Cross has said in relation to the advisory council, and that it was in early drafts of Mr Smyth's legislation but was later ditched. I heard her say that this was because of cost and so on. I may be regarded as suspicious if I say this, but I will say it anyway: during the course of discussions about this matter, it may well have been that agreement was reached on the professionals' view that there ought to be an advisory

council to deal with this, and that the ideological position was adopted later on in the course of considering the issue.

I accept that the government of the day had the right to make its own judgments about the framework of the legislation, but I am pleased that the advisory council is now included within the legislation. I am quite proud to have been associated, both for my part and for the Labor Party's part, with bringing this legislation to the Assembly.

That is not to deny that the former government brought forward a territory records bill last year. As I recall, the bill came up among the last pieces of legislation before the last Assembly. It was pretty clear that the amendments that I was putting forward were going to succeed, and it is quite possible that the government thought it was not worth the trouble at that stage, and we just moved on. Notwithstanding that, the then government did the right thing in bringing forward that piece of legislation. It is the custom in this place to lay open such pieces of legislation to amendment by members, subject to their discussions with people in the community.

I particularly want to pay credit to the work that my staff member, Sue Robinson, did in negotiating with professionals in the community to put together these amendments. It was her diligence that gave rise to the amendments as they were prepared. While I have the pleasure of giving the speech on the matter in this place, and I will be on the public record ad infinitum, it is the community groups, who had the energy to raise this as a matter of importance, who should also receive credit. I also wish to mention my caucus colleagues, who encouraged me to prepare these amendments. Finally, I return to my staff member, who was the key to negotiations between my office and the community on these issues.

The legislation is about good record keeping. No matter how we might differ in this place over the various pieces of this legislation, and the parts that one or the other of us might want removed, it is about good record keeping in the end. If I can boast, just for a moment, if the amendments that were included in it by Mr Wood are adopted by this Assembly in the end, it will be about better record keeping. I do note the comments that have been made by Mrs Cross in relation to the matter, but in the end it would be better if the bill was carried complete, with the advisory council mentioned in it.

This bill will encourage open and accountable government—and I think we all say we want that—by ensuring that territory records are created, managed and, where appropriate, preserved in an accessible form. Our style of government does not permit every new government to destroy the records, as once happened in many of the old dynasties, where the libraries were the first casualties of victory in battle. Records are our past and our present for practical purposes, but they are also our future, so it is important to treasure them to the extent that we can, and to the extent that they are a true record of all the work that we do in this place.

What is just as important is that the community feels that what might have been criticised a year or so ago has now been repaired, and I want to particularly thank the Australian Society of Archivists for the work they did with me and my staff in preparing the amendments to the original bill. I know that their contribution will help rebuild any lack of confidence that may have developed in the community in relation to this important issue.

I will touch on this issue of the advisory council again. I do not want to appear to harp on it. I do not want to be accused of being tedious, or even repetitious, by the Deputy Speaker, but this council, which is part of the legislation being debated today, is being established to advise on developing and reviewing standards for agency records management, on the disposal of agency records, and on the preservation of agency records about Aboriginal and Torres Strait Islander heritage.

The council will have members from government agencies, professional organisations interested in records management and archives, community associations interested in historical or heritage issues, and groups interested in Aboriginal and Torres Strait Islander heritage. I cannot conceive of a circumstance where such an advisory council would be unacceptable to the community or to this Assembly, because it aims to engage relevant people in the community in the protection of our community records well into the future.

While the primary reason for the creation of records is the efficient conduct of the government's business, the longer term retention of and access to those records of enduring value is just as important. Future researchers will have access to the records that tell the story of both our government and our community.

This legislation is long overdue, I think we all agree on that. The eventual framework will be resolved by this Assembly. I want to congratulate Mr Wood, in particular, for making sure that this piece of legislation found its way into the Assembly at such an early stage of this government's term. I trust that members will give their support to the passing of this legislation.

As I said before, this legislation not only deals with our past and present, but it is also our future. I would urge members to support this important piece of legislation and, in particular, those aspects of it that will build confidence in the community about the future of our records in the ACT, and that will engage the community in contributing to the legislation and the future of governance in the territory.

MS TUCKER (5.39): For those people with an interest in history, government archives are a rich source of information on how society functioned in the past. The federal government has a comprehensive system of rules for the keeping of government records and a very active Australian archive, which is valued highly by the public.

Unfortunately, up until now, there has been no equivalent ACT archival system. Now that we are into our thirteenth year of self-government, I only wonder why this has not been done before. It seems that we had to have the Bruce Stadium and hospital implosion fiascos to convince the previous Liberal government that action was needed to set up a good record-keeping system within the ACT public service.

The bill before us today is basically the same as the bill tabled by the Liberals in the last days of the previous Assembly, and I am also glad that the Labor government has moved quickly to finish off this legislation. This bill establishes a framework for the management of records kept by ACT government agencies. Each agency will be required to develop and maintain a records management system. A new position of Director of

Territory Records will be created, to provide a consistent, independent and professional approach to the implementation of record-keeping standards across government.

This bill is also linked to the Freedom of Information Act, so that government records will generally be freely available for public access after 20 years. Some confidential documents will remain exempt from such access, but the public may still attempt to view these documents under FOI.

I think this bill is a great initiative. Good record keeping in association with FOI laws is an essential part of keeping the government accountable to the public for its activities. As we know, the disappearance of records is a convenient way for governments of whatever persuasion to avoid having to explain how decisions were made.

I note that some significant changes have been made to this bill in response to comments made by the Australian Society of Archivists at the time the Liberals' previous bill was before the Assembly. These relate to giving the Director of Territory Records a decision-making role in setting records management standards for agencies, and in establishing the Territory Records Advisory Council.

I agree that the Director of Territory Records should have a central role in the management of records. It is essential that the records management standards of particular agencies are above reproach, and are consistent across government. I think that these standards should be set by an independent person, rather than by the heads of different agencies. There is, however, one change from the Liberal bill that I do not support, and that is the exclusion of territory-owned corporations. I have an amendment to deal with this issue. Overall, though, I am happy to support this bill in principle.

MS DUNDAS (5.42): The Australian Democrats will be supporting this bill. The bill does set up the position of the Director of Territory Records, who is to set standards for the records management of government agencies throughout the territory. This is a very important step to moving to a more open and accountable government and public service. It guides records management and will ensure that records management is of a constantly high standard.

Unless members of the community have the power to access and independently scrutinise government information, there is little prospect of having a genuinely deliberative and participatory democracy. Freedom of information legislation opens the government's activity to scrutiny, discussion, comment and review and, again, promotes a robust democracy.

We support the fact that this bill allows for the director to independently oversee the administration of territory records. We will not be supporting the opposition's amendments, as we believe it is reasonable that the director be connected with both the minister and, through the minister, the Assembly, and with the community through the advisory council. We will be supporting the Greens' amendments, as the inclusion of the records of territory-owned corporations in territory records is definitely an important step towards ensuring that quality records are kept by these bodies, and that public scrutiny occurs at the same level as that of government.

This bill is an important step towards open government, and the Democrats are happy to support it.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.43), in reply: Mr Deputy Speaker, as are a number of other people in this chamber tonight, I am grateful that we have come through to the debating stage of this bill, which has been around for some time. Mrs Cross, I am sorry if I did not give the Liberals enough credit, because it is their bill last year that was the basis for the legislation now being brought forward.

I have to say, though, that the reason it did not come through last year was that it did not have that strong link to the community through the advisory council, yet you want to take it back to your original bill. I am pleased that that will not be supported tonight. I believe that it is important to have that connection. I thank Mr Berry for his efforts last night, with the Society of Archivists, to push the view that it is important to have this link to the community. That is the cause of the major difference over this bill and why, tonight, the Liberals will resist parts of this bill.

The other point of difference relates to the direction to the Director of Public Records. However, that link from the Assembly, through the minister, to the director is important. It is not a heavy dictatorial approach at all. It is a reasonable link to maintain, and it is especially important if that director is a person from outside the bureaucracy.

I will debate these issues more when we get to the stage, Mrs Cross, when you move your amendments. We will certainly be supporting the inclusion of the TOCs. Yes, it was in your original bill, and not in ours, but it is going to be there in the end, and I think that is quite fair and reasonable. Thank you for your support in principle. Let's get through now and finish this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7.

MS TUCKER (5.45): I move amendment No 1 circulated in my name *[see schedule 3 at page 1896]*.

These comments apply to both of my amendments, because they work together. This amendment removes the exclusion of territory-owned corporations, or subsidiaries of territory-owned corporations, from coverage by this bill. At present, the bill applies to agencies of the government, and agencies are defined in clause 7. Clause 7 (f) of the original Liberal bill referred to "any other prescribed authority", which is subsequently defined by referral to the definition of a prescribed authority in the FOI Act.

The definition of prescribed authority in section 4 of the FOI Act includes a territory-owned corporation or a subsidiary. The Labor bill, however, has modified the original section 7 (f) to specifically exclude TOCs. I do not agree with this exclusion, and I see no reason why TOCs should not be required to have good record-keeping systems in line with other government agencies.

I know we have had many debates in this place about the role of TOCs in our system of governance, and how much independence they should have. My view on TOCs is that the emphasis should be on the territory-owned aspect. These corporations are ultimately accountable to this Assembly and much public money is tied up in their operations. Their business activities should therefore be subordinate to their responsibility to act in the public interest. I was surprised that the Labor government favoured the corporate side of TOCs, although I am glad to see they are supporting this amendment.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8.

MS TUCKER (5.47): I move amendment No 2 circulated in my name *[see schedule 3 at page 1896]*.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 15, by leave, taken together and agreed to.

Clause 16.

MRS CROSS (5.48): I move amendment No 1 circulated in my name *[see schedule 4 at page 1896]*.

This amendment is the first of a series of amendments to remove the advisory council and references to it from the bill. We believe that this council is unnecessary, and that the case for its establishment and to justify the cost entailed has not been convincingly made. The act would still operate effectively without a formalised advisory council, as the Director of Territory Records would be free to seek advice from appropriate experts should the need arise.

The bill in its current form seeks to impose a requirement and a cost where no real need has been proven. This is not prudent governance: it is unnecessary and I ask members to oppose those clauses. If this amendment is not successful, there is no need to proceed with my amendments 2 to 3, and 5 to 10, as they are all consequential.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.49): The government opposes this amendment, certainly in principle, in respect of the council. It is interesting to note that this particular clause relates to records of Aborigines and Islanders. It was necessary to refer to the council here. No council, no reference.

Let me go to the council. Mr Berry has mentioned this: the council will have at least one person to represent each of the following: agencies, professional organisations interested in records management and archives, community associations interested in historical or heritage issues, and—my particular emphasis at this moment—entities interested in Aboriginal and Torres Strait Islander heritage.

Having this clause related to the council allowed for very direct input into records by Aboriginal and Islander people. It should not be removed, especially in debate on a day when we had a motion on the voting rights of Aboriginal and Islander people, and in a week when Mabo and reconciliation are right in the focus.

The council is an important link to the community. I think it is essential to have it. This is the dividing line between the old and the new bills, and it is very important that we proceed down this path and maintain this council.

MS TUCKER (5.51): We also value the role of the council. It is consistent with the Greens' policy to have such a council, because it does create a link with the community. We have, in fact, initiated the establishment of other such councils in this place on several occasions.

Amendment negatived.

Clause 16 agreed to.

Clause 17.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.51): I ask for leave to move amendments 1 and 2 circulated in my name together.

Leave granted.

MR WOOD: I move amendments 1 and 2 circulated in my name *[see schedule 5 at page 1896]*. No 1 is a better expression of what this particular part of the bill is about. No 2 is self-explanatory and I leave it to members to consider.

Amendments agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 35, by leave, taken together and agreed to.

Clause 36 agreed to.

Clauses 37 and 38, by leave, taken together and agreed to.

Clause 39.

MRS CROSS (5.53): The opposition opposes this clause. As I have already indicated, the opposition does not support giving the government of the day the capacity to interfere in the day-to-day duties of the Director of Territory Records. We believe that the arms-length processes proposed by this legislation should remain untainted and tamper proof, and I ask members to oppose the clause.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.53): Mr Speaker, there is no intention to interfere with the day-to-day activities of the director. Everyone is under someone else's supervision, somewhere, and this clause simply establishes the link between the director, through the minister, and this Assembly. I indicated before that this is especially important if the director is independent, and appointed from outside. I think this is a useful and necessary part of this bill.

MS TUCKER (5.54): We will not be opposing this clause. While the position of director is important for setting standards and maintaining professional records management systems within the public service, I think the buck still has to stop with the minister. If this provision was not there, then the director would be able to act autonomously of government, but without accountability to the Assembly.

It would be a more accountable process if the minister was able to influence the work of the director, but through a transparent mechanism, as proposed in the bill. Any directions will have to be in writing and tabled in the Assembly. This is much better than informal requests being made by the minister that are not recorded. The aim of the bill is to avoid this sort of behaviour. It is fairly common in legislation for ministers to be able to give formal directions to statutory office holders, so I do not think this provision is unusual. I would, however, expect that these directions will be few and far between.

Clause 39 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Assembly business

Motion (by **Mr Wood**, by leave) agreed to:

> That Notice No 1, Assembly business, be brought on forthwith.

Territory Plan—variation No 158

MRS DUNNE (5.56): Pursuant to notice, I move:

> That this Assembly, in accordance with Section 29 (3) of the *Land (Planning and Environment) Act 1991*, rejects
> (a) the inclusion of Blocks 2, 5 & 6 of Section 72 in the precinct 'c' of the Calwell Group Centre; and
> (b) the inclusion of Section 53 in the precinct 'a' of the Kippax Group Centre;
> in the variation to the Territory Plan Number 158 tabled on 9 April 2002.

The motion in my name on the notice paper deals with how variation No 158 to the Territory Plan deals with group centres. Group centres, as we know them, are scattered across the ACT: there are group centres in Manuka, Dickson, Kingston, Jamison, Calwell, Curtin, Mawson and many others. This is a complex variation and has been a very long time in the pipeline.

It is with some trepidation that I attempt, at this stage, to excise some very small amounts from the draft variation. As I have said before, this is a very complex variation to the Territory Plan, and it is a step forward, but in many ways what has been achieved in the draft variation is still deficient. It is not flexible enough. There are problems with such things as access to adaptable housing that can be brought close to group centres. That area is particularly ad hoc, and there is not the flexibility that we desired to see when this process commenced under the previous government.

I have conducted considerable consultation, because group centres affect such a large number of people, and there was a general feeling of regret that the whole thing was not more flexible. But there was also a general desire in the community that the draft variation, for the most part, be made.

What my motion proposes is to excise two small pieces of land from the variation, which means that they will revert to their existing status under the Territory Plan. What I propose to do relates to Calwell in the south and Kippax in West Belconnen. The bit I propose we excise from the draft variation relating to Calwell is part of section 72. Before the draft variation was made, section 72 was commercial precinct "b"; the draft variation converts it to commercial precinct "c".

I am doing this—I freely admit—on behalf of a particular landowner who asked me to help him out of a bind. There was a bit of a misunderstanding, and in the course of drafting the variation, the land was proposed to be changed from precinct "b" to precinct "c". Precinct "b" allows for the building of adaptable and accessible housing on the ground floor, but precinct "c" does not. Precinct "c" says you can have adaptable and accessible housing but can only build it on the first floor above, which means that, for the most part, adaptable and accessible housing can never be built in precinct "c". Most people do not build above two storeys at group centres; there are planning provisions against this. If you build at two storeys you are not going to put a lift in, so any housing that you build on the second floor would not by definition be accessible.

There has been consultation between the landowner at Calwell and Planning and Land Management about the impact this draft variation will have on plans the landowner has to build accessible housing on the land he owns. Planning and Land Management have advised the landowner—and me—that they are supportive of the landowner being able to build adaptable and accessible housing on the precinct "b" but that their preferred means of doing this would be to immediately institute a new variation to the Territory Plan.

Given that there is general support for accessible and adaptable housing to be built on this section, what I propose to members of the Assembly today is: let's cut through the red tape; let's save time, money and effort and excise this small piece of land from the change to precinct "c"; let it revert to precinct "b" and therefore allow the developer, the owner of the land, to do what he has proposed, which has the support of the planning department.

I note that there is some inconsistency in the whole draft variation about where you can and cannot build adaptable housing. After discussions with the minister there was general agreement that this should be looked at in a future draft variation. But if this motion succeeds today, there would not be the same pressure to do that immediately.

Turning to Kippax, I ask the Assembly to do a very similar thing: to excise a very small piece of land from the draft variation so that it would revert to its previous use. Until the draft variation was made, section 53 in Kippax was precinct "b" commercial, but the variation recently made by the minister converts it to precinct "a" and therefore increases its value. This matter is of some concern to many of my constituents in West Belconnen.

The Kippax group centre in West Belconnen seems to be the ugly duckling of group centres in the ACT. West Belconnen has a great pent-up need for community facilities. The people of West Belconnen, led by the Kippax task force, have been lobbying successive governments for 12 years now to turn their temporary library into a permanent library. No-one comes out of this with any good grace or looking well. This seems to have been too difficult for successive governments, and it seems to be too difficult for this government.

Mr Wood was talking about the Kippax library on the radio the other day. What he said seemed to typify the lack of will and people just not knowing what to do with Kippax. Quite frankly, this has gone on long enough, and it is not good enough. Mr Woods said on ABC radio:

> I think there's been a period when the library wasn't always definite. It's now for some time been definite, so there will be a library there. The temporary building is certainly not suitable, and a permanent building will be erected. The decision was made some time ago in principle for a permanent library at Kippax. There are problems around where it will be. There is a planning process that my colleague Simon Corbell has been running. It has been confused by different parties at Kippax with different proposals. The planning for the library has got out of control, but that's the planning side of it.

There is a long explanation by Mr Wood saying, "Yes, you can have a library, but the Kippax people might have to wait another five or six years." Quite frankly, I would like to draw a line in the sand and say, "No, the Kippax people cannot wait another five or six years."

When I speak about the pent-up demand for community facilities, I do not mean just for a library. I was in conversation with the Belconnen Community Centre at the Bridges bowling function that some of my colleagues and I attended recently. The staff of the Belconnen Community Centre told me that they had a desperate demand for community facilities in West Belconnen because people, especially those with disabilities, found it difficult to make their way from Holt, MacGregor, Latham and places like that to the Belconnen Community Centre. Seeing there is a group centre there, West Belconnen would be ideally situated to providing appropriate community facilities.

Added to that, last Wednesday at a meeting of the West Belconnen LAPAC, members voted unanimously to ask this government to re-institute the master planning process for Kippax that had been stalled and make a commitment now to building the library. They

asked for many other things as well, but these were the principal things to do with what I am asking today. The proposal I make today is to change back the classification of block 53 in Kippax from precinct "a" to precinct "b".

My proposal is aimed at giving solace to the Kippax and West Belconnen community. It is aimed at giving them some certainty that somewhere in the future the block of land that is their preferred option for the site of the library will be given to them as a library. I acknowledge the undertaking made earlier today by the minister not to sell any of the land in Kippax before certain planning processes about libraries and community facilities are completed in September. But what will happen then?

By retaining the classification of precinct "b", the land will be less appealing to sell, given its location. It will have less value, and some certainty will be created in the community that where they would like to build their library they may eventually get one. It would not increase the potential value; it would make it more likely that the land remains within reach of the community.

Both these proposals are small in the great scheme of draft variation 158, and they have been made to address the particular needs of particular sectors of particular communities. They do not change in any way the overall impact of the variation made by the minister, but they do address the particular needs of the community. I commend the motion to the house.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (6.08): Mr Speaker, variation 158 to the Territory Plan concerns the commercial B2C land use policies for group centres. It is the end result of a long process of strategic review of the policies applying to all of Canberra's group centres. This review commenced in 1999 under the previous Liberal government, in response to a major review of Canberra's retail system and the release of the former government's retail policy statement, Striking a balance.

The draft variation was released for public comment in April 2000, concurrently with draft variation No 163 to the Territory Plan that related to a specific major development proposal for the Kippax group centre.

Following consideration by PALM of public comments received in relation to both draft variations, the previous minister for planning referred both draft variations to the Assembly committee for inquiry. The committee called for further submissions and held a number of public hearings between November 2000 and March 2001. I was a member of that committee, and I am very aware of the details and the issues raised during that investigation.

After deliberation, the committee tabled its report No 72 on both draft variations in June 2001. The committee's report was unanimous and made a series of recommendations which were vital in determining the final form of variation No 158. Unfortunately, the previous government procrastinated and did not respond to the committee's recommendations during the term of the last Assembly. That did not mean to me that we should go back to square one so, when I became planning minister, I took the step of ensuring that we provide a response to the committee's recommendations and move forward with the tabling of the variation.

The recommended policies in the variation I have tabled represent a significant step forward from the existing policies in the Territory Plan, which have been the subject of much criticism because of their unnecessary complexity and inflexibility.

Policies in variation 158, contrary to Mrs Dunne's assertions, have now been substantially streamlined. They offer clear objectives for group centres and the precincts within them, and they provide sufficient flexibility to enable individual centres to adapt to changing circumstances. However, there is also a very clear protection, in that significant proposals that have the potential to significantly change the character of a centre, if supported, will only be possible where they have been subject to detailed scrutiny and transparent processes through a separate variation to the Territory Plan. This is one of the key recommendations of the Planning and Urban Services Committee of the last Assembly and, as with all those recommendations, they have been broadly supported by the government.

The separate variation No 163, which the previous government introduced for Kippax, has now been formally withdrawn by PALM. Variation 158 now incorporates the committee's recommendations for the Kippax centre. The committee's other recommendations about the form of the final variation have all been responded to positively, and appropriate changes have been incorporated into variation No 158.

Mrs Dunne's motion is motivated by the way the variation deals with the Kippax centre and by concerns about restrictions in the variation on the location of certain residential uses in the Calwell group centre. The provisions within variation No 158 for Kippax are entirely consistent with the recommendations in Report No 72 of the Standing Committee on Planning and Urban Services.

The committee did not support the development of a major supermarket on the site currently occupied by the Kippax Pool and Fitness Centre, and the government has agreed with that recommendation. The committee recommended that provision be made for a limited expansion of precinct "a", the retail core, and that such expansion not be separated from the existing retail core. That is what draft variation No 158 proposes.

Mrs Dunne's proposed amendment to the draft variation, which suggests that section 53 should not be included in precinct "a", is curious. Mrs Dunne, in her motion, says that she will reject the inclusion of section 53 in precinct "a" of the Kippax group centre. Mr Speaker, section 53 at Kippax is currently in precinct "b", and draft variation No 158 does not change it to precinct "a". I think Mrs Dunne has confused sections with blocks. Draft variation 158 proposes to incorporate block 53, section 51, into the retail core precinct, which is precinct "a".

Mr Hargreaves: Remember Kinlyside?

MR CORBELL: Hall/Kinlyside indeed, Mr Hargreaves. The policy framework established by draft variation 158 allows the flexibility to resolve how to best accommodate and co-locate future uses on the land between the existing library and Kippax Fair, including for necessary community facilities. It means that the existing block boundaries do not impose constraints on the location, size or shape of structures. The entire piece of vacant precinct "a" area can be reconfigured into appropriate blocks

to facilitate the best planning outcome for the community, including the provision of community facilities.

Amending the variation as suggested by Mrs Dunne would be a rejection, first and foremost, of the advice of the former Planning and Urban Services Committee, advice which has been accepted by this government and incorporated into the variation. Amending the variation as Mrs Dunne suggests would not achieve anything except entrench the policies that have existed in the Territory Plan since 1993. This is not, in the government's view, in the best interests of progressing a good outcome for the Kippax area and the community it serves.

As I indicated at question time today, the government has already undertaken a number of studies that relate to Kippax, and some of the other recommendations of the committee's report, with a view to resolving issues relating to the provision of community facilities and the future of the library. I will certainly endeavour to keep the Assembly informed as this work progresses.

These reviews are being conducted by various ACT agencies in relation to the provision of a library and of health and community facilities in the Kippax and West Belconnen area. They will provide updated information on the needs of the community, which have significantly changed in the last 20 years. The results of these studies are due in September this year. At that time the government will begin work on the preparation of a comprehensive strategy for all of the unleased territory land in Kippax, including block 53, which Mrs Dunne is concerned about.

This strategy will be developed in consultation with the community and interested stakeholders. Whilst I do not propose that it revisit issues associated with existing leased land, it will identify currently unleased sites to be reserved for future community purposes as well as provide a framework for the orderly lease of remaining land for development.

I said when I tabled the variation that, if the studies confirm the committee's recommendations for a community centre, sites will be identified and reserved. I am also prepared to make a commitment that none of the unleased land between the existing library and Kippax Fair will be sold before this strategy is completed and the government has made its decision about the future community facility needs of Kippax. That is an important commitment and one I am prepared to make to reassure the West Belconnen community that land will not be released prior to decisions being made about permanent sites for a library, a community centre or, indeed, a range of other community needs.

I will now address the issues raised by Mrs Dunne about Calwell. The restrictions on the location of residential uses within group centres have been included to avoid the sort of problem experienced over years with proposals like the Aranda development, which caused so much concern within that community. Whilst the government agrees that a degree of residential use is appropriate within our commercial centres, it does not believe it should be allowed in an uncontrolled way. Otherwise, residential use has the potential to consume group centres such that they are unable to provide the services and facilities for which they were originally planned.

Although the variation contains extensive provision for residential use within group centres, it restricts it to ground-floor level in the retail core and mixed services precincts to ensure these precincts maintain their planned function. Allowing unrestricted residential development at ground-floor level in these precincts has the potential to jeopardise the very uses these precincts were planned to promote. These precincts are where most of the activity occurs in group centres and are also not generally suitable for residential use.

To increase the supply of suitable housing for older people and those with disabilities, the policies require that ground floor housing in the business precinct, which is precinct "b", be built to adaptable housing standards. There are no restrictions for housing above ground-floor level in this precinct.

With regard to the Calwell group centre, the government recognises that residential use in section 72 is not likely to undermine the centre's role in serving its catchment. However, I have serious reservations about making a last minute change to the variation just to serve the interests of a particular development proponent. This move in the draft variation process has not been discussed with the local community, and I believe it is inappropriate for this Assembly to make last minute proposals simply because there has been some last minute lobbying by the lessee and his agent.

The original proposal to change the policy on these blocks was made available for public comment, and no submissions were received on the issue. Furthermore, the issue was not raised in the context of the Planning and Urban Services Committee hearings on the draft variation. The issue has only come to the surface as the result of some one-minute-to-midnight lobbying by the lessee and his agent.

Mr Speaker, in principle the government does not oppose blocks 2, 5 and 6 of section 72 reverting to precinct "b". However, it does not believe that this should be achieved through a disallowance process. We need to go out and talk with that community about that proposal. That is the whole point of variations to the Territory Plan. You do not slip in these changes at the last minute, which is what Mrs Dunne is proposing. The government believes that, in the interests of openness and transparency, change should be achieved through the appropriate processes—that is, a further variation to the Territory Plan that the Calwell community can have their fair say on.

Variation No 158 aims to return group centres to their proper place in Canberra's retail hierarchy by providing a coherent policy framework for assessing future development proposals. The amendments proposed by Mrs Dunne are contrary to the recommendations of the Assembly committee, and they undermine the transparency and openness of process associated with varying the Territory Plan. For these reasons, Mr Speaker, the government will not be supporting the disallowance.

MS TUCKER (6.20): The Greens will not be supporting this disallowance, as I am concerned about this attempt to tinker with a plan variation at the last minute. The process of varying the Territory Plan is long and detailed—some would say too long. But if it is done well it should result in a comprehensive assessment of the planning of particular areas or a broad planning principle and the opportunity for the community to have their say in the final decision. This plan variation is a particularly complex one as it deals with the planning of all group centres in Canberra. I note that the original draft

variation was released in April 2000, so this variation process has been going on for over two years.

The disallowance that Mrs Dunne has put forward affects two particular group centres. The part of the motion relating to Calwell is due to the lobbying of a person who owns a block in the area affected by the variation. The other part of the motion, relating to Kippax, is in response to concerns raised by residents around Kippax about the lack of action on creating a permanent library there.

Regarding the Kippax group centre, there has been a debate going on for a few years now about the future of the Kippax Pool and Fitness Centre and the vacant land between it and the Kippax Fair. The owner of the fitness centre, Mrs Liangis, put forward a proposal to redevelop this centre into a supermarket because the fitness centre was not economically viable by itself. I understand that the centre has now closed down. The previous Liberal government, in one of its efforts in developer-led planning, put up a separate plan variation, No 163, to allow this redevelopment to occur by extending the retail precinct to the fitness centre site.

The Kippax Fair owners then put up an alternative proposal for a second supermarket. The offer of building a new library as part of the development was used as bait in both proposals. This variation went to the former Planning and Urban Services Committee, which rejected the Liangis proposal and recommended that no change be made to the zoning of the fitness centre site.

The committee did however raise the need for a larger and more comprehensive community facility that incorporated the existing Kippax Health Centre, a permanent library, meeting rooms and other community services for the West Belconnen area. The existing Kippax Health Centre is showing its age and is poorly located, behind the Kippax Fair shopping centre. The library has been in a temporary building for many years, and it is about time a permanent library was built here.

I fully agree with this recommendation, and I am disappointed that debate over the development of community facilities in Kippax has dragged on for so long. I think that the development of community facilities is more important than the issue of whether there should be a second supermarket in Kippax.

The plan variation before us does not specifically set aside land for this community facility, but there is vacant unleased land in Kippax where such a facility could be located—namely, the blocks between Kippax Fair and the fitness centre. Under the variation there is no restriction on placing such a facility in a group centre. It is now up to the government to take the initiative and make a decision on what it is going to do with these vacant blocks and the adjacent health centre.

I am glad that Mr Corbell made the statement during question time today that the government is undertaking studies of the health and community services needs in West Belconnen and that decisions will be made on this by September, which will inform what happens to the vacant blocks in Kippax.

I also note that the government is committed to maintaining a library service in Kippax. I give notice to the government that I will not support the sale of any of these blocks for commercial development until there is a definite commitment to building a new community facility.

Mrs Dunne's disallowance will achieve nothing towards getting a new community facility. Rejecting the inclusion of block 53 in precinct "a" would mean that this block will just remain in its current zoning of precinct "b", which is primarily for offices.

The motion has no effect on the land occupied by the existing library. I understand that the reasoning behind the disallowance is that, if block 53 is kept in precinct "b", there will be less incentive for the government to sell it off because it won't be as valuable as it would be if it was in precinct "a". I do not think this logic is very strong, particularly now that the government has made a commitment to not sell this land until a decision is made about a new community facility.

Turning to the other part of Mrs Dunne's motion, which is about that zoning in the Calwell group centre, I know very little about what development is proposed on these blocks as I have not been approached by the developer involved. The precinct "c" proposed in the variation would allow a broader range of land uses than the current precinct "b", but I understand that the developer wants to put in ground floor housing, which is one of the few uses that are not allowed.

I am reluctant, however, to support a change to the plan variation at the last minute without any knowledge of the implications. This is not the way that urban planning should be done. If someone has a particular development proposal for Calwell, then they are free to put it forward independently for detailed assessment by PALM.

In conclusion, while I am prepared to let this plan variation come into effect, I do not regard this as the end of the matter in relation to Kippax and Calwell group centres and look forward to further proposals regarding development in these areas.

MS DUNDAS (6.25): The Australian Democrats will not be supporting this motion either. The concerns of the Kippax community are very real and do have an incredibly long history, but there are certain ways that their problems need to be addressed. The current community facilities are quite inadequate for the growing needs of West Belconnen, and changing this variation to the Territory Plan does not actually get to the core of what is needed in Kippax and in West Belconnen.

What is needed is a community facility. What is needed is a focus on the development of the West Belconnen area, a rethink of how these suburbs are growing and how their needs are not being met in the current planning processes, which seem to have a focus on the inner north and inner south only. As I said, I do not think that disallowing this variation to the Territory Plan actually incorporates those concerns.

The commitment made by the Minister for Planning today—about not releasing the unleased land in the Kippax precinct until the studies that are currently being undertaken are completed and community needs are assessed—is one that I am willing to take on board and will hold the minister to. But I am still keen to hear from the Minister for Urban Services and receive a response to the petition that I tabled earlier this month in

the Assembly from close to 1,000 Canberra residents calling for immediate action regarding the need for a community facility and library in Kippax.

This area has been under much debate for many years, and I hope that this government does not continue the practice of sweeping it under the carpet and hoping it will go away because it is not in an area that is able to attract a lot of interest—again, such as the inner north, inner south or Gungahlin. We will be watching the government quite closely to see how they deal with the issues facing Kippax and West Belconnen. The concerns of the community are quite real and do need close attention.

As I have stated, while there are a few concerns about the variation to the Territory Plan and how it will impact on the Kippax area, I do not believe that these concerns are at the core of what needs to happen at Kippax and I do not think disallowing the variation will address the community concerns. The land is all gazetted as either a or b, and to many in the community these are just semantics. What they are looking for and what they have been asking for for over a decade is a commitment to the community in the West Belconnen area both in terms of community facilities and a library and in terms of having their concerns listened to and an outcome at the end.

This is a great opportunity to again raise these issues under this disallowance motion, but I cannot support the disallowance. It is a matter of pure detail and semantics, and what is needed is a broader approach to fix the issues in West Belconnen.

MRS DUNNE (6.29), in reply: I can do numbers; I know when I am beaten. But I would like to put on the record, first of all, that I acknowledge the block/section mistake—mea culpa—but I won't move an amendment to fix it because it would be a waste of time. It is not the first time, and it won't be the last.

I acknowledge the now expanded undertaking of the minister in relation to Kippax and, like Ms Dundas, I will be watching closely to ensure that those commitments are kept. I would like to see, like Ms Dundas, a revivified commitment from the Department of Urban Services and the Minister for Urban Services to get the library under way.

In relation to Calwell, the minister spoke about the "uncontrolled development" of housing. I would like to put on the record, from the meeting that we had together about the subject, Minister, the strong support from PALM for this so-called "uncontrolled development" and the interesting notion that, when we are confronted with the variation and the disallowance process, somehow one is not allowed to consult with community as to whether they are satisfied with the final outcome. This issue arose when I went to the community and said, "Have a look at it. Are you happy with it?" And this is what came up. So perhaps the lesson for the day is: don't bother to consult over a variation. I regret that this won't pass, but I can face the inevitable.

Question resolved in the negative.

Conduct of members

MR SPEAKER: Members, during question time today, the issue of acknowledgment of the chair was raised in the Assembly. Since, I have been reminded of page 476 of *House of Representatives Practice*, which I quote in part:

> As remarks must be addressed to the Chair, it is not in order for a Member to turn his or her back to the Chair and address party colleagues. A Member should not address the listening public while the proceedings of the House are being broadcast.

This is not to say, as Mrs Cross seemed to be suggesting, that we have to have our gazes locked together for the entire debate, but I will keep that practice in mind when ruling on the matter in future.

Questions without notice

Griffin Centre

MR CORBELL: Mr Speaker, in question time today, Ms Tucker asked me whether or not I would be able to table a copy of what she called the contract between the ACT government and Queensland Investment Corporation for section 56 in Civic. For the information of Ms Tucker and members, I table a copy of the development deed, which is the contractual arrangement between the ACT government and the Queensland Investment Corporation for the section 56 development. This copy of the development deed is available on the Basis website at http://hale/sta/ca.nsf. For the information of Ms Tucker, once you get to that you click on "start date", then "2000", then "December" and then "C01020". I present the following paper:

> Parts Section 56 and parts Section 35, Division of City, facsimile of Development Deed between the Australian Capital Territory and Queensland Investment Corporation.

Ms Tucker also asked me for some further information about the cost of the territory exiting this arrangement. I will provide further advice on that to Ms Tucker tomorrow. I should also alert members to the fact that the development deed refers to a number of attachments, including the plan of land, the proposal, draft planning principles, the sublease to the Griffin Centre and functional briefs for each of the youth centres in the Griffin Centre. These are not available on the Basis website; however, the development deed itself is.

Adjournment

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

> That the Assembly do now adjourn.

Conduct of members

MR SMYTH (6.34): Mr Speaker, you pre-empted me by a mere couple of minutes with what you just informed the house. When I became a member of the House of Representatives in 1995, it was pointed out to me that it was the tradition and the practice for all remarks to be addressed through the chair. In fact, whenever you spoke it should be conducted through the chair. The comment you make is quite well put. It does say in *House of Representatives Practice*:

> As remarks must be addressed to the Chair, it is not in order for a Member to turn his or her back to the Chair and address party colleagues. A Member should not address the listening public while the proceedings of the House are being broadcast.

It comes to my memory that, when I pointed this out to the Chief Minister this afternoon, he laughed and I think he called me a "bloody simpleton". I will, of course, consult the *Hansard*. I might bring it to your attention tomorrow for a ruling as to whether or not that is parliamentary language and whether you would rule it out of order.

I think the Chief Minister should come down and admit that (1) he was wrong and (2) he is not across his processes as well he should be. The lack of regard for the chair that he has shown—not just in this Assembly but also in the last Assembly—in consistently standing with his back to the chair is a sign of disrespect to the public. The Chief Minister might like to apologise, withdraw his comment and reform his wayward ways.

Question resolved in the affirmative.

The Assembly adjourned at 6.35 pm.

Schedules of amendments

Schedule 1

Gaming Machine (Women's Sports) Amendment Bill 2002

Amendments circulated by Mr Humphries

Clause 2
Page 2, line 4—

omit clause 2, substitute

2 Commencement

This Act commences on 1 July 2002.

Amendment to Ms Dundas' amendment
Proposed new section 60G (6)
Page 3, line 4—

omit
"2003"
substitute
"2004"

Schedule 2

Gaming Machine (Women's Sports) Amendment Bill 2002

Amendment circulated by Ms Dundas

Clause 5
Proposed new section 60G (6)
Page 3, line 4—

insert
(6) Subsections (4) and (5) and this subsection expire on 30 June 2003.

Schedule 3

Territory Records Bill 2002

Amendments circulated by Ms Tucker

Clause 7 (f)
Page 5, line 11—

omit *clause 7(f), substitute*
(f) any other prescribed authority; or

Proposed new clause 8 (fa)
Page 6, line 8—

insert
(fa) for a Territory owned corporation, or a subsidiary, under the *Territory Owned Corporations Act 1990*—the chief executive officer of the corporation or subsidiary; or

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Schedule 4

Territory Records Bill 2002

Amendment circulated by Mrs Cross

Clause 16 (5)
Page 9, 24—

omit

Schedule 5

Territory Records Bill 2002

Amendments circulated by the Minister for Urban Services

1
Clause 17, heading
Page 10, line 1—

omit the heading, substitute
17 Procedure for approving records management programs

2
Proposed new clause 17 (3)
Page 10, line 16—

insert
(3) If the principal officer of an agency approves an agency's records management program, the principal officer must give a copy of the program to the director.