DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 August 2002

Wednesday, 28 August 2002

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Petition
Land auction—East O'Malley

*The following petition was lodged for presentation, by **Ms Tucker**, from 515 residents.*

> To the Speaker and members of the Legislative Assembly for the Australian Capital Territory
>
> The petition of certain people of the Australian Capital Territory draws to the attention of the Assembly:
>
> The value of the 27 hectare grassy woodland at East O'Malley is well established. Successive ACT Governments have acknowledged that a high proportion of East O'Malley is a "high conservation value" remnant of a threatened ecosystem, of which "in the ACT region … around 90%" has been cleared. These Governments have also acknowledged that woodland areas of the quality of East O'Malley are extremely rare.
>
> Before and since the election, the ALP has promoted its vision for better planning, financial management, conservation, and community consultation outcomes. In particular it signalled that East O'Malley would not be developed until a thorough review of woodlands and grasslands had been undertaken. By auctioning the East O'Malley land, it is reneging on its commitment and signalling that it lacks the vision on which it won the election. By reversing its decision on East O'Malley, the Government will signal that it is seriously committed to the vision it presented at the last election, and is committed to finding solutions to the real problems facing Canberra.
>
> We, the undersigned, therefore request the Assembly to call on the ACT Government to stop the proposed land auction at East O'Malley until a strategic and comprehensive framework for woodland conservation in the ACT has been developed in consultation with the community.

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.

Community Referendum Bill 2002

Mr Humphries, pursuant to notice, presented the bill and, by leave, its explanatory statement.

Title read by Clerk.

MR HUMPHRIES (Leader of the Opposition) (10.33): I move:

> That this bill be agreed to in principle.

Mr Speaker, I rise for the fourth time in this place to bring before this Assembly the Community Referendum Bill.

Mr Quinlan: Slow learner.

MR HUMPHRIES: You could say the same of Mr Berry, I suppose, on abortion, Mr Quinlan. I rise a fourth time to keep faith with the people of Canberra and to show my commitment and the commitment of the Liberal Party to a wide and inclusive dialogue with them. Indeed, this is the fifth time that this bill, in one form or another, has been brought before the Assembly. In reintroducing the bill, the Liberals are challenging the new members of this Assembly to look objectively and dispassionately at the principles underpinning this bill and we are challenging the members who were in the Fourth Assembly to rethink, with the benefit of experience, the democratic advantages of community referenda.

Mr Speaker, it will come as no surprise that I believe that there is merit in this bill receiving closer scrutiny than it received in previous Assemblies. To that end, the reintroduction of this bill today asks members to consider the important principle of granting Canberrans a stronger voice through community-initiated referenda. In the previous Assemblies, the bill was the victim of prejudice and fear—prejudice that the people, the citizens of the ACT, cannot be trusted to make their own laws, and fear that MLAs might lose their monopoly over law-making. There is real irony in empowering electors to choose this august body but refusing them the right to enact legislation.

This pioneering legislation reflects the opposition's commitment to the principle that ultimately sovereignty rests with the people, not with governments, not even with parliaments. If enacted, it would empower ordinary electors to have a genuine say in the laws that govern them by giving average people—the ordinary working people of Canberra, I might even say—the right to initiate and enact their own laws. It is a serious responsibility we in the Assembly have. We must take a very careful approach to ensure that such proposals will be well thought out and will result in good law.

This bill seeks not only to legislatively empower electors but also to complement the role of the Legislative Assembly. Members will be aware that in recent days this debate has been initiated as well in South Australia. Indeed, it is the case that in every state and territory in Australia, except perhaps for the Northern Territory, legislation of this kind has been introduced at one point or another. I believe that citizen-initiated referenda ultimately will be adopted in other parts of Australia and perhaps other parts of the world

as the antidote to a weakness in the concept of representative government. The weakness is the inability of representative government to satisfy growing expectations of its citizens for a real say in the governing of the community.

There is what some have called a democratic deficit in Australian communities today. This deficit is especially clear in Canberra. We have the highest disposable income, the highest educational attainment, the highest proportion of public servants, people for whom therefore there is little mystery in the working of government, and the highest use of the internet. All of those things put people in a position where it can only be a matter of time before they demand not only to be observers but also to participate in major decision-making affecting them. A symptom of that dissatisfaction, I think, is a high level of turnover of governments and members, more so than was the case 30 years ago.

I think the delegate model of government, whereby electors choose a representative and take no further part in decision-making for three or four years from that decision, is showing distinct signs of wear and tear. In practice, electors rarely know what their delegate personally believes. The party that he or she belongs to can change its policy, and in government that is often the case. Indeed, delegates can abandon their party or their party can abandon them. The problem is compounded as the volume and quantity of information about those delegates in the media and elsewhere, such as the internet, grow.

A response to this growing divide has been the proliferation of opinion-testing mechanisms—from opinion polls through to community consultation exercises. A couple of years ago, the then ACT government did a stocktake of the number of exercises in community consultation then under way. The number of such exercises exceeded 120. My opinion is that such exercises on occasions can only serve to emphasise the gap between the views of the governed and the views of the governors.

Mr Speaker, the process has been carefully thought out in this bill and addresses the previously expressed objections to the machinery of community referenda. I assure members that no matter will be brought forward in haste under this legislation. At least six months must elapse from the initiation of an idea within the community to its manifestation in a referendum. Referenda would generally be held in conjunction with general elections for the Legislative Assembly, so costs would be kept to a minimum.

There is no way that the electorate would be required to vote on any old hare-brained scheme that an individual elector might think up. First of all, all ideas would require a committee to propose the initiative. That committee must gain initial support for the proposal from at least 1,000 electors before it can be registered. It must then receive the support of 5 per cent of them—at the present time, about 10,000 electors—to become a formal initiative. That would be a significant hurdle, as anyone who has ever sought to garner signatures on a petition would know. In fact, it has only been on four or five, maybe six, occasions in the life of this Assembly, the last 13 years of this Assembly's life, that petitions in excess of 10,000 names have been tabled in this place.

Another safeguard is that, before a proposal can be registered, the Electoral Commissioner must ensure that it is within the power of the Legislative Assembly to make such a proposal law and it cannot interfere with the budget by proposing or prohibiting the expenditure of specific amounts of public money for particular purposes. In effect, appropriation bills cannot be passed by this process. Also, this bill demands

a high level of support for a proposed law. In most other jurisdictions where citizen-initiated referenda operate, a referendum is passed if it is supported by a majority of those who decide to vote at a voluntary poll. By contrast, this bill requires the support of a majority under compulsory voting.

In addition, the Chief Minister must undertake an estimate of what it is likely to cost or save. The Auditor-General then provides an independent assessment of that estimate. The reason for this requirement is that, if a proposal is to be enshrined in law, it is necessary for the community to have reliable information on how much the proposal would cost to implement or the savings which might be made. This is similar to the rigour imposed on the executive when it decides on legislative proposals in this place. It is appropriate for the estimate of the costs or savings to be done at the time the proposed law has been prepared because it is the legislation, not the proposal, that governs what is and what is not done.

In addition, the proposal may never come to a referendum because the Assembly under this scheme may think the idea so worthy that it passes the proposed law before the process is completed. However, if the Assembly does not do so, the proposed law goes to a referendum automatically. Provided that a four-month period has elapsed, the referendum is held in conjunction with the next general election of the Assembly. If a proposal is so popular that more than 10 per cent, or around 21,000 electors, support it at the pre-referendum stage and the proposed law is also tabled prior to 31 May in the first two years of the three-year life of an Assembly, this bill provides for holding a referendum on that proposed law on the third Saturday in October in that year, provided that the Assembly does not first enact the law. I note that there has never been a petition of 21,000 signatures presented in this place.

If a majority of electors support the proposed law, it is presented to the Assembly to be passed into law. As the self-government act now stands, only the Assembly can actually make laws for the territory. The final safety net, if you will, is that the Assembly cannot be bound to enact a proposed law passed at a referendum. In other words, this process effectively is advisory on the Assembly but not obligatory. It is my view that it would be courageous for an Assembly to defy the will of the electors by refusing to pass a law which has been supported by a majority of electors. To enable the results of the community-initiated referenda to be binding on the Assembly, if this bill is passed, the government would need to approach the Commonwealth government to make amendments to the self-government act to reinforce the process.

This bill is not intended to radically alter the way in which we are governed. It is not aimed at usurping the powers and responsibilities of elected representatives. It is aimed at providing direct power to the community to cover those times when elected representatives do not fulfil their role of representing the wishes of the majority. We all know that there are big issues routinely avoided by elected politicians because they are too hard.

Mr Speaker, I take a great deal of pleasure in introducing this bill again today. It is testimony to the Liberals' commitment to the principle of community participation in law-making. As you know, Mr Speaker, we first introduced this bill when we were in opposition. When in government, we put the bill forward again—in fact, on a total of

three occasions—and the then opposition opposed the bill. Now, coming full circle, I present the bill from the opposition benches once again.

It is often said that this is an initiative supported by oppositions and spurned by governments. In this, as in other things, the Canberra Liberals have broken the mould. We believe that this policy commitment is one of the most significant we have made to the people of Canberra. This bill is one upon which all sides of politics will be judged, including the current government, simply by their commitment to giving Canberrans a real says in the way in which they are governed.

Mr Speaker, the form of representative government Australia inherited from the 19th century has to move with the times, and this is never more the case than in the ACT at the beginning of the 21st century. It is time to give ordinary voters the power to take the initiative and make decisions. We should be proud to make the ACT the home of community referenda. Of course, it may be the case that we will be beaten to the punch by developments in South Australia. In the hope that that will not be the case, I commend this bill to the Assembly.

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

Adventure Activities (Liability) Bill 2002

Mr Smyth, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR SMYTH (10.47): I move:

> That this bill be agreed to in principle.

Mr Speaker, it is with great pleasure that I present the Adventure Activities (Liability) Bill 2002. This bill is part of the greater suite of reforms I announced in July. It accompanies the two bills I presented last week in providing an alternative but comprehensive approach to addressing the personal injury insurance crisis.

Mr Speaker, one of the few things that Mr Quinlan understands about the crisis is that other jurisdictions are taking steps to address it. If he was paying attention at the ministerial council meeting, he would know that this bill has as its genesis the Victorian Adventure Activities Protection Act. There has been a large amount of emotion and misinformation emanating from the government about my proposed reforms. In the absence of any criticism based on fact, I can only assume that the histrionics of the other side have occurred because they do not actually understand these reforms.

But I digress, Mr Speaker. I do not mean to cast aspersions on the intellectual capacity of the government. However, Mr Quinlan has alleged that I misled people into using waivers—waivers that are, of course, useless under the Trade Practices Act. I am not sure where Mr Quinlan got the idea that I was promoting the use of waivers. Perhaps it came to him in a dream he had when he slept through the cabinet meeting that discussed part 11 (2) of the wrongs bill.

Mr Speaker, originally I had hoped to draft legislation that would enable the use of waivers in adventure activities but, having done the research, having done the work required to responsibly present legislation, I found that that was not within the ACT's powers. However, I did not give up. As I mentioned earlier, I looked to a jurisdiction that had worked out its own way round the problem and adapted it for use in the ACT.

This bill attacks the problem in a different way. This bill limits the ability of injured persons to sue approved operators of adventure activities. Do you get that, Mr Quinlan? There are no waivers in this bill, not one, not even a small one, not even a slush fund one; there are no waivers. Essentially, under this bill, an injured party would be able to sue an approved operator only if they suffered a serious injury, defined in the bill as:

> (a) a serious long-term impairment or loss of a body function; or
>
> (b) permanent serious disfigurement; or
>
> (c) severe long-term mental or severe long-term behavioural disturbance or disorder; or
>
> (d) the loss of a foetus.

The bill sets out how someone who is seriously injured may go about obtaining damages. It states how impairment is to be assessed and how to undertake actions for damages and it sets time limits on insurers to accept or reject claims.

You will note, Mr Speaker, that I have used the term "approved operator". This is another significant element of the bill. It sets out a regulatory regime, where none currently exists, for the regulation of operators of adventure activities in the ACT. This bill gives the minister the power to approve an adventure activity operator and it gives the minister the power to set out regulations for the approval. In the interests of justice, ministerial decisions in this area are appellable to the AAT.

Mr Speaker, this regulation will provide an invaluable opportunity to address issues of risk management in the adventure industry, as well as rid the ACT of fly-by-night operators. The schedule to the bill identifies adventure activities as abseiling; canoeing and kayaking; cattle drives and musters; fishing; four-wheel drive tours; hang-gliding; hiking or bushwalking; horse riding and horse trail riding; hot-air balloon flights; light aeroplane and ultralite aeroplane flights; mountain bike riding; rafting, including white-water rafting; rock climbing, whether indoors or outdoors and whether on a natural or man-made surface; snow skiing; snowboarding; cross-country skiing and snow play with toboggans, skibobs or inflatable devices; and trail bike riding. Mr Speaker, this definition, I believe, captures those businesses and groups in the ACT that are really feeling the pinch in terms of obtaining insurance cover.

In summary, this bill will force adventure activity operators to be approved by the minister, who in turn, by regulation, can ensure that appropriate risk management processes are in place. The bill limits the right to take action for damages to those who are severely injured or in the event of a death, events that will be reduced in frequency by the regulatory regime introduced.

Mr Speaker, this bill acknowledges that participation in some activities carries risk; indeed, some are actually quite dangerous. However, we should also recognise that no-one is forced to participate in such activities and that operators who are approved under this scheme deserve to be protected. As with other elements of my reform package, this bill will reduce premiums as it imposes regulations inserted on an area that currently has none. Mr Speaker, I commend the bill to the Assembly.

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

Committees—deliberative meetings

MS TUCKER (10.52): I move:

> That the following temporary order be adopted:
>
> **230A Deliberative Meetings by Electronic Communications**
>
> A committee may resolve to conduct deliberative meetings by electronic communications without the members of the committee being present in one place, provided that:
> (a) when a committee deliberates, members of the committee constituting a quorum are able to speak to, and hear, each other comtemporaneously; and
> (b) the Presiding Member of such a meeting takes care to ensure that a quorum is maintained during the meeting and that the standing orders and rules of the Assembly are observed.

This motion basically tries to facilitate committee work where a member is unavoidably unable to attend. There is the potential for a committee to make its own decision regarding whether or not, in a deliberative meeting, it thinks that such a meeting needs to occur because of the timeframe of the committee's work, and that it would be reasonable to actually have a conference call basically to have that deliberation.

This motion has come from the relevant Senate standing orders. This is not a particularly controversial standing order. It has been tried and tested as a procedure in the Senate. No problems have been found with it. It allows committees to conduct their business if members are unavailable for unavoidable reasons. It is particularly important for a small Assembly, such as this, where committees are small—and we have a really good record in terms of our capacity and commitment to work with consensus. We do not have, in this Assembly, a situation where it is basically a numbers game. As members who have looked at different committee structures around Australia and around the Commonwealth will know, it is actually quite unusual, and our committee system stands out as particularly good and progressive in that we do attempt to find consensus. Therefore it is important in deliberative meetings that we have that opportunity for discussion which will enable consensus. This particular standing order is intended to enable that to occur without delaying the process of the committee.

Because in my experience in this Assembly, since 1995, there has always been a commitment to work in that way with these committees, and there is a lot of respect for the work of and integrity of committees, this motion should get support. I understand some people are concerned that in some way we need to have more guidelines to support this. To me, that suggests that committees are not going to make a decision to use this

particular mechanism in good faith and that we need extra guidelines to actually ensure that, in some way, this order is not abused. I think that is a pretty disappointing position in terms of the confidence that people are showing in members of this place, and I do not see that there is any history to support that lack of confidence. I must say, I found it a very surprising response this morning to hear that.

This measure is about trying to facilitate the work of committees and, if people don't want to support it, obviously that is their choice, but it could mean delays in committee proceedings. If a majority of committee members decided they would proceed with a deliberative meeting without the third member being present, particularly if it was against the wishes of the person not present, I think that would also be a very disappointing precedent, and one that is not supported by what has happened in the past in this place with committees. I think the logical conclusion would have to be that it would just mean that committee work was delayed.

The reason I am moving this motion is that I want to facilitate the committee work and not cause delays, particularly if I am at the moment working also as regional representative for the Australian region. In that capacity I am required to be away on occasions, and this was a way to try to not let that particular responsibility get in the way of committee work. So I hope that we do get support for this.

MR HARGREAVES (10.58): Mr Speaker, I move this amendment to the motion:

> Omit "adopted", substitute "be referred to the Standing Committee on Administration and Procedure for inquiry and report".

For Mr Stefaniak's information, I move this amendment because I believe the proposed order touches on all sorts of machinery that has got to do with leave and all the rest of it, and that is the only reason for the jump.

This side does not wish people to think that we are trying to do something which makes life on committees difficult. In fact, I take that as an insult; I am quite affronted by that suggestion. I also take as an affront the suggestion that any opposition we might have to this sort of motion suggests that the committees would not operate in good faith. I think that is a disgusting and abhorrent suggestion. In fact, I remind members of the construction of the committee structure when we first came into this Assembly. It would have been all too easy to have constructed the committee structure in this Assembly along proportional lines—there would be no crossbench members on the committees at all. But that wasn't the aim. The aim in fact was to be as constructive as we possibly could so that the interests of the Assembly chamber would be represented on these committees as best we could.

I find a difficulty with this motion on a number of fronts. I believe that politics and process are involved here. I will address my concerns about the process in a minute. However, I am finding the politics of it a little bit difficult to deal with also.

What we see, quite frankly, is some members saying, "We don't really need an increase in the number of members—or, if we do, a marginal one would be fine. And now we are saying that, because a member is away out of town, we have to have a change in the procedure to cope with that. More members would solve that problem.

I don't remember Mr Hird—the only member of the former government's backbench and a member of every single committee—saying that he needed to have this sort of thing. What he said, if I remember him quite clearly enough, was that we needed more people—more physical people to take part in this thing. So I find an inconsistency here. And I find another difficulty. I know the expense is not going to be great. When we talk about electronic communication it can be by internet or it can be by telephone. That is not free. I don't care whether it costs $15 or $1,500—it is a cost.

And we find that the people supporting this position—not all of them, I have to say—are suggesting constantly that this Assembly costs too much. There is all this criticising and carping. If a pay rise is given, there is a bellyache about that. If there is a business-class trip to Adelaide, they will bellyache about that. And yet, without the blink of an eye, they can propose something here which is a bit open-ended—because there is nothing here which suggests that the Speaker ought to approve a level of expenditure for committees on this work.

Now, on the process, I take exception also to the suggestion that committees cannot determine how to operate their own work. The reason why we have standing orders at all in this place is to set down some guidelines on exactly how we go about doing things. And it is something which is agreed amongst all the parties, or at least by a majority ruling in this chamber. Even if I disagree with the politics of this motion—or agree; it matters not—the process gives me some concern. It just says that, when a committee decides to do it, it can happen. And we're saying, "Oh, they might not act in good faith? You ratbags; you can't say that." Well, it wouldn't be the first time a committee has acted in bad faith in this Assembly. And the reason they were constructed the way they were in the very first part of this Assembly was to take away the possibility of that ever happening—we hope—and I thought it had worked quite successfully.

I would like to see the Standing Committee on Administration and Procedure look at this and come back to the Assembly and report to us. The reason I say that is that we do not have any guidelines under which committees can function. What happens if we have a committee made up completely of brand new members?

Ms MacDonald: The Education Standing Committee.

MR HARGREAVES: The Education Standing Committee. All three members of it are brand new members. Thank you, Ms MacDonald. They are brand new members in this place who would not have a command of standing orders just yet. They do not have a clue on how things work in this place just yet—until they've been in the place for six months or so.

Such a set of guidelines would be absolutely clear for the new chair for that committee, and it is not a problem. So it is not a case of hemming people in; it is actually giving people a direction. A second thing is that, in my view, this sort of change in the processes for the activities of committee work ought to be accompanied by a change in standing orders. My understanding is that it is the responsibility of the Standing Committee on Administration and Procedure to promote changes to the standing orders in this chamber. So I think that is the right place to go if standing orders ought to be changed to facilitate this.

The third thing is something I have alluded to already, and that is that, for the first time as far as I am aware, a committee will be able to incur an expense without approval of the Speaker, even though they will be minor expenses. If we want to go to Sydney to talk to anybody, we have to get the Speaker's approval for the travel. If we want to engage a consultant, we have to get the Speaker's approval. Now I don't think it is going to be a humungous great cost impost. I accept that. But it is a change in the principle.

Now I am suggesting that the Administration and Procedure Committee look at that and see where the buried barriers are, to try to achieve the sort of thing Ms Tucker is putting forward here. If this chamber had 27 members in it, there may still be a case—some member wants to participate but cannot. And this sort of procedure may very well facilitate that. That will be at a time long after I have gone out of this place—and probably in a box. But it may occur. And what we are seeing here is establishing a procedure that will live long after we go.

So I really think that the Administration and Procedure Committee ought to be charged with looking at it, and we can separate the politics from the process. We can also discuss, for example, what sorts of activities members can be engaged in that take them away from their duties should actually be allowed—not allowed, but would be such that it would be okay for this sort of thing to happen. For example, if I decide to go to the Gold Coast for a holiday, and I still want to participate in deliberative sessions of this chamber, I don't think that should be on. I have a choice—I have a choice about whether I go or whether I don't.

I know when I went to London on the CPA trip not long ago it was bad luck. I can recall when my chairman from the Legal Affairs Committee said that he was going overseas on a holiday. If we required deliberative meetings, we were to make a phone call to him to fill him in, and we would go ahead with the deliberative meetings, because there were two of us; you've got a quorum. That is why we have a minimum of three people—because you have a quorum of two. To suggest that that quorum of two would act inappropriately and against the wishes of the third member is just as much a slur on the integrity of committee members as suggesting that the whole committee is not going to work in good faith.

Ms Tucker: I did not say that, John.

MR HARGREAVES: Well I'll quote you, Ms Tucker. You said that there is a suggestion that these committees would not act in good faith. That's what you said.

Ms Tucker: You are not listening and that's misrepresentation.

MR HARGREAVES: I was listening all right. I was listening okay.

MR SPEAKER: Order, members! We don't need the contest and the face-to-face.

MR HARGREAVES: Yes, okay, Mr Speaker. I have concerns about this proposal. I do not think those concerns are such that they can't be overcome. I think there is possibly some accommodation which can be reached. But the concerns that I have are not addressed by this motion—and I cannot see a way to necessarily amend it to

accommodate those concerns. So my attempt at an accommodation, and to separate the politics from the process, is to have the Administration and Procedure Committee consider it.

I also remind the chamber of the constitution of the Administration and Procedure Committee. The Administration and Procedure Committee is not constituted on party lines. You think about it. This chamber is. This chamber votes proportionally, and according to party rooms—or, in the case of Ms Dundas, the party room. But the Administration and Procedure Committee is not. It has two members of the government, one member of the opposition and both members of the crossbench—all members of the crossbench. I have found, since I have been on the Administration and Procedure Committee, that it produces a non-partisan report. We have had some tetchiness, sure, but it is certainly non-partisan. I don't think the members have necessarily and in all cases conducted themselves as representing their party view; they have actually contributed their own view, and I think that is a nice place to have this discussion and bring it back.

Of course, I don't know when the last Administration and Procedure Committee recommendation coming forward to the Assembly was not accepted by the Assembly. Again, I think the best possible way in which an accommodation can be reached—and it doesn't have to take a cubic fortnight for this to happen—is for the Administration and Procedure Committee to look at it. If it comes back and says, "Heck, it doesn't mean anything at all; it's fine under the standing orders," well, I will accept that quite happily, but that is not the way I see it at the minute. If it says, "We recommend that we create a standing order allowing for this and that at the bottom of it it says, 'But the chair must seek the approval of the Speaker to incur the costs'," then I am happy to accept that too.

So I recommend the amendment to the Assembly in good faith. I, for my own, would like to see an accommodation of this. I would like to see the committee system work better. I believe that we need more members on those committees, and the only way we are going to do that is to substantially increase the membership of this Assembly, so that the committee system can work a lot better than it has.

I have stood up in this place on a number of occasions and been sympathetic to the workload that Mr Hird was undertaking—and that Ms Tucker and Ms Dundas have got because there are only two of them against the rest of us, in terms of the membership of these things and the amount of committees that they sit on. I have sat on, and sit on, a number of committees myself and I do understand the amount of work that is required if you are prepared to put it in. You can sit on your backside and do absolutely sod-all if you like, but I know that this Assembly does not have people in it like that.

So I am sympathetic to that. I do want to see the committee system work, and I don't want to stand in the way of it working well. But I want to find a way out that we can all embrace and be committed to, and flicking it to the Administration and Procedure Committee is not a flick; it is a genuine attempt to find that accommodation and bring it forward.

I notice that Mr Smyth chuckles. I must say that the only thing in this place I find more insulting and infuriating than his high-pitched squeal when he is losing a debate is the way he sits there and his shoulders rock with mirth when he sees or hears something that he thinks is wrong.

MR SPEAKER: Relevance, Mr Hargreaves.

MR HARGREAVES: I think it is relevant, Mr Speaker. The relevance here is that we are trying to make a committee system work and, as far as I am concerned, Mr Smyth holds the whole concept, the whole thought, in contempt.

Mr Smyth: I raise a point of order, Mr Speaker. That is an imputation that I hold the committee system in disregard, and I would ask him to withdraw the comment.

MR SPEAKER: Well, I hardly think that's unparliamentary.

MR STEFANIAK (11.13): I seek leave, if I need to, to move the amendment to the motion, which I have already circulated, standing in my name:

MR SPEAKER: No, you don't need leave, but you can't deal with it until we deal with Mr Hargreaves' amendment.

MR STEFANIAK: All right, but as part of my speech I will move the amendment standing in my name, Mr Speaker, and I'll speak to it.

MR SPEAKER: Well, you can't do that either.

MR STEFANIAK: Okay. I will foreshadow it.

MR SPEAKER: Deal with the amendment before us and then we can come back to yours.

MR STEFANIAK: Okay. On the substantive matter, Mr Speaker, our position—and I have circulated an amendment I will move later in relation to this debate—is that we have some grave reservations about this. We think the best way of solving the problem is by having our amendment adopted. Our position is that, if that amendment is adopted, we will support the motion. If our amendment is not adopted, we will oppose the motion. We have had a quick look at Mr Hargreaves' amendment, and I think what I will be proposing is probably better than flicking it to a committee.

If the motion, as amended by my amendment, is actually passed, we will certainly be keeping a very close eye on this.

Ms Tucker indicates that in the Senate there is, indeed, this provision, and, on the face of it, there does seem to be some reason in having individual committees adopt this course. I would counsel against that in virtually all circumstances. We accept that there may be some circumstances where a face-to-face meeting is impossible and where maybe a committee might decide to do this. I hope we actually do not see that, because I think it is far preferable for all members to be there, at deliberative meetings, to give their opinions. It is far easier, I think, delivering it that way than actually doing a hook-up.

Hook-ups aren't bad. I have been in quite a few as a minister, and certainly it is an effective way of doing business, but it is far better if you can do it face to face. You can see how the person is reacting, you can have a better interchange than just doing it down a telephone line, and I think it gives greater weight to what you are actually looking at.

It is also something that this Assembly has shown itself capable of doing during the 13 years or so that we have been actually operating. Yes, members—especially backbench government members and crossbenchers—often are on a number of committees. And yes, you do have to juggle, and yes, you do have other duties. Ms Tucker now has some extra-parliamentary duties. A number of other people have events that just occur which make it impossible for them to necessarily attend all committee meetings, but we manage to juggle that around.

Mr Hargreaves mentioned the Legal Affairs Committee. We went to great lengths to ensure that we filled in with both Mr Hargreaves' schedule when he represented the Assembly in London in May and Ms Tucker's busy schedule when she was away, and we still managed to come up with deliberative meetings to finalise two very difficult reports, one into the size of the Assembly and one into fireworks—and do it on time.

It wasn't easy, because we are three very, very busy people, but we did manage to do that. Mr Hargreaves has mentioned another situation that occurred in July. I think almost invariably we will be able to have face-to-face meetings, and I would strongly urge all committees to go down that path because that is far preferable, I think.

There is another factor too. I think Mr Hargreaves is right to mention the question of cost. Telephone hook-ups are in fact quite expensive. I have often dreaded to think how much some of the hook-ups would cost in terms of Telstra fees when you contact people right throughout Australia in some of the hook-ups I was involved in as a minister. Luckily, they would ring me, so I don't know if it cost us much, but I think someone might have been paying pretty big dollars there.

So we would be looking very closely at the issue of cost, because I think that is a relevant factor and, again, that has a real bearing in terms of people being encouraged to actually do face-to-face meetings where at all possible—and that is certainly something we should all aim at.

As I said, we are getting a fair amount of history behind us in terms of our committee operations. I think our committees are very good bodies, the governments of all persuasions seem to take the recommendations reasonably seriously and in many instances they are adopted—and that has been true whoever is the government. I think probably the nature of this place has a lot to do with the fact that there are minority governments, and governments perhaps feel they really do need to do that. Nevertheless, it is a fact that our committee structure is an excellent one. I have talked to a number of people from other jurisdictions and they are very envious of how well our committee system works.

They are amazed that the government members do not have all the chairs and that they are actually shared around and always have been. Again, that might be because of the minority nature of this place but, even if there ever was a majority government, let me

put on record that I would hope that that would continue because I think it makes for a much more rigorous and a much better system, a system that can actually have some rigour in terms of assessing issues and not just be a siphon for a certain point of view which a government at the time might have. I think this is all the more reason to ensure that the very best aspects of our committee system continue, and I think those aspects are invariably better served by having everyone present face to face when members are deliberating and coming up with final reports and making crucial decisions there.

So I do not necessarily think we need to send this off to the Administration and Procedure Committee; it was briefly mentioned there yesterday. This is something that, if my amendment gets up, we will monitor very carefully. I certainly hope it would be rarely used. If there is any instance of this provision being abused or mistreated, or perhaps committees going down the path of using this when really they shouldn't, I think we would take the view that this temporary order can be dispensed with.

I certainly hope that would not be the case. I assume that it will not be. I also note that this is not binding on every committee. What this does say is that a committee may resolve to conduct deliberative meetings. It is up to each individual committee. So even were this motion to get up—and the only way it is going to get up is if people support the Liberal Party amendment, because otherwise we are not voting for it—it is still up to every individual committee. And it may well be that in some committees the majority might think, "No, stuff it. That's not going to happen. You're going to have to be here. If you're not here, tough luck," and a majority of members said, "Yes, that's fair enough."

So it is, at the end of the day, up to each individual committee. Nevertheless, there could be, maybe on incredibly rare occasions, a time when this may actually be of assistance to the committee, and we are at least prepared to see if that is the case and give it a go in an incredibly restricted form. But we are looking at it very, very carefully. I will speak a little bit further to my amendment, but I have largely spoken to that at this stage, and we will support the motion only if our amendment gets up.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (11.22): I think this debate swings on what is acting in good faith and what is contained within standing orders. I think it is fair to say that most members in this place do not know chapter and verse of the standing orders. Standing orders are the default option, the fallback option. Like most of the laws of this land, they are there for a few occasions and most people are ignorant of them. So they need to be a genuine fallback option.

Now, what Mr Hargreaves' amendment sets out to do is to set some guidelines, fallback options—options when there is the possibility of dispute. I have just had a quick thumb through the standing orders, and I cannot find an order that says how you control the scheduling of meetings of a committee. So who actually gets to say when a meeting is on and when it is not? I think most of what Mr Stefaniak said in support of the foreshadowing of his amendment virtually was an argument in support of what Mr Hargreaves has put forward.

A lot of our committees are three members. So we are heading to the point where any two of those can put on a meeting and any two of those can decide whether or not they will telephone the third member. I think we are now getting to the area where at least we need some considered examination of this. I agree with Mr Stefaniak that, on rare occasions where a member cannot be at a committee meeting and it is important that they be there and it is a matter of which way the committee goes, there needs to be some provision for that. But, if we are going to make it work, we need guidelines.

As the motion was initially presented on the notice paper, if it had prevailed during the last Assembly, the only days you would have seen Paul Osborne in this building would have been sitting days—maybe—because we would have an order that says, "I can't make it to work. Give me a call. Let me know, yes, I can't be bothered coming." So we actually need to go a little bit further and take a further step. So Mr Stefaniak has cobbled together his foreshadowed amendment, which says "only when face to face meetings are impossible". Now, that just does not make enough sense; that is nonsense, because now how do we define "impossible"? Well, for Paul Osborne it would have been, "I've got to mind the kids." So you would have had a committee meeting, telephone in the middle, on loudspeaker, kids running around in the background, as we heard on 2CN for the early morning interviews, every time. So if we are going to have a variation of the process, and if we want this thing to work and not fall into a shambles, then let us have some guidelines, and unfortunately the amendment that Mr Stefaniak puts forward does not make enough sense, because who decides "impossible"?

I refer to the example that I have previously given as to what is impossible. How far? In deep Tuggeranong? Queanbeyan? Goulburn? Sydney? On holidays? In America? Where? So, if we are going to try to set up an inclusive process, let us make it work. Let us make sure that we do not set up a system where two members on a committee can decide whether or not they bother to include the third member, because that is what this says.

So maybe we have a good idea here. But maybe it is a half-baked good idea. Let me say, with all due respect, Bill, that with the Stefaniak amendment it would still be just as much of a nonsense as it is now. I do not know what the urgency is for this to go through, Ms Tucker, but can we just refer it to a committee and ask, "Is there a way we can make this work that doesn't have, of itself, further problems?". So I do commend the Hargreaves amendment to the house, seriously.

MS DUNDAS (11.27): I rise on behalf of the ACT Democrats to support Ms Tucker's original motion and in that way stop it from going to a committee. I actually see no reason for us to reinvent the wheel. It was nice to hear from Mr Quinlan that it is not just new members who may not fully comprehend standing orders. It was Mr Hargreaves who made the point that maybe new members do not fully understand how standing orders operate, and maybe standing orders do need a review. But, as a new member, with what I believe is a working understanding of the standing orders, I agree that there are some areas where they are unwieldy. And I actually recall an ALP election commitment to look at standing orders—to find out where the flaws are, to see how we can fix them—but the first we hear of it is in response to a motion being moved by Ms Tucker that will bring us into line with the practice that currently exists in the Senate and in the House of Representatives.

I quote from the standing orders of the Senate, in relation to committee meetings:

> A committee is authorised to hold meetings by electronic communication without the members of the committee or witnesses being present in one place, provided that:
> (a) when a committee deliberates, members of the committee constituting a quorum are able to speak to, and hear, each other contemporaneously ...

This is exactly the same as the motion that Ms Tucker is moving today. The motion seeks to adopt a recommendation of the Senate Procedure Committee's second report of 1995, which provided for electronic meetings. Notice was given in April 1996 and the motion was passed in the Australian Senate in 1997. This means that the use of electronic communication for committee meetings in the Australian Senate has worked well over the last five years, and I see no reason why we do not have something similar working here in the Assembly.

Phone hook-ups, and even meetings by internet chat rooms and email discussion groups, have long been used in both the government and non-government sectors. It ensures that the tyranny of distance can be overcome and does not hold up the committee process if a member of a committee is unavailable due to travel or electorate duties. We are not talking about every single committee meeting being done over the phone. As the motion reads, a "committee may resolve to conduct deliberative meetings by electronic communications". They do not have to; they will not be forced to.

As always, with the open committee process we have in this Assembly, it will be up to the committee to decide what it wants to do. We are just giving them another option. This motion has worked for five years in the Australian Senate and in the House of Representatives, and, if it proves to be a failure in this Assembly, I am happy to revisit it. Let us try it for a while and see how it works. But I do not see how it would be a failure unless committee members work to undermine the processes that we set in place.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.31): Mr Speaker, I rise to express my disquiet with the proposal—not so much because of the notion of the use of this technology for the purpose of conducting meetings but more for a couple of other reasons.

Ms Dundas has made reference to the practice in the Senate and the House of Representatives. But the Senate and House of Representatives have members who come from right around the country. Geographically, there is an imperative to try to get those members to meet because they are not always in Canberra. They are at home in their electorates and that could be in Western Australia, the Northern Territory and so on. We do not, as a matter of course, have that difficulty as a parliament. The furthest I think any member would have to drive to get here is half an hour. It is not, geographically, an insurmountable problem and so I do not believe that as a matter of course we should automatically adopt those provisions. The Australian parliament has responded to the circumstances its members face in being geographically isolated for significant periods of time outside of when the parliament is sitting.

Secondly, I have a concern about the perception of how this place conducts its business. In a city where people expect their members to come to this place to do their business, and to be seen to be doing their business—either in this chamber or in public hearings—I am concerned about a provision of the standing orders that allows members to potentially not have to come to the Assembly to do their work, to not be in the city to do that. And I think we have to be cautious about a change to that situation.

I think it is only reasonable, if one party in this place has a significant concern with the operation of this proposal, that it be considered by the forum this Assembly has established to consider such issues. As a matter of process, as a matter of considering these issues in a deliberative, reasonable and considered way, I think it is only reasonable to ask the Standing Committee on Administration and Procedure to look at the appropriateness of this measure.

That is all the Labor Party, the government, is asking—that the Standing Committee on Administration and Procedure, the committee we have established to look at the operation of our standing orders, look at this proposed change to our standing orders. And, as a matter of process, with what we believe is a change which could have significantly negative connotations unless it is handled appropriately, it should be referred to the Standing Committee on Administration and Procedure for inquiry and report.

I just do not believe that we face the same issues that other parliaments face in terms of geographic isolation. Indeed, of all the parliaments in Australia, with perhaps the exception of the Norfolk Island Assembly, we do not have an issue about geographic isolation in the same way that other parliaments do.

Equally, I think we do have to debate the issues between when a member is not able to attend and when they, through their own volition, choose not to be present. If a member chooses not to be present because they prefer to travel, then that is a different matter from being not able to be in a committee meeting, and I think that distinction has to be made. If you choose to travel, if you choose to undertake certain responsibilities that take you outside the Assembly, you should take those matters into account, in terms of what that means and the responsibilities as a committee member. But I think it is important to draw the distinction between discretionary activity and activity which is your responsibility as a member.

I think those issues need to be teased out and thought through. I do not believe Ms Tucker's proposal as it is currently presented does that, and I would much rather that we had the deliberative process of the Standing Committee on Administration and Procedure to look at those issues.

MR SMYTH (11.36): Mr Speaker, the irony of this debate is that there is no standing order that says you cannot hold a deliberative meeting by telecommunications. If this motion was not on the notice paper, I could still hold, as the chair of a committee, a deliberative meeting. There is nothing standing in they way of my doing that, and part of the reason that we debate this today is that I, in fact, asked the secretary of my committee to arrange such a facility to be available to my committee so that we could allow all members to participate fully in the activity of the committee.

Why are we afraid of that? I do not understand why you would stand in the way in of something that has been operating in the Senate and the House of Representatives for at least five years and something that allows us all to do more with the time that we spend as members in this place, whether we be in the ACT or not. It is up to the discretion of the committee to make the telephone call. So, if there is a member who is astray and does not want to come to work, I suspect the committee will not ring that person, and therefore the standing order will not be abused. Now it is a temporary standing order.

Mr Quinlan: Get some guidelines then.

MR SMYTH: Mr Quinlan interjects, "Get some guidelines." Well, I am happy to see you put some guidelines together if you want, but it does not mean that we should stop this from happening immediately. This can happen immediately. I could have held a deliberative meeting last week by telecommunications and been totally within the guidelines that are the standing orders of this Assembly.

But when I asked the secretary of my committee to arrange such a facility, he spoke to the secretary of committees and in discussion they said, "Look, wouldn't it be better if we just used Ms Tucker's motion as a way of doing it so that the Assembly knows exactly what we're doing?". And that, I think, is an appropriate thing to do. But I am just amazed that in this day and age we want to stay with the horse-and-cart attitude of the members of the Labor Party that wants to delay something they seemingly don't like.

Somebody said there would be negative connotations for the way that people might view how the Assembly operates. The only negative connotation is that coming from those opposite who do not seem to be supportive of this motion. And you have to actually ask why. Is it that they want to set up the guidelines and do it properly, or is it that they just have a gripe that some members are doing more work than others—that some members are actually travelling overseas and that some members do, on other committees indeed, go interstate? I have to say, I think that anything that allows us to do our job, do it better and involve all members of a committee, or all members of the Assembly, more in the processes of the Assembly is a step forward. It cannot be a step backwards. If it allows us to use our time more wisely and to achieve more, then I say that we should be getting on with it.

Mr Hargreaves wants to send it off to the Administration and Procedure Committee. Look, if there is to be a review of all the standing orders, let us review the whole lot. And, if there is something that is not working, we will deal with it—and I am not aware of anything that is so badly not working that we have to change something. But this is simply a clarification. As the chair of a committee, I can do this now. Now, we discussed this in the party room this morning and came up with the amendment that says "when face to face meetings are impossible". I think it speaks for itself.

Ideally, what you would have is all members in the room to make sure that they are all heard freely. But, if you cannot and something is important and it's pending and you want a decision quickly so that perhaps other members of the Assembly can discuss it, or the community is waiting on the outcome, why not hold the meeting using telecommunications? There is no reason not to. I do not believe there will be any abuse of this. Committee members will self-regulate it. They will make sure that it works properly. When we have this up and running I think committee members will enjoy the

ability to participate. Indeed, I have trialled some of the telecommunications equipment that you can use and it works quite well.

For that reason, we will be opposing the Labor Party's amendment to this motion. I do not see that there is any need for this to this go to the Administration and Procedure Committee. If they want to launch a larger inquiry into the conduct of committees and the standing orders that govern them, so be it. If they want to review the standing orders as promised, so be it. But at this stage there is no reason to stop it.

MS TUCKER (11.40): I would like to make just a couple points. John Hargreaves either misunderstood what I said or I was not clear. I am sure he would not intentionally misrepresent what I said, but I will just make it clear, and I am pretty sure this is what I said in terms of the committee system using numbers. I think I said several times in my presentation that history does not support that that occurs in this Assembly. History does not support that committees have been politicised, and that is exactly the point I am making—that we want to use consensus. That is what history has supported in this place. The current Assembly is continuing this—

MR SPEAKER: The question before the Assembly is an amendment to refer the matter to the Standing Committee on Administration and Procedure, so you might address the amendment.

MS TUCKER: Well, it was raised in Mr Hargreaves' speech on that that I am responding to, so I think it is my right to respond to something he put in his amendment.

MR SPEAKER: You have that right when you wind up debate on the matter, but the question before the house is Mr Hargreaves' amendment.

MS TUCKER: And in his argument for that he said that I had said something I had not said. I have clarified it; it's fine.

Just on the general point of it going to the Administration and Procedure Committee: Mr Quinlan said this was a half-baked good idea. This is not my idea. I did this to try to facilitate the committee work. This came, as has already been stated several times, from Senate practice. The geographical isolation argument from Simon Corbell also seems to be curious, because clearly if someone is unable to attend a committee meeting for a particular reason and it is the committee's desire to involve that person in some way in a deliberative meeting, I would have thought that was a reasonable thing for the committee to decide.

As to the question of geographical isolation, obviously it is relevant. If a person is on the other side of the world from the committee, there is a certain aspect of geographical isolation there. If members think it is inappropriate for people to travel if there is a committee hearing, well they can say that, and maybe that is what they need to say.

The point I would like to make about this in terms of Mr Hargreaves' particular amendment is that, if the Labor Party is so concerned about this, I have no problem with it being monitored and referred to the Administration and Procedure Committee later if there is a problem. That is obvious. I cannot see what the problem is in just letting this

happen. If people think it is being abused in some way, then certainly refer it to the Administration and Procedure Committee and put the arguments up then.

Amendment negatived.

MR STEFANIAK (11.44): Mr Speaker, I move this amendment to the motion:

> After the word "place," insert "only when face to face meetings are impossible,".

I am not going to go over old ground. I think this amendment is actually quite clear and it is a very strict amendment because it actually ensures that a committee may resolve to conduct these deliberative meetings by electronic means only when face-to-face meetings are impossible. "Impossible" is a pretty strict test. In terms of abuses of committee processes, as Mr Quinlan rightly points out, if members simply do not want to come in because they want to look after their kids or go fishing and want to do it by phone from there, or because they have something better on somewhere else in the region, that would not be a proper excuse.

I could think of very few instances where it would be impossible. One thing came to mind when I was listening to the dulcet tones of Mr Quinlan opposite, and that was that if a committee member was in bed in hospital stricken with some contagious disease, which meant you could not go to them, but you needed to get a report out, quite clearly it is a circumstance totally beyond their control and the committee might be able to say, "Fair enough, they can add their two bobs worth. They can't come for the most valid of reasons. Let's do a quick hook-up."

I would envisage these situations as being incredibly rare, and that is why we are moving this particular amendment. And I think it does largely speak for itself. I notice a desire around the room for people to certainly monitor this and, indeed, maybe for further guidelines to be drawn up, and that is something that certainly can occur.

As I said earlier, our position is that, if this remotely looks like being abused, it can be revisited and this temporary order can be revoked. And, if people feel there is a need for the Administration and Procedure Committee to look at other guidelines, fine, so be it. But I do think the relevant protections will be in there with my amendment, in terms of at least seeing if this is something that committees may possibly, in incredibly rare situations, want to avail themselves of. And I hark back to what I said earlier: our preferred position is that people do it face to face. I think that is far better. It has worked very well in the past. But we are prepared to support the motion only if this amendment is supported. If this is voted out, we vote against the motion.

Amendment agreed to.

MS TUCKER (11.48): I will just wrap up. I just want to make one point. I cannot remember which speaker it was from Labor who said it, but I think you have to be a little bit careful if you are suggesting that in some way this is going to be for the crossbench—or perhaps a backbencher from the Labor Party, but it seems it is the crossbench that certainly has to be in the spotlight a bit here. If you look at the schedule of meetings of the Standing Committee on Legal Affairs from 10 May this year to 10 September, you

will actually see that 10 meetings were cancelled for various reasons. Three of those were me, and the other seven were other members of the committee.

The point I am trying to make here is that we have a heavy workload in the committees, and on occasions not all members of the committees are available. This is not just about people on the crossbench. We need to respect the workload that we are under in this place, and that was the intent of my motion—to try to facilitate committee work—and I am surprised at the response, particularly from the Labor Party. This is something that was intended to just assist committees and, for reasons which have not been made really clear from the arguments that have been put, it has been opposed by Labor. I am glad to see it supported, but I repeat: I am quite happy, if members of this place think it has been abused and can demonstrate that it has, for the Administration and Procedure Committee to look at it at a later date.

Motion, as amended, agreed to.

Territory Plan—draft variation 200
Proposed withdrawal

MRS DUNNE (11.50): I move:

> That the Government withdraw Draft Variation 200 to allow further consultation and discussion on its implications, especially in relation to the future size and nature of Canberra and its relationship to other strategic documents, notably the Spatial Plan, the Social Plan and the Economic White Paper.

Let me preface my remarks with a disclaimer of sorts: I do not disagree with the basic thrust of draft variation 200. Let me make that perfectly clear. I do not disagree with the basic thrust of draft variation 200. In fact, I support much of what it sets out to do. It purports to be about, in part, densification and urban consolidation. This is an argument and a discussion the people of Canberra need to have now and continue to have in the future.

However, I have difficulty with the process we are dealing with in draft variation 200. It seems to me that it is out of sync with the overall strategic direction this government is trying to take, and this is the impetus for this motion today.

I am the first to agree that we need to have a strategic plan. I know that Mr Corbell is committed to it and that there is broad agreement in the community. I imagine that anyone who has an interest in the future planning of this territory thinks similarly. This view was reinforced and in many ways kicked off by the document *Urban Renaissance: Canberra: a Sustainable Future*, a report of the OECD.

Unfortunately, that report has hardly seen the light of day since it was launched. I am concerned at that, because it has a wealth of information in it. We hear it referred to from time to time by the minister, but only to say one thing—that the ACT needs a strategic plan. I hope that the government's treatment of this document does not cause it to die a natural death. I hope that the government is being open and taking the people of Canberra into its confidence and talking about this document, because it says some great things about Canberra. It is not all doom and gloom. I have a fear that the minister would

like to portray a sense of crisis about planning in Canberra so as to push his particular agenda. I do not think that is necessary.

I would like to take a few random quotes from the OECD report that set in context what we are talking about:

> Canberra has benefited from the long-term economic and social stability that the physical presence of government brought about. High levels of investment in the physical and social fabric of the city throughout its history have ensured that Canberra is in excellent shape to move into the 21st Century.

On page 88 it says:

> The natural environment of Canberra is of extraordinary quality.

It says great things about Canberra, and preserving and enhancing the heritage of Canberra is an important issue which must be addressed through policy and funding. It goes on to say:

> The ACT should consider an audit of what is required in the city in terms of policy and legislation and ensure that heritage works in synergy with planning and urban design strategies to ensure appropriate and defined outcomes.

This is one of the important messages:

> Maximising land opportunities in appropriate locations is one of the key tools the city has. This should lead to a strategy to improve Civic that also reinforces the strengths of the sub-centres, in tandem. Canberra has the flexibility for transformation that was built into its original plan.

These are words of hope about the future of Canberra and these are things we need to keep in mind when we are discussing the important work being done by this government in its strategic planning process.

But we have to get strategic planning right. Future generations will judge us very severely if we do not. It has to be in the proper sequence of events and processes. I do not feel that draft variation 200 sits comfortably in this mosaic. This is not the time and it is not the place. This is not to say that it is not the right document.

Its relationship with other strategic documents is quite unclear, and I think we do a grave disservice to medium and long-term planning in general if we fail at this crucial stage to be absolutely clear about what we are proposing and what we are about.

I am well aware of the political imperatives of the government, but these must not be allowed to cloud and obscure what we are setting in train if we allow this process to proceed in its present shape and form. I am concerned that it is based on flimsy assertions and, dare I add, some attempt at keeping a political promise or two made at the last election.

Keeping political promises is very important. It is what the previous government attempted to do, even if it took four or five years to do it. For the most part, I applaud the government for attempting to do this. Every government should do it, but let us be clear in our minds what the cost of delivering these promises is.

Let me be blunt about it. The cost in the ACT is potentially horrendous, not only for us here and now but for those who are yet to come. We are talking about decisions about the future—the long-term future. Surely, it behoves us to get it right—to get it exactly right. If that means it takes some time and some finetuning, so be it.

There is too much at stake for us to run headlong and hope blindly that the detail will take care of itself. We have done this in the past. The most egregious example of this is the outcome of the land act, which has been said here by me and in other places to be a most inadequate and flawed piece of legislation. It is probably the most inadequate and flawed piece of legislation that has passed in any parliament. We have doctored it up along the way for the past seven to 10 years, and we are chafing under its yolk.

Let us proceed, by all means, but let us not be driven by haste and political imperative, because that can only end with an outcome that is not tested by any real rigour. We have an opportunity now to apply rigour, and I urge the members of the Assembly in the strongest terms to grasp the opportunity to shape the future of Canberra with the attention it deserves.

When we look at the OECD report, we find a whole lot of what needs to be done to shape the future of Canberra. The minister has always talked about the OECD imperative to develop the strategy and the vision for Canberra, but in addition to the strategy and vision for Canberra the OECD report tells us that we should realise the potential for Civic and have a strategic vision for a sustainable Canberra which can be implemented if resources are directed towards creating a market for the renewal and improvement of the city.

Civic has been identified as a priority and an opportunity for Canberra. Developing appropriate mechanisms to implement the goals articulated in the strategy developed for Civic is essential to ensure that Civic becomes appropriate for the 21st century. Much work done by the previous government on revitalising Civic flows into that, but it should also flow in context with the strategic plan.

The other thing that the OECD says that we need to do is to foster endogenous growth. It says:

> A sustainable Canberra will be dependent upon accelerating a diverse culture of entrepreneurship. The city is in a strong position to do this and the Innovation Framework is an important opportunity. It must however, become the dynamic strategy for growth that it seeks to be and will require ongoing monitoring and development to deliver optimal outcomes.

The OECD report says that there is a lot there. A lot of work has already been done, and we should be taking all those threads and weaving them together into the important strategic plan, which is an overarching structure that gives us a spatial plan, a social plan and an economic white paper. These things should not be rushed into.

The land act, which I have just alluded to, is shot through with unintended consequences. I submit that draft variation 200, what we know of it, is similarly flawed. On the intention level, the government is setting out to protect the amenity of many of our older areas, and that is entirely laudable. But if we look closely at what is intended and what is proposed—I spoke about Red Hill in this place last week as a case in point—we see that amenity protection by this method is not only not assured but actively threatened.

Mr Smyth and I requested from PALM a set of maps that set out the impact of draft variation 200 on every suburb in Canberra. We do not have a complete set of maps. I alluded to them in this place last week. I hope the minister has studied them. I make an offer to members. The maps are in the lobby now if members would like to have a look at some of the unintended consequences in places like Downer, Stirling and many other suburbs. I think you should do it.

Draft variation 200 does appear to work in many suburbs. It works in Yarralumla. That map was published in the paper. It works in Griffith, but it does not work in Red Hill. It works in Weetangera, but it does not work in Spence. We have to look at the unintended consequences to see what will happen.

Random lines drawn on maps, even with the very best intentions, do not make for good policy. We saw in the 19th century the havoc created for generations to come in many parts of the world by drawing random lines on maps. We saw world wars; we saw the carnage of Africa; we saw Rwanda. That might seem to be hyperbole, but although not to the same extent we will make the same mistakes if we just draw lines, if we just have formulae to go through.

Let us not fall into the trap of making arbitrary policy on the run and to hell with the consequences. This is not a case of "never mind the quality, feel the length". This is a time when we make considered policy. We do not want to burden future generations of this wonderful city with hasty and ill-considered policies, do we? I think not. We have an opportunity to get it right, so let us get it right.

Wrapped in the fuzzy warmth of the cosy rhetoric of draft variation 200, are we sounding the death knell of truly sustainable development in this city? There are grave concerns about whether draft variation 200 is sustainable. It does not guarantee residential redevelopment around shops. It has very strong implications about pushing people further to the outskirts because we spend perhaps too much effort protecting our inner suburbs.

Are we neglecting the very process of urban renaissance that the OECD picked up and commented on? I am afraid the government, despite its good intentions, is flying in the face of the OECD advice that came from Josef Konvitz, whom the minister brought here earlier this year and who identified the way forward in achieving sustainability as "helping each place, each urban place, to achieve its potential, not according to an abstract model, but rather according to an analysis of its specific strengths and weaknesses"? Are we heeding the advice? I do not believe we are.

The way we choose to go now—and let us be frank that we are at a planning crossroads—will determine the future shape and infrastructure of not only the ACT but our region as a whole. We have to get the balance right between planning for truly

sustainable development, which is minute and painstaking, and making adequate provision for a larger population base and the economic growth to underpin it.

It is of grave concern to me that in the guise of protecting local character we may also be destroying it and stifling any potential for growth and change. I commend the motion to the Assembly.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (12.04): Mr Speaker, I welcome this debate today. I especially welcome the comment of Mrs Dunne that she believes that the government's strategic planning process is a welcome one. I welcome her preparedness to engage in this debate, and I look forward to her continuing to do so as the government continues the Canberra spatial plan process but, more importantly, the Canberra plan process overall, with its associated economic and social elements.

Mrs Dunne referred to the OECD document. It is a very valuable document. It is one I would prefer to see much more debate on. I would like people, the media especially, to focus much more on the detail of that document and what it talks about. It does not just talk about the need for a strategic plan. Yes, I have highlighted that, because I think it is an important element. But it talks much more about the future of our city and the challenges and issues we face. It is that document which must underpin future discussion, which the government is already sponsoring, around the development of the spatial plan, which will be the subject of a very important conference next week.

Draft variation 200 is about responding to the issues of sustainability and, as importantly, responding to the community's widespread concern about urban consolidation policy in our city. I think I need to give members some outline of this and some acknowledgment of the process to date.

Last year I moved a motion similar to the one Mrs Dunne has proposed today. Following that, the then government undertook an additional process of consultation on its proposed ACTCode 2, the ACT code for residential development and associated land use policies.

The clear evidence from public submissions last year pointed to an urgent need to restore public confidence in residential development standards and certainty to the development process. Those submissions and the consultation process undertaken by the previous government led to the development of draft variation 200, the garden city variation.

This variation was developed to introduce new building envelope and open space requirements for residential redevelopment to limit the impact on adjacent neighbours and to preserve the open, leafy quality of our suburbs.

Draft variation 200 promotes sustainable redevelopment by focusing opportunities for residential redevelopment in areas close to shopping centres and along key and identified transport corridors. It places much stronger restrictions on dual and triple occupancy development.

Draft variation 200 focuses development activity in specified areas in our suburbs. It meets this government's key sustainable development objectives for the city. Draft variation 200 promotes better planning outcomes. It promotes better access to

community services, and it maximises opportunities to utilise more effectively Canberra's public transport services.

With every draft variation there is extensive public consultation. I have extended the period for public comment on the draft variation, which is currently out there in the public arena. Because of that additional month the government has provided in its consultation process, PALM has received around 120 submissions—a strong response for any draft variation. All of these submissions will be taken into account by the government and ultimately by the Assembly.

I want to reject some of the issues Mrs Dunne raised. She said we do not want to rush into this process. We are not rushing into this process. As I have outlined, this is a result of a consultation process undertaken by the previous government last year. It is a formal variation to the Territory Plan. There has already had an extended public consultation process by PALM. It will need to be considered by the government. It will need to be referred to the Standing Committee on Planning and Environment for inquiry and report. That committee will conduct its own inquiry into the draft variation and almost inevitably hold public hearings. The matter will then come to this Assembly for any potential veto if members still have concerns about it. This is an extensive process that will take probably close to a year to complete.

The government has also sought to respond to issues that have arisen since the release of draft variation 200. For example, concern has been expressed that not enough allowance has been made for people who have already bought house and land packages in new areas and who did so with expectations about the existing planning framework, which may have changed as a result of DV200. This is something that PALM has already looked at closely, and we will be catering for that in response to the issues that have been raised. So the government is sympathetic and responsive to issues that arise in what is inevitably a complex planning process.

The government feels very strongly that in both economic and planning terms residential redevelopment has not achieved the potential Canberra requires, individually and as integrated elements of Canberra's urban framework. Canberra suburbs need to provide more sustainable opportunities for housing that could add vibrancy to the local shopping centres, maximise the use of public transport, better utilise our urban infrastructure and energy resources and provide an affordable mix of housing options.

The previous government's approach was essentially ad hoc, and it succeeded in creating scattered development that has not served to generate strategic linkages with our transport infrastructure, physical infrastructure and commercial centres.

The garden city variation is designed primarily to overcome this by creating more responsible planning rules for those areas within close walking distance of local centres, group centres and town centres as well as taking account of the circumstances of wider residential areas.

In the Assembly debate last week Mr Tucker raised some concerns about draft variation 200, whilst broadly supporting it. In particular, Ms Tucker raised whether or not the DV200 development boundaries need to be tailored to the particular circumstances of individual suburbs and how precisely neighbourhood planning would work together with

draft variation 200. She also said the community needs confidence in planning appeal rights, design quality and housing affordability. I would like to take the opportunity of this debate to respond to a couple of these issues.

First of all, in relation to tailoring DV200 to suit the circumstances of individual suburbs, draft variation 200 sets out a framework and it lays down the principle that residential redevelopment should be managed in a way that optimises outcomes for the local shopping centres and our transport infrastructure. In doing so, it provides protection for the garden city characteristics of our suburbs.

To provide a practical starting point for the expression of that principle, it sets down a template that designates those areas where high densities of redevelopment should be permitted. These are the 200-metre and 300-metre perimeters around local centres, group centres and town centres. The neighbourhood planning process is already gathering pace in several suburbs across the city, and more suburbs will be involved.

Draft variation 200 makes specific reference to neighbourhood planning. It says that the outline of the general residential areas around local centres, group centres and town centres can be tailored, through the neighbourhood planning process, to meet the specific circumstances of individual suburbs.

I acknowledge that 200 metres should not be applied arbitrarily, but it should respond to the circumstances of individual suburbs. The neighbourhood planning process is the process to make that happen, and the draft variation makes provision for neighbourhood planning to make that happen. So the government has established a clear mechanism in the draft variation to allow that area of higher density and greater redevelopment activity to be tailored to suit the circumstances of individual suburbs through the neighbourhood planning process.

Interim community reference panels have been established as part of the neighbourhood planning process to collaborate with Planning and Land Management in the drafting of the first six suburbs that are doing neighbour plans. The panels are examining precisely where these boundaries should go. The first meeting of the new panels was held last night. It was a very successful meeting at which members of the community discussed the issues we are talking about today.

Once a specific neighbourhood plan is developed, it will go through a public process of testing and, if necessary, will be developed as a formal variation to the Territory Plan, so it will have the capacity to reflect the particular circumstances of individual suburbs.

Ms Tucker also raised appeal rights. Draft variation 200 makes no change to appeal rights regarding development applications. Now, as previously, all decisions as set out in the land act and its regulations can be appealed to the AAT.

Although draft variation 200 makes no specific change by virtue of its effect, it does make one considerable improvement on the current regime of appeal rights. At the moment regulation prevents appeals on single dwelling houses. That stipulation currently remains. However, most complaints about that stipulation relate to the very large single dwellings that damage the amenity of residents in adjacent properties. DV200 seeks to limit the scope of large single dwelling redevelopment of a size which gives rise to such

complaints. So we are specifically responding to that concern, which is often the basis of complaint.

Ms Tucker also raised design policy. Draft variation 200 gives tangible effect to good design by incorporating the high-quality sustainable design guidelines as statutory requirements for all residential redevelopment under the Territory Plan. Under DV200 good design will be mandatory, and that will apply no matter where the development takes place. That is a significant step forward for the city.

The relevant section of DV200 is 3.5 (b), which states that residential redevelopment can occur only where the applicant has successfully completed the pre-application process as set out in "Designing for High Quality and Sustainability" or it successor documents. So that is the response from the government to making high-quality sustainable design guidelines mandatory for any redevelopment activity.

Ms Tucker also raised housing affordability. This is an important issue for debate, particularly in relation to DV200. The government is concerned about housing affordability and has established a housing affordability task force to look at this very issue and at the range of initiatives the government can employ to achieve greater affordability in housing. My colleague Mr Wood is the minister responsible for that, but we have been collaborating on that process, because there are a range of planning issues which are also relevant to this matter.

We do not pretend that by itself DV200 will provide affordable housing any more than the previous government's planning policies. We are seeking to apply other measures, as I have outlined, in relation to the housing affordability task force. All the evidence about inner city housing shows that it attracts higher prices. The claim that DV200 will limit what would otherwise be opportunities to buy dual occupancies in the inner city as a way of providing affordable housing is simply false.

You only have to look at the price of many dual occupancies in established inner areas of Canberra to see that dual occupancies do not provide affordable housing. If you are talking about prices of $300,000 or $400,000 for dual occupancy dwellings, you are not talking about affordable housing. Affordable housing requires complementary policies, and the affordable housing strategy is the mechanism to address that.

I have talked about some of the practical effects of the garden city variation—the protection of residential privacy and amenity, the increased requirement for high-quality sustainable design, and the protection of the open leafy character of Canberra suburbs.

In addition, there is the principle underlying DV200 which will apply, so long as this government is in government, to long-range planning, and that is the principle that ownership of neighbourhood amenity is shared in common and wherever possible should be maintained or enhanced for future generations. *(Extension of time granted.)*

Mrs Dunne claimed that the government is yet to come up with a definition of sustainability which she finds convincing. I would like to draw her attention to page 3 of the government's discussion paper "Towards a sustainable ACT". I think this is a very good starting point for this discussion. The discussion paper reads:

> In the ACT, sustainability is about how we meet the needs of people today without compromising the ability of future generations to meet their needs. It is an approach to decision-making that recognises that social, economic and environmental issues are interconnected and decisions must incorporate each of these aspects if they are to be good decisions in the longer term.

In the context of this debate about draft variation 200, it is important to note that the government is formulating its policies on the basis of that definition. Perhaps we could build cheap tenements and be unconcerned about excess bitumen, concrete and paving, even though this is disastrous for water run-off and for the long-term amenity of our suburbs.

Draft variation 200 addresses these sorts of issues. It seeks to restrict the amount of hard-paved surfaces so that we do not put unnecessary pressure on our urban stormwater infrastructure but allow ground water recharge and allow the amenity of a garden city suburb that people value.

I am very proud of the new requirements for increased private open space provision in new developments. This is again a direct response to the issues being raised by our community. I am proud that we are instituting new plot ratios, the footprint of a house, which will see the end of large dwellings crammed on to blocks, completely out of context with the houses around them.

Mrs Dunne argued that we should not be doing draft variation 200 now but we should instead be focusing on a new strategic planning framework. It is incumbent on the government to respond to immediate issues that face our community, particularly issues that have already been extensively debated and consulted often, as well as to provide the leadership necessary for a long-term strategic framework for our city. The government's approach is to do these things in parallel and to make sure that they do not contradict each other.

I have had a series of very productive meetings with representatives of community, industry and professional organisations on how, as we progress draft variation 200 and the strategic planning framework for our city, we make sure that these exercises operate in parallel, and I am confident that that process will continue. I am confident that these debates we have about strategic planning will properly inform draft variation 200 and the debates we have about draft variation 200 will properly inform the strategic planning processes.

That is the framework the government is seeking to work within. It is a responsible framework which addresses the long-term strategic objectives for our city, as well as responding to immediate community concerns about the ad hoc nature of redevelopment activity which we saw under the previous government.

Mr Speaker, the government will not be supporting the motion.

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

Sitting suspended from 12.23 to 2.31 pm.

Questions without notice
Hospital waiting lists

MR HUMPHRIES: My question is to the Minister for Health, Mr Stanhope. Minister, last Wednesday you appeared confused over the waiting list figures for the end of July this year and you undertook to get back to the Assembly to clarify the situation. In fact, to quote your exact words, you said, "I have given both figures, I acknowledge that. I will now check it and I will respond."

It is now a week since you undertook to clarify the figures and you have not as yet done so. You have had three sitting days to clarify whether the information you gave to the Estimates Committee was correct or the figures you used in your press statement to the people of Canberra were correct; but, clearly, both cannot be correct.

Mr Stanhope, if the figures do not lie, you gave inaccurate information either to the Estimates Committee or in your press release. Which is the correct figure and why have we not had an answer so far?

MR STANHOPE: Great minds think alike. I was thinking of the same subject at the same time. I imagine that you have been just a touch distracted by Mrs Carnell's Senate campaign launch today, her NCA-sponsored Senate campaign launch. You are up against it, Gary, I must say. I am starting to fear for you, mate.

Mr Humphries: I will be here with you for a lot longer then, Jon, won't I?

MR STANHOPE: That is right. I cannot win, no matter what happens, and neither can Canberra. I regret the very slight delay in responding to this question. I do have the response for tabling today. Since Mr Humphries has asked the question again, I will actually provide the response that has been prepared for me.

As Mr Humphries said, on 21 August he did indeed ask me to explain a discrepancy in the figures I quoted regarding the number of patients on the elective surgery waiting list in our public hospitals. I took a question on notice on this matter in the Estimates Committee on 30 July. The question was: "What is the waiting list at the moment? How does this compare with last year?" My written response to that question, provided on 7 August, was:

> The number of people on the elective surgery waiting list is 4054 … This compares to 3599 people waiting at the end of July 2001.

That response took the question asked literally and the officer preparing the response found out how many people were on the waiting list at the moment the response was formulated. That means that the officer who prepared that response provided the information on 7 August, the day the response was provided. In fact, the number of people on the waiting list fluctuates, as you know, on a daily basis. Patients are removed, added, et cetera, but another reason was that an audit was also undertaken.

In any event, waiting lists, as we all know, are not a particularly good indicator of health outcomes. For years, Labor was lambasted by Mr Moore on this theme. For instance, a far better indicator is the figure for the number of people on the ACT public hospital's elective surgery waiting list who had operations—in 2001-02, a total of 7,946 people. In the interests of comparing like with like, I have included a table in this answer which records the number of people on the waiting list at the end of July for the past five years. It shows that at July 2002 there were 3,921 people. We now know that on 7 August there were 4,054 people. I do regret the inconsistency there, but the question was taken on notice on 30 July and the officer who prepared the response prepared it on 7 August and gave the answer as of 7 August.

The numbers over the last five years are interesting. In July 2002, there were 3,921 people on the waiting lists; in July 2001, 3,599; July 2000, 4,105; and July 1999, 4,643. You were minister for health just before July 1998, were you not, Mr Humphries? Mr Humphries' legacy as minister for health was a waiting list of 4,660 people. In July 1998, just after Mr Humphries ceased his reign as minister for health, the waiting list was on 4,660.

Mr Humphries: Are you going to table those figures for us to see? You said that there was a table there.

MR STANHOPE: There is the table I have just read out. I table the document, Mr Speaker. I present the following paper:

> Hospital waiting lists—Answer to question on notice asked of Mr Stanhope by Mr Humphries (Leader of the Opposition) and taken on notice on 21 August 2002.

MR HUMPHRIES: I thank the minister for that. I have a supplementary question. Minister, are you saying that the waiting lists rose from 3,921 to 4,054 in the space of just seven days, between 31 July and 7 August? If so, what does that say about the projected waiting list figures for the rest of this year? In particular, what does it say about your claim that the waiting lists are coming down?

MR SPEAKER: Do you want the document that you just tabled, Mr Stanhope?

MR STANHOPE: Yes. I am very suspicious when Mr Humphries quotes numbers back at me. I no longer accept them.

Mr Humphries: They are your numbers.

MR STANHOPE: No, the number you just quoted—if we have a look at the *Hansard*, we will see; I have got it here—was not the number I just said. I rest my case.

Mr Humphries: What was the number you just said? You quoted all these different numbers, so tell us which was the right one.

MR STANHOPE: That is what I mean. We are quoting numbers all over the place. I need to check. I am not sure; you have got me again. The number that was in the answer was the number as of 7 August. The number you asked for in estimates was the July figure. I have to confess that I do not know whether it was the 1 July figure or the

30 July figure. If you like, we will start providing daily figures. I will have to devote two or three staff full time to their provision, but if you would like to know the number of people on the waiting list on each day in July, I am sure—

Mr Quinlan: What time of day?

MR STANHOPE: Can we settle on a time—midday of each day of July? I can give you a waiting list number for midday of each day of July if that would help you. Mr Humphries, you spent a little while in this seat as minister for health. You did it in the first half of 1998.

Mr Humphries: For eight weeks.

MR STANHOPE: You did some damage in eight weeks. There were 4,660 people on the waiting list in July after your term in office. In July 2002—I assume that these numbers were taken for the same day, but I do not know on which day in July they were taken—there were 3,921 people on the waiting lists.

The point from the numbers that I quoted and the statements that I made in relation to a reduction is that over the last five years the waiting list has trended down significantly and noticeably. On a July to July comparison, it has trended down from 4,660 when Gary Humphries left the office of minister for health to 3,921, which is the July figure. I have to confess that I do not know which day in July that was taken from.

Health action plan

MS GALLAGHER: My question is also to the Minister for Health. Members will recall the extremely successful health summit organised by the Minister for Health in February, delivering on a key election commitment of the Labor Party. An important outcome of the summit was agreement to develop a health action plan for the territory. Can the minister tell the Assembly what progress has been made in public consultation over the government's innovative health action plan since the release of the draft strategy on 8 August?

MR STANHOPE: Yes. Indeed, it was a very successful health summit, successful for a number of reasons. Of course, we enjoyed the company of both the Leader of the Opposition and the Deputy Leader of the Opposition at the summit. They made a quite fruitful contribution to the day. To the extent that they had any doubts about its success, I admired their capacity for self-assessment.

We did hold a summit in February. It was an extremely successful summit. Of course, the holding of the summit was the result of a significant promise that we made in the election campaign. The summit involved, I think, a representative of every one of the stakeholder organisations in the ACT that are concerned with the delivery of health care for the people of the ACT. I was most pleased that I was able to release for public consultation on 8 August the fruits of the health summit in the form of the draft health action plan.

Ms Gallagher, the health action plan, as you say, is a very important document. It will set the directions and priorities for health in the ACT for the next three to five years. We are all consumers of health care services, so the plan, perhaps more than any other, is relevant to the lives and wellbeing of every member of this community.

The plan is another example of the hard yakka that this government is undertaking, the strategic planning that we are putting in place, in the interests of the people of the ACT. The government is committed to full and open consultation and it has established a comprehensive process to ensure that everyone has a chance to contribute to the finalisation of the plan, which, as was just said, has its origins in the health summit.

To maximise the opportunities for public input, ACT Health has distributed the draft plan to all attendees of the health summit; placed the draft on the internet; advertised the availability of the draft and the consultation process in both the *Canberra Times* and the *Chronicle*; promoted the availability of the draft and the consultation process through the news media; placed the draft plan on the ACT government's community consultation online website; distributed details of the consultation process to ACTCOSS, the Health Care Consumers Association and all ACT government employees; and scheduled four public meetings across the ACT.

The first of the four public meetings was held last Monday at the Canberra Hospital. I understand that it was very positive and a very useful meeting. One disappointing aspect of the meeting was that only a small number of members of the community participated. We all understand how difficult it is for many people within the community to find time to attend public meetings, but I hope that all members of the Assembly will take an interest in this process and encourage constituents to actively contribute to the development and finalisation of the plan.

Another public meeting is scheduled to take place tonight from 7.00 pm to 9.00 pm in meeting room 1 at the Tuggeranong Community Centre. It will be a great opportunity for members of the Tuggeranong community and the Tuggeranong Community Council to have a major input in relation to the issues affecting the valley, particularly in relation to the availability of GP services.

Two more meetings are scheduled for next week. The first is to be at lunchtime on Monday, 2 September in the theatrette of the ACT Community Care building on the corner of Mort and Alinga streets in the city. The second is to be on Tuesday, 3 September, from 7.00 to 9.00 pm in the function room of the Lewisham building at Calvary Hospital.

I have also asked the department to determine whether members of the Assembly would be interested in having a presentation on the draft held here in the Assembly. I look forward to the support of members for that. Of course, people who cannot attend any of the public meetings should still take advantage of the opportunity to comment on the plan by sending their comments by email or in writing to the action officers.

As I say, it is a very significant plan. The draft plan lists 104 actions across 13 priority areas. There is an opportunity there for us as a community to set out our priorities in health care, how we are going to deliver on those priorities, and how we are going to

deliver first-class health care for the people of Canberra, which is one of their major aspirations for themselves and their families.

Land development

MR SMYTH: My question is to Mr Stanhope in his capacity as Chief Minister and relates to the government's proposal to socialise land development. Mr Stanhope, at the Estimates Committee hearing on 23 July of this year, Mr Corbell and officials from Planning and Land Management were questioned about provisions for land development in the current year's budget. They were specifically asked about the cost of servicing land in the 2002-03 financial year. On 24 July, in an answer to a question taken on notice, there was a reference to an amount of $6.364 million provided in the 2002-03 financial year in the cash flow statement for the Gungahlin Development Authority.

Mr Stanhope, last week you and the Treasurer claimed that the land development proposal involves forgone revenue. You said, "There is no money in the budget for that, Mr Smyth. That is forgone revenue. It is forgone revenue." Mr Stanhope, can you explain how money is allocated to the Gungahlin Development Authority to include "the capital costs of infrastructure development for publicly developed land and the marketing and administration costs for publicly developed land" and yet it is supposed to be revenue forgone?

MR STANHOPE: Mr Speaker, that was a finely detailed question from Mr Smyth. I do not have the details of what Mr Corbell said or did not say at estimates. I am more than happy to look at that because I am sure that it was erudite, incredibly instructive and to the point. What I do know, Mr Speaker, is that Mr Smyth's four-pronged approach to the resolution of all the ails besetting the delivery of public health services in the ACT—

Mr Smyth: You do not like it, do you?

MR STANHOPE: I must say that I was glad to receive the four-pronged plan. I haven't finished with the four-pronged plan yet, Mr Smyth. You will be hearing a lot more about the four-pronged Smyth plan for resolving all the issues in relation to the funding and delivery of health care in the ACT. I must say that there will be a lot that we can take from it. I will take the question on notice. I do trust that—

Mr Humphries: I have to ask you to get the answer to us in due course.

MR STANHOPE: Yes, but you will not have to ask me again and use up a valuable question in doing so.

Land development

MR STEFANIAK: My question is to the Minister for Planning, Mr Corbell. I refer to your plans for the ACT government to take over land servicing in the territory. In evidence to the Estimates Committee you said that, while a private developer would work strictly to the letter of the law in delivering an agreed outcome in order to turn a profit, a government land development agency would do more, that is, it would work within the same strict financial parameters but also, in your words, achieve the broader social imperatives of the government and add an extra level of capacity. What, then, can

the government do that the private sector cannot for the same outlay and with the same efficiencies, and how will it do so? Why are the constraints any different?

MR CORBELL: Mr Speaker, I think I answered that question fully in the Estimates Committee.

Mr Humphries: Mr Speaker, on a point of order: there is no standing order which says that a question asked at the Estimates Committee cannot be asked again in here.

MR CORBELL: That is my answer. I have given you my answer.

Mr Humphries: The members of the Estimates Committee had the answer, not the members of the Assembly. The members of the Assembly are entitled to hear the answer to the question even if it was asked at the Estimates Committee, which it wasn't.

MR SPEAKER: Mr Humphries, resume your seat. The minister has given his response to the question and there is not much I can do about it.

Mr Humphries: Mr Speaker, the minister seems to be arguing that he is not obliged to answer a question that has been asked elsewhere. With respect, the Assembly has asked a question. There are members in this place who were not present at the Estimates Committee, who were not on the Estimates Committee. Is the minister saying that there is a standing order which prevents him from answering the question? If he is simply declining to answer the question because he does not wish to answer the question a second time in the space of two months—

MR SPEAKER: Resume your seat, Mr Humphries; there is no point of order. I refer you to standing order 118, which goes to the issue of questions without notice. The answer to a question without notice shall be concise and confined to the subject matter of the question and shall not debate the subject to which the question refers. I think it complies with that. There is little more that I can do about it.

Mr Humphries: Is the minister saying that he is not obliged to answer the question because of a standing order or that he simply does not wish to answer the question because he has already answered it somewhere else?

MR SPEAKER: Mr Humphries, I think you misunderstand; the minister has answered the question.

Mr Humphries: With great respect, Mr Speaker, he has not answered the question. Clearly, to get up in this place and say—

MR SPEAKER: Resume your seat. You do not have a point of order.

Mr Humphries: I believe that I do, Mr Speaker.

MR SPEAKER: The only way that you can deal with it is by way of a substantive motion, but you do not have a point of order.

Mr Humphries: All right, I will move a substantive motion later. Okay, it suits me.

MR SPEAKER: Do you have a supplementary question, Mr Stefaniak.

MR STEFANIAK: Yes, Mr Speaker, in view of your ruling. It would be nice if the minister did answer the question. My supplementary question is: can the minister explain what will be different this time from previous government business enterprises, such as the land development at Harcourt Hill and Dunlop which ended up costing ACT taxpayers millions of dollars?

MR CORBELL: It is certainly instructive to look at the issues around Harcourt Hill. Harcourt Hill actually makes a profit for the territory.

Mr Humphries: It does now. We put in $20 million.

MR CORBELL: You cannot have it both ways; either it makes a profit or it costs money. The bottom line is that Harcourt Hill makes a profit for the territory.

Mr Humphries: The total position is a loss.

MR SPEAKER: Order! A moment ago you were complaining that the minister was not answering the question. Now that the minister is answering the question, you do not seem to want him to do so. Mr Corbell has the floor.

Mr Pratt: We want the right answer.

MR SPEAKER: I heard that interjection. Perhaps you would like to write the answers for the minister.

MR CORBELL: They would be wasting their time, Mr Speaker. The government's proposal for land development activity is a rigorous and robust one, as I have previously indicated in over three days of questioning in the Estimates Committee on this issue. It is interesting that the opposition have had over three days of questioning on this issue and a range of other issues in the Estimates Committee and they are yet to pinpoint a single problem with the government's financial model for land development. They are casting about desperately to find some problem with this model because, philosophically, they do not agree with that, but they cannot actually find out what is wrong with it.

The bottom line is that this government has provided detailed answers to all of the questions that they have asked in relation to government land development activity. The government has offered to provide detailed briefings on the basis of the financial model that underpins the government's decision in relation to land development activity. The government has accepted the recommendation of the Estimates Committee report that an independent assessment be done of the financial model on government land development because it is confident of the basis upon which it has made the financial decisions surrounding government land development.

The opposition are desperately casting around because philosophically they disagree with an approach which provides to this community a better return on the asset that it owns. This is the community's asset and it is entitled to get a return on this asset. The reality is that the Liberal Party are prepared to walk away from an additional $17 million

per year on government land development. That is their bottom line. I want to hear from the Liberal Party on how they will make up that $17 million per year gap which would result if they were ever to return to government and cancelled this program.

Harcourt Hill—remnant woodland

MS TUCKER: My question is to Mr Corbell. I did give notice of this question. Mr Corbell, you may recall that on 28 February 2001 this Assembly passed a motion calling on the government to:

> (1) initiate a variation to the Territory Plan to incorporate the remnant woodland in the southern part of the Harcourt Hill estate adjacent to the 13th hole of the golf course into the adjacent hills, ridges and buffer areas land use policy area of Percival Hill; and
>
> (2) until this Plan variation is finalised, not approve any development that encroaches on this remnant woodland.

This motion was put forward in response to plans by the Harcourt Hill developers to build a housing enclave in this woodland and was passed unanimously by the Assembly. This housing has not been built, but recently work has begun on building a boundary fence on the southern side of the golf course which goes right through the woodland rather than around the edge of the fairway, involving some clearing of vegetation in the path of the fence.

Minister, could you advise me how this fence was approved when that was inconsistent with the second point of the motion passed by the Assembly? Even if there was no formal development application, I assume that some part of your department was asked about the acceptability of this fence.

MR CORBELL: Mr Speaker, I am advised by Planning and Land Management that the variation to the Territory Plan as proposed in the motion of the last Assembly will be pursued following finalisation of the golf course boundaries at the edge of Percival Hill. This area is no longer in the holding lease and has been handed back to the territory. That is my understanding of the situation at this time. Ms Tucker has raised a number of other issues and I will endeavour to get back to her on those issues as soon as possible.

MS TUCKER: I have a supplementary question. Given that the rest of the Percival Hill woodland is zoned as open space but is not part of Canberra Nature Park, will you also consider incorporating this area into the nature park as part of the plan variation?

MR CORBELL: Mr Speaker, I will take that aspect of the question on notice and seek further advice. I will get an answer to Ms Tucker as soon as possible.

Business support and economic development

MR HARGREAVES: Mr Speaker, my question is to the Deputy Chief Minister and minister for business—the best minister for business, I might say, in seven years. Can the minister advise the house of the new government's approach to business support and economic development? I would like to know what changes there have been in this government's approach from that of the former government.

MR QUINLAN: Thank you, Mr Hargreaves, for an excellent question in light of some comments made on radio this morning by a former Chief Minister. I will try not to anticipate the budget debate, Mr Speaker, but I think it is important to say a few words in this place, given that we have a Liberal Party, an opposition, that has at last found financial rigour as a contribution to good governance. They have found terms of reference, they have found selection criteria and they have found precise timelines: the change has been miraculous. Of course, they are in opposition and it is important to know whence they came.

A former Chief Minister, Kate Carnell, said on radio this morning, amongst other things, "Look, the chequebook never worked, Chris. I have to say we didn't try terribly hard." I have to say, for the sake of the territory, thank God she did not try very hard, Mr Speaker, because we have seen some rather large licks over time. I just happen to have in front of me a bit of the history of the business incentive scheme from that time when they were not trying very hard.

Of course, we only looked over those that really needed it, like Ansett for $2.3 million worth and another $1.5 million for payroll tax. Telstra—struggling, certainly struggling in the bush—were given $1 million in cash or kind, plus payroll tax relief, $2.5 million. Quite clearly, they would not have come here otherwise! Do not forget Impulse, of course—$8 million; $2 million in payroll tax. With EDS we struck a deal for $35 million worth of payroll tax relief. But we were not trying! Olivetti, another little Aussie battler, got $90,000. And who can forget Capital Plastics, which took the money and ran? So we didn't try very hard!

Mr Hargreaves: Thank goodness for that.

MR QUINLAN: That is right. We were really into business. We were into business rigour and we saw business plans. I would love to see the business plan for CanDeliver as it would have been a ripper. I hope that it covered more than the V8 car race business plan and I hope that it had a bit more rigour in it than the business plan for the Bruce Stadium, now renamed the Canberra Stadium to protect the innocent.

We will not have to do a lot to improve on that, but we will still try to do a lot more than it would take just to beat that record when they weren't really trying. Let me repeat to this Assembly that this government has actually put up resources to support the centre of excellence. The previous government claimed to support it, signed papers well over a year ago—some time in January 2001—and brought down a budget in May 2001 with a zero allowance. They were going to do that.

Mr Speaker, we have also instituted a knowledge bank. Let me say that we have run our first seminars for access to the knowledge bank and there has been an enthusiastic response. Of course, in the operation of the knowledge bank, there are considerable hurdles to overcome before funding can be received, but it will assist in the growth of business in the ACT. We will institute this year a small business employment ready program, because we believe in growing our own businesses, our home businesses, not slinging money at the poor little multinationals that seem to have benefited over the years. Let me also assure the Assembly that we will continue to provide business

incentives. We will not be throwing cash around, but we will still attempt to introduce business and encourage business to come to the territory.

Mr Humphries: But not multinationals.

MR QUINLAN: We will seek to attract multinationals, but we will not be giving them cash, Mr Humphries. We will not be giving them cash in the large licks that you gave them.

Education funding

MR PRATT: My question is to the minister for education, Mr Corbell. I refer to a media release put out by the Chief Minister on 25 August 2002, last Sunday, entitled "Government to set own priorities". In the release, Mr Stanhope said, "Dozens of major education initiatives which we support could not be funded." Minister, why were you unable to provide funding for these initiatives which Mr Stanhope has said that the government supports when there is over $7 million in discretionary funding for education sitting in the budget which you have yet to allocate?

MR CORBELL: The reason for that, of course, is that the government treats very seriously the feedback it is receiving from the education sector in relation to priorities for future education funding. Mr Speaker, unlike the lot opposite, when we establish a consultation exercise, we are actually serious about listening to what is brought up in it. The government has established the Connors inquiry into education funding, which is a key inquiry and, in fact, an inquiry which is generating interest right round the country, as an approach to determining the best way of focusing education funding in both the government and the non-government sectors to meet need and to address equity in the systems.

Mr Speaker, that money is in the budget so that we fulfil in full our election commitment to dedicate an additional $27 million to the education budget, $27 million that you were prepared to try to shove into somebody's pocket as a bit of a bribe. Do you remember the free school bus bribe? We are going to put that into schools, into the school system, inside the school gate, to make a difference for children, teachers and their parents in schools, and that is what we are doing. Equally, we understand that there are a range of competing pressures and—

Mr Pratt: If there is $27 million inside the front gate, pigs will fly.

MR CORBELL: You asked the question, Mr Pratt. Are you going to let me answer it? We understand that there are these demands. That is why we have established the Connors inquiry. Once the Connors inquiry has reported, we will understand better the full range of need and how to address need in an equitable way, and that money will be allocated to address those issues.

MR PRATT: I have a supplementary question. Minister, what were the major education initiatives that Mr Stanhope spoke about which have missed out? What were they?

MR CORBELL: Mr Speaker, if Mr Pratt wants to hear what goes on in the cabinet room, he will have to work a bit harder.

Land sales

MRS DUNNE: My question is to the Minister for Planning, Mr Corbell, and relates to land speculation and measures aimed at blocking it. Minister, can you advise the Assembly what instructions have been given to PALM in regard to the minister's consent under section 180 of the land act on the sale of vacant blocks of land? Is it a fact, Minister, that PALM has been instructed that in cases where a person buys a block of land and then decides to sell it before having complied with the building covenants, ministerial consent for sale will be given only where the profit does not exceed $5,000, that is, the selling price is no more than $5,000 over the purchase price? Is it also the case, Minister, that PALM has been instructed that, where the profit exceeds $5,000, the additional money will be divided between the government and the owner, with three-quarters going to the government and one-quarter going to the owner?

MR CORBELL: Mr Speaker, I have had discussions in past months with officers of PALM relating to the issue of land speculation. This is a serious issue. Land in the territory, as members would be aware, is sold for a particular purpose and when it is sold, it is sold on the basis and with a reasonable expectation that the person purchasing the land will use it for the purpose for which it was sold.

There are circumstances in which people are unable, for one reason or another, to undertake that obligation. It may be because of some family or personal circumstances that result in them not being able to do so. Equally, PALM is aware and PALM has advised me that there is a level of land speculation activity occurring, whereby people purchase blocks with the fairly deliberate intention of never building on them but then on-selling and reaping the reward of the improved value, even it is undeveloped land. Mr Speaker, that is an issue of concern. I have agreed with PALM on a set of guidelines that will manage this process. I cannot recall the details of those guidelines at this moment. I undertake to get that information to Mrs Dunne, hopefully by the close of business today.

MRS DUNNE: I have a supplementary question. Minister, if that is the case, can you advise the Assembly what transpires when there is a loss on the sale? Will the government reimburse the owner for that loss; if not, why not?

MR CORBELL: I have taken the question on notice, Mr Speaker.

Fire safety upgrades

MS DUNDAS: My question is for the Treasurer. Considering that the multiunit property plan released by ACT Housing in June 2000 commented that fire safety upgrades at the Currong apartments were required, why was the expenditure from the Treasurer's Advance of $10 million on fire safety at the Currong apartments in the 2001-02 financial year viewed as unforeseen?

MR QUINLAN: If it was needed and it was not in the budget, there would be a rough chance that it was unforeseen at some stage, wouldn't there?

Ms Dundas: The report came out in June 2000.

MR QUINLAN: I do not know the rule for asking the former government questions at question time. That is probably an innovation that we could introduce. All I can say is that it was a problem that needed urgent attention. It was a problem that should have been attended to. It was a problem that should have been funded in the previous budget and it was not.

MS DUNDAS: I have a supplementary question. Treasurer, can you inform us what steps you will be taking in the future to ensure that expenditure under your term as Treasurer through the Treasurer's Advance is actually unforeseen?

MR QUINLAN: How all-seeing can we possibly be? The only answer to that question is that we will be doing our best. It is only a case of requiring all of our caucus and our cabinet to do their very best and, of course, the departments and the support structures that we have to do their very best to ensure that all service needs have been identified leading up to a budget process. I am sure that there will be events that will overtake us and that, regardless of how much deliberative work has been done before the event, the unforeseen will occur. All we can do is do our best in terms of analysing service needs and unmet service need leading up to the budget and at least make decisions on whether we can fit all of those things within the spending capacity of government. That is part of the budget process. As I said, the only answer to that is that we will be doing our best.

Canberra spatial plan

MS MacDONALD: My question is to the Minister for Planning, Mr Corbell. Can the minister update the Assembly on the government's next steps in developing that important land use and development strategy, the Canberra spatial plan?

MR CORBELL: I thank Ms MacDonald for the timely question on this subject, given the debate earlier in the Assembly today and the acknowledgment from the opposition of the importance of the strategic planning process that this government is undertaking.

Mrs Dunne: I take a point of order, Mr Speaker. The minister has acknowledged that the question relates to a debate that is currently adjourned to a later hour this day. I am just wondering whether discussion on the spatial plan anticipates debate on my order of the day No 4.

MR SPEAKER: I am sure that the minister will take that as a warning.

MR CORBELL: Mr Speaker, it certainly does not pre-empt debate. It is about an already announced government program and I am advising members of the detail of its implementation. Mr Speaker, the Canberra spatial plan is an important element of the Canberra plan, the government's strategy for the city, which has economic, social and spatial land use components.

Mr Speaker, it will be formulated through a community-based process which will be undertaken over this year and into next year. This plan is really the first serious attempt by any government to establish a strategic plan for the future of the city, to manage the growth and development of the city, since the NCDC released its metropolitan plan in the early 1980s. It was interesting, Mr Speaker, to hear reports of the comments of the

former Chief Minister, Mrs Carnell, at her preselection launch today on how she wanted to see a sustainable Canberra, how she wanted to see greater focus on how we manage development and redevelopment activity in the city and how she wanted to see better public transport provision in the city and what we needed to do to achieve that. I have to ask: what was she doing when she was Chief Minister? Has she had some time to reflect on it since then, Mr Speaker?

Unlike the former Chief Minister who repents at her leisure as she contemplates a seat on the red leather of the Senate, this government has done more in the past nine months to develop a strategic plan for our city than the previous government did in the past seven years. The OECD, in its report on renaissance Canberra, identified, amongst many things, the need to develop a strategy to guide the future development of our city. The government is strongly committed to the development of the Canberra spatial plan.

This plan really should achieve two very important things: first of all, it should be, in my view, a powerful statement of our aspirations for the city and, secondly, it should set out clearly how we should go about achieving those aspirations through land use planning and development. Next week there will be community debate and a forum on the development of the Canberra spatial plan. That will take place on 4 September.

Mrs Dunne: I rise to a point of order, Mr Speaker. The minister is not informing the Assembly of anything because all the members have invitations to the event next Wednesday.

MR SPEAKER: That is not a point of order.

MR CORBELL: I would have thought, given Mrs Dunne's enthusiasm for the strategic planning process, that she would have welcomed this advice. Mr Speaker, the forum will offer the community the opportunity to hear from national and international experts on the issues that need to be considered in the development of Canberra's physical environment in the next 25 to 30 years. It includes leading speakers from around Australia.

Mrs Dunne: Didn't you ever think about this in your seven years in opposition? What were you doing for seven years in opposition? Were you brain dead?

MR CORBELL: What were you doing for seven years in government, Mrs Dunne?

Mrs Dunne: I wasn't in government. I was a minor official. I was not the svengali you flatter me with being.

MR CORBELL: What were you doing in advising the Chief Minister? What were you doing in advising the planning minister? What were you doing in advising the environment minister, Mrs Dunne? What were you doing?

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

Bus services

MR CORBELL: Mr Speaker, on 27 August, Ms Tucker asked me a question about the provision by ACTION of bus services to the National Zoo and Aquarium next to Scrivener Dam. I am advised that ACTION has examined the feasibility of operating a route service along Lady Denman Drive past the National Zoo and Aquarium. There is, however, no route that could logically be diverted along Lady Denman Drive without impacting significantly on the travel time of patrons on existing services.

As acknowledged by Ms Tucker, the National Zoo and Aquarium is somewhat remote. That makes it difficult to accommodate it on a regular route service. I am sure that members will understand that travel time and frequency are important considerations in people's use of public transport. ACTION services have given and must continue to give priority to meeting the demand for regular route services from and between residential areas of Canberra and the town centres and major employment centres. However, where possible, ACTION has used regular route services to service major tourist destinations, such as the National Museum and Parliament House.

ACTION management have discussed with National Zoo and Aquarium staff the option of trialling tourist charter-oriented bus services on a cost share basis. This option has not been taken up by the National Zoo and Aquarium. Members may be interested to know that a number of years ago ACTION provided a service to Telstra Tower and the Botanic Gardens. This service was also withdrawn due to poor patronage and the need to devote these resources to regular route services elsewhere in Canberra.

Land use

MR CORBELL: Mr Speaker, during question time last Thursday, Ms Dundas asked me whether I planned to incorporate block 4 section 4 Bruce, which is part of the Bruce Ridge and Gossan Hill bushland and is currently managed as part of the Canberra Nature Park, within Canberra's formal open space network. For the information of members, I thought it would be useful to outline in *Hansard* what I have subsequently discussed with Ms Dundas.

The land use policy for block 4 section 4 Bruce is a community facility land use policy. The land is presently subject to consideration for development as older persons accommodation. No decision has yet been made on the application. An application from Calvary Hospital, which is part of the Little Company of Mary, has been lodged for the direct sale of blocks 1 and 4 section 4 Bruce and this is being considered.

Members may recall that the Committee on Planning and Urban Services of the last Assembly looked into the use of this land. It recommended that consideration be given to its use for older persons accommodation, with appropriate preservation of the environmental significance of the northern end of block 4. The Little Company of Mary appeared before the committee in April last year in relation to this inquiry.

A range of studies is now under way to determine the suitability of the land for the proposed use. This includes consideration of the trees that are on the site. The local community will continue to be consulted about the proposed use of the land. The South Bruce Residents Association has provided comments on the planning studies brief.

Mr Speaker, the number of older people in Canberra is increasing and it is important to provide a range of housing types that meet their needs. This site in Bruce represents an opportunity to increase the amount of accommodation in the high care end of the market. The proximity of the site to Calvary Hospital also provides an opportunity to maximise the linkages and benefits for both facilities.

Paper

Mr Corbell presented the following paper:

> Petition which does not conform with the standing orders—Ms Tucker—East O'Malley proposed land auction (222 citizens).

Self-determination—right of ACT community
Discussion of matter of public importance

MR SPEAKER: I have received a letter from Mr Hargreaves proposing that a matter of public importance be submitted to the Assembly, namely:

> The need for the Commonwealth government to recognise the rights of the ACT community to self-determination.

MR HARGREAVES (3.19): There have recently been some conversations through the media about the roles of the Assembly and the federal government, with regard to our autonomy and sovereignty within the Australian Capital Territory. Thus, I have been moved to make comment in this Assembly. The reason I do so is because I want to hear what members of the Assembly have to say about the sovereignty of the ACT.

Mr Speaker, the ACT has the right to look after its own affairs, without Commonwealth intervention—we have a right to self-determination. What is the point of self-government if there are going to be unreasonable limitations on it? The federal minister for territories is hell-bent on denying ACT citizens the right to self-determination—enjoyed by every other jurisdiction in the country. Even the Northern Territory, with a significantly smaller population than that of the ACT, has a right to determine its own affairs, albeit with the power of veto retained by the federal government. Indeed, there have been mutterings over the past decade about possible statehood for that territory. With a population near double that of the Northern Territory, not only are we not even under consideration for statehood—possibly quite correctly—we are finding that the interventions of the Commonwealth government are making this territory even more of a second-class citizen than the Northern Territory.

The statement by the minister for territories that "a territory is a territory, is a territory" shows his disregard for the people who live and work here. In his mind, we are second-class citizens who do not have the same rights as the people who live in states. Mr Tuckey's arrogant uttering that "a territory is created by an act of the federal parliament and as such is subject to the views of the federal parliament"—and here is the rub"—"and that's it" shows an appalling attitude to the people of the ACT.

His suggestion "I have a legislative responsibility and the people of Canberra agreed to it at the time it was created" is absolute rubbish. Who in Canberra voted for Wilson Tuckey? We have a democratically elected parliament, we do not need the self-appointed governor Tuckey barging in, uninvited, to run our affairs.

Mr Speaker, some examples of undue Commonwealth interference in the affairs of the ACT include the obstruction of the Gungahlin Drive extension, the ad hoc sales of Commonwealth land, the intransigence of the National Capital Authority on the V8 supercar race, and the minister's contempt of Assembly processes regarding a possible expansion of the number of members of the Assembly.

Let us have a look at each of these, taking Gungahlin Drive as the first example. Labor went to the territory election last year with an unambiguous position on the Gungahlin Drive extension. We were going to build the road on the western alignment past the Australian Institute of Sport, whereas the local Liberals campaigned strongly for the eastern route.

The Liberals lost the election and lost it decisively. Yet the Commonwealth—through ministers Tuckey and Kemp, the Institute of Sport and the Sports Commission—are doing everything they can to prevent Labor from meeting its commitment.

Again I ask: how many Canberrans voted for Wilson Tuckey, Rod Kemp, the National Capital Authority, the Institute of Sport or the Sports Commission? The answer is, none. What right do these people have to block the construction of the road Gungahlin residents desperately need?

Mr Speaker, a second example of the Commonwealth's disregard for the rights of ACT residents lies in the area of land sales. It is no secret that the Commonwealth intended to sell off some land in Tuggeranong which was in excess of its needs. They wanted some quick cash to prop up their budget.

Did they consult with the ACT government over this land sale? No. Did they pay any heed to the territory's responsibility for land use planning? No. Did they pay any heed to the impact such a sale might have on our land release strategy? No. Did they pay any heed to the agreement we had under which the Commonwealth would at least offer us any surplus land they had identified? Again, no.

My next example relates to the V8 supercar race. Members would be aware that the government had taken the decision to abandon the contract for the V8 supercar race because the event was costing us more than it was worth. However, one change to its management which might have made it a better financial proposition was the date on which it was held. Even the race organisers felt that a date away from the middle of winter might have helped to boost crowds.

Out of left field, we find that the decision over the date of the race lies not with the race organisers or the ACT government, but with the National Capital Authority—a body which, for no apparent reason, ruled out any prospect of change. Apparently minister Tuckey thought we had acted hastily to cancel the contract, but it was his NCA that forced the issue.

On the size of the Assembly, it is clear that neither he nor his staff have read the report of the standing committee to the ACT Legislative Assembly. A minister in his position should not make stupid assumptions and comments until he has apprised himself of the facts. The Assembly is having the debate about the workings of ACT democracy. The federal minister has no role in that debate. His role comes at the end of the process, not the beginning.

In the interests of comparison, the ACT has 220,000 electors, currently represented by 17 members of the Legislative Assembly. This is a ratio of one member of parliament to 12,941 electors, to take care of municipal and state-level responsibilities. We have two federal members and two senators.

In Western Australia—the home of the minister—whilst there are 1,184,058 electors, there are 57 members of the Legislative Assembly and 34 members of the Legislative Council. There are 142 shire and city councils, with a rough average of nine members—totalling more than 1,278 councillors.

This creates a ratio of one politician to 865 electors. Further, Western Australia has 12 senators, and 15 members in the House of Representatives. Mr Tuckey talks about there being too many politicians in the ACT. A solution is to increase the numbers of their staff.

Sure, geography plays a big role in this argument. However, by no stretch of the imagination can he suggest that we are over-governed, when he enjoys a ratio of 1:865 and we have a ratio of 1:12,941. To me, there seems to be a thread of consistency in all of this. That is, members of the Liberal Party have not woken up to the fact that the ACT electorate has rejected them.

Their divine-right-to-rule attitude means they must subvert the democratic process and revert to the constitutional monarchy model. The Liberal Party, through the ACT president of the party and, I believe, in partnership with the parliamentary party, is pulling the strings of the self-appointed ACT governor—the minister for territories.

Imagine the scenario where the parliamentary Liberal Party passes its views to the party president, Gary Kent, who is also an adviser on local government matters to the minister for territories. The minister then utters decrees which are, coincidentally, in line with the ACT Liberal view, like their views on the Gungahlin Drive extension. Is this strange? We have heard the minister's utterings on the Gungahlin Drive extension.

Mr Speaker, earlier I posed the question, what is the point of the ACT having self-government if the Commonwealth is going to place unreasonable limitations on it? The issue before the Assembly today is crucial, if the Commonwealth continues its pattern of behaviour. We must assert our right to look after our own affairs. All parties in this place should indicate where they stand on this issue. Those opposite must recognise that they lost the election last year and not go running off to their federal colleagues, seeking to undermine the democratic processes in this place.

I would like to hear from individual members as to whether they are happy to have the democratic processes in this place subverted. We are all members of the Commonwealth Parliamentary Association and we are taking part in CPA discussions—around the

Westminster system, the democratic process and appropriate representation of people. We have been struggling to make this Assembly the mature parliament that I believe it has grown into.

Mr Humphries: This speech does not help it, John.

MR HARGREAVES: I hear from the Chief Minister that it does not help it.

Mr Pratt: Nice promotion!

MR HARGREAVES: I made the big mistake of thinking of Mr Humphries as the Chief Minister. I am happy to go outside and have the meat flailed off my back for such a stupid comment. I beg your pardon. I should have said "the senator". In fact, I should have said "the Leader of the Opposition", but I got confused between Mr Humphries and Mr Smyth, for a moment.

Mr Speaker, if one can detect a certain degree of anger in my demeanour at the moment, it is real. I feel deeply offended by the interference of the minister for territories—by his approach in trying to flick the blame for actions to do with the Aboriginal tent embassy. I am afraid I find grossly insulting his utterings that he will have the final say, and that he will be the paternalistic father who will look after the interests of us all—or words to that effect. I would like to find out from those opposite, who do have an influence with this minister, whether or not they support his views and whether they support our merely being an advisory body to the minister for territories. I certainly do not support that view.

In conclusion, I fear that might not be possible. I fear that the observation of the minister for territories by the shadow minister for territories, Gavan O'Connor—that Wilson Tuckey is a political thug who has demonstrated again and again throughout his long political career that he is not interested in reasoned debate, due process or considered decision-making—rings true. It rings true for me.

Mr Speaker, we can have from those opposite only two things. They can rise up and, in different words, express support for the self-determination of the people of the ACT, telling us exactly how they propose to use their influence to bring that about. Alternatively, they can get up and bash me for my criticisms of Mr Tuckey.

I do not mind if they want to get up and belt me for that. I am happy to cop it, as long as I hear, in the middle of it, that the self-determination for the people of the ACT is dear to their hearts. If you want to belt me, go for it! However, if you also stand up here and say that you are prepared to defend the self-determination of the people of the ACT, I will congratulate you for it. If you do not say that, the people of the ACT will be well aware that those opposite are quite content to sit in this chamber and pass legislation in the comfort of knowing that, if they use their lobbying skills enough, people are placed in the right jobs, and that, using the sway they have, they can thwart the legitimately elected government of the ACT.

MR HUMPHRIES (Leader of the Opposition) (3.33): Mr Speaker, in his opening remarks, Mr Hargreaves made reference to the need to develop the maturity of the ACT parliament and the need for the maturity of the parliament to be used to advance the interests of the community.

I do not think the speech Mr Hargreaves just delivered greatly enhanced the maturity of the parliament. In fact, the naivety it displayed probably took the maturity of this parliament back a few steps. It certainly would not advance the image of the parliament in the eyes of many in this community.

I hate to be legalistic about this, but let us introduce a note of realism into this debate. The ACT is not a sovereign jurisdiction. The ACT is certainly not in the position of a self-governing, autonomous nation. In respect of its legal position, it is not even in the position of being at the equivalent level of an Australian state. The ACT political system—the ACT polity—is the creation of a federal act of parliament. That is an act which—let us be frank—could, at the sweep of a pen by the federal parliament, be repealed. Self-government could be removed in this territory in a very short space of time, were the federal government or the federal parliament so minded.

When Mr Hargreaves talks about sovereignty, I ask, what sovereignty? We have a measure of self-determination—a measure of self-government. However, we must be aware of the fact that the federal parliament in its wisdom—and let us remember this was legislation of a federal Labor government, the Hawke government in 1988—gave the ACT only a limited measure of self-government. We do not have the powers enjoyed by other states. We do not have the power, for example, to classify material for the purposes of censorship, whereas other states do—because the federal parliament decided that we would not have that power. We do not have the power to determine rules relating to the regulation of companies—because the federal parliament decided we would not have that power. We do not have the power, at the present time, to regulate the size of the Legislative Assembly.

Mr Hargreaves: We should have.

MR HUMPHRIES: On all those points, Mr Hargreaves, I simply say to you that your party's government, federally, did not give us those powers.

Mr Hargreaves: And your party did not change it.

MR HUMPHRIES: That is right. Our party inherited those laws from the former Hawke Labor government, and it works within the framework of that legislation. Dislike it as we may, the position of Mr Tuckey, the federal minister, is that he has a legal responsibility to consider the appropriateness of changing the size of the Legislative Assembly.

I have a view about this which has been expressed clearly both in this place and in the media. Mr Hargreaves knows that view because he has discussed it with me—and I am aware of the Labor Party's view. My view is that the Legislative Assembly should be enlarged. However, I cannot assert, against the legal reality, that our decision is final on that subject. Perhaps it should be. Indeed, I would go so far as to say our decision probably should be final, but the fact of the matter is that it is not. We have to accept that fact and work within the framework we have inherited. As I say, it ill behoves the Labor Party to lecture us about why the limitations of self-government are being observed by the federal minister and the federal government, when it was their own government, federally, which put those limitations in place.

The other point I want to make in this debate is that sovereignty and self-determination are very sensitive topics within the ACT community. I suspect that, even today, a large number of members of this community—24 years after the last referendum on whether the ACT should have self-government—would protest strongly at the assertion of sovereignty made by Mr Hargreaves in today's debate. He would say that the ACT is not well served by being self-governing and should go back to the tutelage of a federal department and a federal minister.

Mr Hargreaves: You do not agree with that, do you?

MR HUMPHRIES: Of course I do not agree with that, Mr Hargreaves.

I also acknowledge the fact that we go out there with bells and drums and say, "Hey citizens, we are not getting power to do everything we want to do as a self-governing territory!" Many of those citizens—our electors—will say, "Just as bloody well! We do not want you to be entirely in control of the situation. We would prefer the federal minister to have some control over what goes on in this territory."

I am not saying I sympathise entirely with those points of view, yet I acknowledge that the public importance Mr Hargreaves attaches to the principle of self-determination is not of the same public importance many in this community would attach to that concept.

The third point is that we must acknowledge there are many areas where there are shared responsibilities. The Aboriginal tent embassy, which has been much debated in this place, is one such area. Members can rail against the views of the federal minister but, like it or not, the federal minister has a major say in what happens to the facility at that site.

I would respectfully suggest to others in this debate that, were the roles reversed, with a federal Labor minister in the position of Wilson Tuckey today, with an ACT government attempting to dislodge that facility from its present site, members would be very keen to see the minister's powers and prerogatives in respect of that site maintained, preserved and even used.

Let us not be even a little hypocritical in saying we disagree with the way in which certain powers might be exercised, or are imputed to be exercised, in such a case and say, therefore, that we are against the exercise of the powers altogether. The fact is that, in other circumstances, we would be very pleased to see those powers exercised.

Regarding this debate, there is one small procedural point which needs to be put on the record. For some time, it has been the convention in this place that we have not had matters of public importance moved by government members on private members sitting days. If you look back, you will find that it has been quite a long time since a government member raised an MPI on a private members day. We would not do that, because of a longstanding convention. I will ask Mr Hargreaves to consider whether it would be more appropriate to do this on a government business day than on a non-government business day. I make that point in passing—there is no point of order in that.

My final point about the subject matter of this debate is that Mr Hargreaves has raised the question of Gungahlin Drive. He has described the role of the federal minister in this matter as "subverting the constitutional process".

Mr Hargreaves: I did not say "constitutional"—I did not use the word.

MR HUMPHRIES: I wrote it down as you spoke it, Mr Hargreaves.

Mr Hargreaves: Then you must have misheard, I did not use the word constitutional.

MR HUMPHRIES: The exact words were "subvert the constitutional process".

Mr Hargreaves: The democratic process.

MR HUMPHRIES: I will check the *Hansard*. If I am wrong, I will be happy to come to this place and apologise to you—but that is what I heard.

Mr Hargreaves: No. The democratic process.

MR HUMPHRIES: Okay, let us use the words that you are using here now—"subvert the democratic process". You say that, for the minister to step in and try to overrule the ACT government on the question of the route for the Gungahlin Drive extension is to subvert the democratic process. You could be right about that. I also happen to think this is essentially an ACT decision, and that the federal minister probably should not intervene in the matter.

I want to point out the fact that, three years ago, the situation was almost reversed, when there was a local Liberal government pushing for an eastern route for the road, and they had a fairly clear mandate from the ACT community to push for an eastern route. We went to the 1998 election promising the eastern route and were overwhelmingly endorsed by the ACT community. At the time, we had a larger margin over the Labor Party than the present government enjoys over the Liberal Party.

Mr Corbell: No, you did not.

MR HUMPHRIES: If you check the figures, Mr Corbell, I think you will find that we did.

Mr Corbell: No. You did not go to the election with any policy on the road.

MR HUMPHRIES: I am afraid we did.

Mr Corbell: No, you did not.

MR HUMPHRIES: I am afraid we did. We went to the election saying very clearly that we preferred the eastern route—and we got that through.

Mr Corbell: And you said you had no proposal to build it.

MR HUMPHRIES: Maybe so, but we still said—

Mr Corbell: That is right, you were not talking about building it.

MR HUMPHRIES: We said that, when we did build it, we were going to build it on the eastern route.

Mr Speaker, that was the situation three years ago. At the time, the federal Labor senator for the ACT, Kate Lundy, made it perfectly clear that the Labor Party would consider moving in the Senate to block that proposal. You may have forgotten that, Mr Hargreaves. I do not know if Senator Lundy promised it would happen, but she certainly gave a clear indication that this issue would be raised in the Senate. She indicated her view as being that the Senate should not approve the eastern route.

I fail to see the difference between the federal minister threatening to use the numbers in the federal parliament—in the House of Representatives in this case—to block the western route, and Senator Lundy using her numbers in the Senate, the upper house, to block the eastern route. I see no difference whatsoever. So let us not be too precious about subverting the democratic process. If it is good enough for Senator Lundy, it is good enough for Mr Tuckey.

Mr Speaker, as I said, the ACT does not have full self-government—full self-determination. It has a limited measure of that. As much as I would like to see this Assembly as the master of all it surveys, I am not sure I subscribe to the view that we should wind back all the limitations on ACT self-government at this time.

Firstly, I am certain that would not be supported by a majority of citizens of the territory. Secondly, I am not sure it is wise in matters impacting on the integrity and operation of the federal parliament and the federal government.

MS TUCKER (3.45): I agree with a number of points Mr Humphries has made in his presentation. Under the self-government act—which, as Mr Humphries pointed out, is basically at the whim of the Commonwealth government—matters are excluded from our power to make laws.

Those matters include the fact that we have no power to make laws about the acquisition of property, otherwise than on just terms; provision by the Australian Federal Police of police services; raising or maintaining of any naval, military or airforce; coining of money; classification of materials for the purpose of censorship; matters which are the subject of laws, and enforced in the territory, relating to companies; closed corporations, foreign companies; acquisition of shares in bodies corporate, and regulation of the securities industry. In addition, the Assembly has no power to make laws permitting or having the effect of permitting—whether subject to conditions or not—the form of intentional killing of another called euthanasia. There are other powers listed in schedule 4, which I will not read out now.

The point of this discussion, as I understand it from Mr Hargreaves, is that he feels this situation is inappropriate. I guess what he is saying is that we need to have exactly the same powers as states. In principle, apart from planning matters, I do not disagree with that. I do not see why we do not have the same powers as a state to determine the welfare of our community. When we ask why this is so, and we remember that the federal

government was able to impose its will on the people of the ACT with regard to euthanasia, that does not seem particularly just, and there is no real rationale for it.

The rationale which sees us with a different capacity when it comes to making laws would have to be because we are situated in the national capital. That is, there is a tension between the role of Canberra as the national capital and as a place where people live. I see that that is really relevant only in the area of planning. I understand there is a rationale there. I would not necessarily support the notion that the identity of Canberra as the national capital should somehow be totally removed from planning decisions.

The fact that we are the national capital brings extra costs on us, in a number of ways. Thanks to the lobbying of governments of the ACT over the years, that is acknowledged by the Commonwealth government in the form of Commonwealth grants. Hopefully that will continue, because I believe there are some real issues there.

I do not think the federal government has done a fantastic job, more recently, in recognising the importance of Canberra as the national capital. The fact that they were happy to go along with the V8 supercar race around the parliamentary triangle was an ill-advised decision. The federal government has a responsibility to take these sorts of decisions seriously and recognise that they must have a different agenda from that of the ACT government in respect of planning. So whilst I do not think they have done a fantastic job in that way, more recently, I think they do have a role to play.

I agree with Mr Hargreaves when he says that, in other areas—such as those I have mentioned—the ACT should have the same rights as states. Also, as Mr Humphries said, we can have this discussion now, but it is a little academic because we cannot do anything about it.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (3.50): Mr Hargreaves has raised an important issue in the MPI this afternoon. He has raised it in the context of a number of debates around the role of the territory and Commonwealth governments, particularly as they relate to planning issues in the territory—but not planning issues exclusively. From the government's perspective, there are a number of issues which the government believes can be better managed by a greater level of dialogue and cooperation between the Commonwealth and the ACT.

In relation to planning and land management issues, it is the government's very serious concern that the Commonwealth continues to release and sell its land holdings in the territory, without any real appreciation of the impact that has on the territory's planning and land management process and its own land release program. The Commonwealth has, in the past six to nine months, released a number of very significant sites—undeveloped land—in the territory. Those sites have been released in a way which has had an impact on the territory's own land release program. I believe it is important that, as a territory, we seek greater levels of cooperation between the Commonwealth and the territory, at least on the coordination of these issues.

There may be a fundamental disagreement about whether or not the Commonwealth should be allowed to sell land which was reserved for its purposes but is no longer needed. However, at the very least, we should ensure that the Commonwealth's activities do not conflict with the territory's activities, and that it is done in a coordinated manner. That is not what we have at the moment. However, it is not for lack of appreciation by some quarters in the Commonwealth. The Department of Transport and Regional Services, which has responsibility for territories, and the minister responsible for territories, Mr Tuckey, have acknowledged the need for Commonwealth land releases in the territory to occur in a coordinated way—in a way that fits within the territory's own planning and land management process and its land release program.

At a meeting I had with Mr Tuckey some months ago, the one point on which we were able to agree was that the Commonwealth should coordinate its land releases to fit in with the land releases of the territory. He has provided support to the territory government on that point. Unfortunately, other parts of the Commonwealth administration—in particular, the Department of Finance—take a contrary view. I think that, as a territory, we need a greater level of ownership from all agencies in the Commonwealth towards the appropriate management of land release and strategic planning in the territory.

It is a great irony, Mr Speaker, that it is the territory government which has taken the lead on strategic planning for the future of our city, when the role of the Commonwealth agency—the National Capital Authority—should be more significant than it has been to date. I will continue to encourage and work with the National Capital Authority to try to get them to play a stronger role in the strategic planning processes undertaken to date. As Ms Tucker says, the Commonwealth has not always been the best advocate on the national capital functions in the territory.

Changes were made to the National Capital Authority some time ago, in that it was no longer seen as a planning agency but became a national capital authority rather than a national capital planning authority. Whilst its title may be symbolic, those changes nevertheless underpin a shift in the Commonwealth's thinking on its role in Canberra, and its responsibility in furthering the good planning administration and development of the national capital—as well as the national capital being a place in which over 300,000 citizens live.

Mr Hargreaves has also raised the issue around the size of the Assembly. The Pettit Review of the Governance of the Australian Capital Territory made a recommendation that the Assembly should have the right to determine its size and its workings, rather than there being some reference back to the Commonwealth minister and the Commonwealth parliament.

Yes, it is true that we are a creature of the Commonwealth parliament. Yes, it is true that we are not sovereign in the same way that states are. Nevertheless, I fail to see why the Commonwealth parliament should have to give its approval to determine the size of this place.

Mr Speaker, this is not a matter in any way affecting the Commonwealth parliament, or the Commonwealth's interest. If the Commonwealth is unhappy with self-government, as Mr Humphries has said, it can seek to repeal the legislation and take self-government

away from the territory. However, if it is the territory that has to pay the cost of additional members in this place—if it is the Assembly which must accept responsibility for how this place works and how members relate and interact, and what is the critical mass to make that happen—then surely the Commonwealth should not be the final arbiter of those decisions. They are rightly decisions of this place and the people who elect us to this place. In that regard, I believe there is a need for the Commonwealth to accept that there is a greater level of self-determination available to citizens, and to this city, than that provided for currently.

Mr Hargreaves has raised an important matter for debate today. The challenge is for the territory to continue to engage with the Commonwealth on planning and land development issues. We will seek to do that at every opportunity, but we need also the engagement of all parts of the Commonwealth, if we are to achieve successful outcomes on the integration of planning and land development matters here in the ACT.

MR PRATT (3.57): Mr Speaker, we support self-determination—and we defend it to the death.

MR SPEAKER: I trust we never have to be tested on that score!

MR PRATT: Absolutely. I would hate to see us turning out in khaki—it would be a terrible sight!

Whilst we support an expansion of the Assembly, I rise to respond and speak against Mr Hargreaves' MPI. His criticism of the role of the federal authorities in the good governance of the ACT is unfounded. This is the capital territory, established to safeguard and run the nation's capital. It is axiomatic, therefore, that some functions in this place will always remain the authority of the federal government.

The ACT Labor government needs to come to grips with that reality. We territorians are in a good position in respect of self-government. A significant majority of activities in the ACT are delegated in entirety to the ACT authority. There is a significant array of federal assets in the territory, and it was always envisaged by the founding fathers of this country that the management of those assets would remain in the hands of the federal authorities. Even so, a considerable amount of delegation in the day-to-day running of the management or shared management of those assets has, through osmosis, eventually passed down to the ACT government.

Mr Speaker, to argue that the ACT government needs increased powers of delegation to determine outcomes affecting the administration of national assets is a nonsense. It smacks of raw politics—of a territorial Labor government simply wanting to have a crack at the federal government. I cite two examples—Labor's meddling and political opportunism—which characterise this.

For the first example, I will make a quick comment about the tent embassy saga. I do not intend to debate the rights or wrongs of the presence of the Aboriginal tent embassy. That is another subject. However, the important issue here, in this debate, is that the ACT government has demonstrated weaknesses and indiscretions, which I now outline.

To begin with, there has been a failure of responsibility and leadership in not wishing to join with the federal authorities in sorting out this long-running saga. Next is the exploitation of the tent embassy situation in order to pick an undignified blue with the feds. Is this territorial government maturity? Does this advance our cause for further delegation of powers?

The second example, which I now give, is far more important to me in my capacity as shadow sports minister. Here the government has shown a more serious example of reckless administration—one which has invited the tough federal response of a threat by the feds to take action, due to poor and lazy planning. That is the threat to lose the Australian Institute of Sport, because of the government's foolish plan to drive the Gungahlin Drive extension down the western precinct of the AIS.

Mr Speaker, this nation and, I suspect, many Canberrans, will not blame the federal authorities if they do relocate the AIS—heaven forbid!—because of concern that it is likely to be severely affected by new territorial works. Is it any wonder that the federal authorities have been critical? Is this criticism an attack on our self-determination? I think not. You cannot have a both-ways government. You cannot bleat for greater autonomies if you demonstrate little respect for federal and national assets and icons, such as the AIS.

The AIS is a world-class premier sporting institute. It has played a significant role in the success of this country's sporting teams, especially in the past decade. It is integral to the sporting and sport science capability developments of this country and this territory—yet the government does not seem to give a toss. This reckless attitude does little to advance the self-determination of the ACT.

MS DUNDAS (4.02): Mr Hargreaves has spoken eloquently today about the right of the ACT community to self-determination. Whilst I agree, largely, with his comments, I believe we should think very carefully before declaring that the federal government has no role to play in the ACT.

I am as annoyed as any ACT government member about the interference of the federal government in the decision about the route for the Gungahlin Drive extension. If the will of the local community on the number of members and electorates is clear, then I do not think the federal government should block proposed changes to the ACT Legislative Assembly.

That does not necessarily mean there will never be a role for the federal government to play in our local affairs, because our current multi-member electoral system makes it unlikely that any party will gain a majority in this house. Majority government seems to be what the ALP wants to achieve, through its proposed changes to this Assembly.

Let us consider what would happen if this occurred. Do you remember Joh Bjelke-Petersen's Queensland in the 1970s, or Jeff Kennett's Victoria in the 1990s? I can tell you now—I do not want to go there. The adage "absolute power corrupts absolutely" is as true now as it ever was. It is clear that any government which can legislate unchecked by a crossbench or upper house can sweep away civil liberties and crucial services which have taken decades to establish.

I do not have sufficient trust in the inherent goodness of any political party that I would be prepared to hand all political power over to them. When the federal government chooses to intervene, the issue is generally a divisive one, where the two sides are fairly evenly matched. It seems to me that the states rights line is advanced only by the side which does not want the federal government to intervene.

Let us compare what happened in Tasmania, regarding the Franklin Dam, with what happened in the Northern Territory with euthanasia. It would not surprise me if many of the same people who cried, "states rights!" on euthanasia were cheering the federal government's decision to protect a world heritage area by trampling on those same states rights. I think most of us have too much trouble looking beyond the specifics of each divisive issue to focus on the process at hand.

Canberra is Australia's capital. This is the Australian Capital Territory. As a result, we will always have a very special relationship with the federal government. For the most part, I believe Canberrans would agree that there are benefits from our relationship with the federal government. Whilst there are issues to be resolved, and maybe more self-determination is warranted, let us not set up a situation of a quasi-dictatorship, no matter how benevolent that might be.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.05): Mr Speaker, I did not intend to join this debate, but I want to pick up a couple of points made by Mr Pratt in his eternally inconsistent dissertation earlier. On one hand, he was saying that the forefathers meant Canberra to be run this way, but he then immediately castigated the ACT for some weakness in relation to the Aboriginal tent embassy.

The Aboriginal tent embassy is located opposite old Parliament House for a purpose. It is a formal protest aimed at the federal government and federal Australia—in fact, it is aimed at all of Australia. If anything is to change at the tent embassy, then it has to be at the instigation of the federal government or the National Capital Authority.

Mr Pratt: I have no argument with that.

MR QUINLAN: Then, I think your comments about lack of leadership on the part of the ACT are totally misplaced, Mr Pratt.

Mr Pratt: Meddling, Mr Quinlan. The government was playing a meddling role, in not allowing the federal authorities to sort that saga out.

MR QUINLAN: Not allowing the federal authorities to sort it out—I did not know we had that much clout!

Mr Pratt: Not joining with the federal authorities to offer a positive initiative.

MR QUINLAN: You will have to give me a little detail as to from where we derive that clout. We would like to apply that to, say, land sales—referred to by Mr Hargreaves—where, at the onset of self-government, somebody coloured in some little sections of the map and said, "The Commonwealth might need these—we will have them."

Mr Smyth: That was the Labor government at the time. Tom Uren did it, but did not then hand the blocks over. They kept them.

MR QUINLAN: They said, "We will have those, because they might be needed by the Commonwealth." Now that they are not needed by the Commonwealth, they are bleeding-well selling them! This is our land—this is land which belongs to the territory.

The only matter I wished to point out was the totally inconsistent debate put forward by Mr Pratt—and not for the first time. I believe you ought to consider, deeply, the processes relating to the Aboriginal tent embassy. If there is any strength to be shown, it should be shown on the part of the federal government. I would have thought the greatest strength would have been a capacity to sit down to negotiate and conciliate.

MR SPEAKER: Discussion on the matter of public importance has concluded.

Territory Plan—draft variation 200
Proposed withdrawal

Debate resumed.

MR SMYTH (4.08): Mr Speaker, I rise to speak on this motion for a number of reasons. First, the minister said this morning that DV200 will guide the spatial plan. I would have thought that you should do the spatial plan first and that it would then guide the detail. DV200 goes to the detail of what future development will and will not be allowed across the territory. If the decisions have already been made and the detail is already there in DV200, then why are we going through the farce of developing a spatial plan?

The government's approach to development has been somewhat ad hoc. We went to the election with the 5 per cent rule. We saw draft variation 196. When the stupidity of that approach was shown, that was dropped and suddenly we went to DV200. The most disturbing element of draft variation 200 is the elitist element in it. It will halve suburbs and set part against part, with them and us and those with rights and those without rights.

How is that being determined? It is being determined by the 200-metre rule. When you ask how the 200-metre rule was determined and came into effect, it seems that it was almost magical in that somebody cast a spell and suddenly there it was, the perfect figure.

Mr Corbell: Good planning principles.

MR SMYTH: "Good planning principles," the minister says. Two hundred metres is a good planning principle. That is really interesting. I asked for the maps that he made that determination upon, and initially they could not be given to me, because they did not exist. They did a map for Yarralumla which appeared in an newspaper advertisement. I think they did one for Weetangera also. It strikes me that they picked suburbs they knew would match their ideal.

All the maps that were provided are out in the lobby if people want to look at them. On the Yarralumla map a red circle delineates 200 metres around the shops. The argument is that any section affected by that is open to development.

There are huge discrepancies across suburbs. In Red Hill the 200-metre rule cuts a swathe through the middle of the suburb. An area about 1.35 kilometres long will be open to development. How do you say this is an organised approach is beyond me.

The maps arrived several weeks after I asked for them. Initially they were not ready. The work had not been done. They had been making this up. They had not even finished the software. The maps were incomplete. Some were coloured in; some were not. Look at Strzelecki and Bayley Streets in Griffith. Everything but section 53, which has 10 blocks in it, is surrounded by dual occupancy development. How do you justify that on the good planning principle?

All across the city there are little islands where development will not be allowed to go ahead, but around them development will be allowed to go ahead because of the 200-metre rule. Gilbert Street in Watson comes to mind. Because of the sectioning arrangements in Watson, Gilbert is a loop street. Everything on the outer side of Gilbert Street will be open to dual occupancy; everything on the inner side will not be.

A swathe cuts through the middle of Campbell. What is this based on? It is based on something somebody thought up. There is no logic in this. You can see it in the way it is portrayed on the maps.

Mr Corbell is very keen to talk about sustainability. We know from OECD reports that sustainability will come from greater density. How does the 200-metre rule achieve greater density? It does it in an ad hoc way. You should be doing is looking at whether the streets can bear the extra load. Should the greater density be on the blocks at the end of streets, the large corner blocks? Are there better ways? Should it go on prominent features? I doubt it. Should it go in the lower areas where it is less intrusive on the general visage of the suburb? There are a number of ways you can look at this. It is clear the minister has not done that.

The number of people per household in the ACT in 1969 was 3.9. The number now is between 2.3 and 2.6. I have seen varying figures. The figure is on its way down. That means we need double the number of houses we had in 1969 to accommodate the same population because the suburbs are emptying. If you have gone from 3.9 down to 2.6, you have cut a third of the population out of the suburbs. That is a third less to use primary schools, to support small business, to put their kids in scout troops and girl guide troops, and so on.

This draft variation does not address that. It will lead to urban sprawl. It will push people further and further out from the centre of the city, when we know from the OECD that successful cities have a heart. That heart for us is Civic.

There are other issues Mr Corbell has not addressed. They include the pre-1971 leases. I remember Mrs Dunne asking a question about a case that went to the AAT and was lost. Pre-1971 leases have the right to development for residential purposes—plural. In a case taken to the AAT that was upheld. There is a huge number of pre-1971 leases.

All of North and South Canberra, Woden, the early parts of Belconnen and possibly even parts of Weston have leases with a clause that allows residential purposes.

When Mrs Dunne asked her question of the minister, he said he would check and get back to us. But I am not sure that we have heard whether or not that is true. Perhaps he would like to enlighten us—he might like to seek leave to tell us—on whether or not he can legislate away a property right. I would be very surprised if he could. I would very surprised if draft variation 200 has the ability to take away a right from a citizen.

As we heard from the minister, draft variation 200 will guide the spatial plan. We think it should be the reverse. This comes into effect on 1 September. As of 1 September this is what the planners will look to when determining whether or not an application can go ahead. In effect, this becomes the law some time next week. This is what they will be guided by.

The community needs more time to discuss this. This is a very large change from what we currently have. But the right to discuss it will be denied for a period after 1 September. This is a government that always talks about consultation and listening to the community. The community I have consulted with told me they want more time to understand this. This should be withdrawn, because it will come into interim effect on Sunday. This is what people will have their applications judged against. A whole lot more about what we do in the city needs to be discussed before we start using this as the guide.

The motion moved by Mrs Dunne asks for DVP200 to be withdrawn. It asks for further consultation and discussion on its implications. We saw emerge only this week the prospect of a city near Burra. Other shires are doing work around the ACT. I believe this plan will lead to urban sprawl. This urban sprawl will fill the available land space in the ACT much more quickly, without any regard to making Canberra a sustainable city.

If the government is genuine about the spatial plan, if it is not some sort of charade, if they are genuine and are consulting people about what they think the city should look like and what their city should be, it cannot go ahead with DV200 and say, "No matter what you think, DV200 is the way it is going to happen." On Sunday it comes into interim effect and becomes the tool by which development will be judged. There are some fundamental questions about the size and nature of Canberra. The spatial plan may give the opportunity to discuss them and determine how they work.

Another issue is whether or not we do go over the border to the north to Gooromon-jeir, the next town centre as planned in the 1960s. If we do not go over the border, how will we be able to grow inside the confines of the city? We cannot go to the Jerrabomberra Valley, for environmental reasons. I do not believe we will ever cross the Murrumbidgee, and I do not think we should. The people of Canberra value that part of the ACT beyond the Murrumbidgee as it is, not as residential.

Gungahlin has room for approximately another 100,000 people. *(Extension of time granted.)* A limiting sum is being put on the equation that is population growth. Several of us attended a function at University House before the election where, with RAPI, we discussed population. The spatial plan may well be the opportunity to further that debate. How big can Canberra be? How large will it grow? How will it be sustainable? But if

you pre-empt it by draft variation 200, you are condemning the debate to urban sprawl as the answer.

If we do that, then Canberra will not be sustainable into the future. That starts on Sunday, 1 September. That is why the draft variation should be withdrawn. That is why further consultation should take place. In Red Hill you have the haves and the have-nots across 1.4 kilometres. It is the same in Deakin, Campbell and many other suburbs. Kingston is reduced to three small sections where no development will be allowed. Is that right? Is that wrong?

We need to have a far more informed debate. Many groups are still getting their submissions together. This should not go forward as is, because 1 September will change the nature of the capital for all time. It may be the appropriate thing to do, but I do not believe we need to do it just yet. For that reason and for the others I have given, it is time for the government to withdraw draft variation 200 to allow further consultation and discussion on its implications.

MS TUCKER (4.20): On one level I agree with Mrs Dunne that it is very unclear how all the different strategies and plans being developed by the government will be integrated. There seem to be some deficiencies in communication across the various groups working on the different strategies. The public is equally confused.

In an ideal world it would be good to stop everything and work out the overall strategy for where the city is heading and then put together detailed implementation plans consistent with the strategy. Unfortunately, we cannot stop everything. We have to either continue with the status quo or put in place some interim measures.

In this context, you have to think about what would happen if DVP200 was withdrawn. It would mean that we would go back to the existing provisions in the Territory Plan. These are the policies that allowed free-for-all redevelopment in residential areas, which so worried residents and was an important factor in the change of government. The motion therefore seems to be an attempt by the Liberals to return the ACT to the planning policies that applied when they were in government. I would not support that.

It must be pointed out that this a draft variation. The point of putting out a draft is to draw out community opinion before finalising the variation. This process is already working, as I have already received a number of comments from constituents from both directions that DVP200 is too restrictive or that it allows too much redevelopment. This is a healthy and necessary debate, as the planning of our city is of great interest to residents and we do not want to get it wrong. To withdraw the variation now will leave this process in limbo, as well as providing more uncertainty to the public and developers about what redevelopment will be allowed in the future.

Mrs Dunne, as chair of the Planning and Environment Committee, which has the statutory function of reviewing draft variations, can give this variation a priority for inquiry and facilitate the further discussion and consultation she desires.

The key aspect of draft variations is that they have interim effect until the final variation is worked out. Mrs Dunne's motion asks the Assembly to assess whether the interim effect of DVP200 is acceptable. In relation to plan variations, I adopt the precautionary

approach that development should be restricted until it has been shown to have a net public benefit. If you allow something to be demolished, it is gone forever. If you allow something to be built, it will be around for decades.

Mr Corbell mentioned that there was a debate in the last Assembly about whether a draft variation which introduced a new urban housing code, ACTCode 2, should be withdrawn. In that case, I supported the withdrawal, as I regarded the variation as allowing a more intense level of redevelopment than previously applied. Even the previous level was of great concern to those residents who were affected.

This time around we are being asked to withdraw a variation that goes the other way and restricts redevelopment in a significant portion of Canberra's suburbs, a variation which was prepared as a response to the ad hoc redevelopment that occurred under the Liberal government. In line with the precautionary approach, I would prefer that such development be restricted until the final policy is in place. Therefore, in this case I cannot support the withdrawal of this plan variation.

I should point out, though, that this does not mean that I totally support this plan variation. I see it much more as an interim step until the development of the spatial plan and the various neighbourhood plans is much more advanced and there is a clearer view of what residential redevelopment is acceptable.

One specific concern that has been raised with me is that the current 5 per cent restriction on dual occupancies will stop when the interim effect of draft variation 192 runs out on 5 December this year. This means that those areas close to shops defined as general areas in DVP200 will be opened up again for dual occupancy development. Perhaps the minister would consider keeping this restriction in place until DVP200 or the neighbourhood plans for particular suburbs are finalised.

Overall the Greens agree with the approach outlined in the variation that urban consolidation should be focused around the local centres and public transport routes. This will make more efficient use of the urban infrastructure and the public transport network and meet the demand for denser housing, whilst keeping most of the suburban area in the traditional low-density form that gives our city its bush capital character.

There is a lot of detail in the variation that needs to be considered, however. There is a need to look at the impacts of the proposals on particular suburbs. For example, Downer is close to Dickson shops as well as having its own local centre. So some 40 per cent of the suburb would end up being available for redevelopment under DVP200.

There is some confusion in the community about what type of development will be allowed in the 200 or 300-metre zone around shopping centres. I get the feeling that some people think DVP200 will allow Kingston, Braddon or Turner styles of redevelopment within this zone.

Another community concern often expressed is about the rate of change in suburbs undergoing development. Perhaps the most drastic example of this at the moment is Moore Street in Turner. In a matter of months this street has been transformed from a row of fairly typical houses to virtually a continuous building site of new apartment

blocks. Less drastic examples can be seen in suburbs like Ainslie and Griffith, where the rate of dual occupancy and town house development has been quite noticeable.

A person living in a 200-metre zone who sees this rate of redevelopment elsewhere in Canberra would understandably be fearful of whether the houses around them will disappear over night. My understanding, though, is that this situation will not occur under DVP200. The 200-metre zone is not the same as the B11 or B12 zones found in some suburbs.

The DVP is more about retaining the previous rules about general residential redevelopment within the 200 or 300-metre zone—for example, allowing dual occupancies or town houses but with a two-storey height limit and imposing even tighter controls on redevelopment outside this zone. If my understanding is incorrect, then I ask the minister to clarify this point, as it is definitely causing concern to some residents within the redevelopment zones.

I am not that worried about building industry concerns that DVP200 will restrict redevelopment activity in the short term. We have to remember that any new buildings will be around for decades and will set the framework for the further development of this city.

Spending a few more months now and getting it right will be to the community's benefit in the long term. We need to look at how the details of DVP200 impact on designs of residential dwellings, as I am aware of concerns raised by some architects and builders that DVP200 will impose very strict controls on what can be built on small blocks in particular and may preclude some types of housing.

We are also interested in the requirements in the DVP for more permeable surfaces and minimum areas of open space, as we believe that the government needs to review the impact of urban consolidation on urban stormwater run-off and look at ways of better retaining this run-off. Again, though, I want to look at the detail. I therefore look forward to the government's response, the comments that come in on DVP200 and the planning committee's consideration of this variation.

MS DUNDAS (4.28): Mrs Dunne is asking us to support her call for the government to withdraw draft variation 200 to allow further consultation and discussions on its implications. I admit I have a number of concerns, as it appears the majority of members in the Assembly do, regarding draft variation 200, especially in relation to affordable and accessible housing. Problems we already face in this city will be compounded if draft variation 200 passes unamended.

I also have concerns about how the draft variation relates to other strategic plans being developed by the new government. Despite the protestations of Minister Corbell, it does appear that we are on track to have a grab bag of planning documents and feasibility studies that may or may not complement each other and may work to destabilise the strategic planning this city is so desperately crying out for.

We have already seen the government, perhaps in response to community pressure, extend consultation on this variation until the end of the week. Maybe that is what we should be asking for—more time to consult on the draft variation. Of course, that does

not address the concerns raised by Mr Smyth about the interim effect of the draft variation. The government has said that it will have a staggered implementation effect. The draft variation has been out for comment for some time, yet the interim effect will not start until September. Maybe the government is listening to concerns and will push back that commencement date.

I have listened to the debate today about whether or not we should withdraw draft variation 200. I have considered it carefully, but to vary the Territory Plan there is a clear process. There is usually quite a long process that involves a number of opportunities for consultation both through the department and this Assembly.

While I think the concerns that have been raised are quite valid, as I said during the MPI, we need to move away from looking specifically at the concerns we have with the draft variation and move to the process. I have been critical of this government for their lack of action in a number of key areas while reviews go on. So it is disappointing that when they do take immediate action they have produced what is obviously a flawed solution.

But as a matter of process is the withdrawal of draft variation 200 the best solution? Is this a solution the Assembly should adopt to deal with the concerns we have about the grab bag of planning we will end up with? I do not believe so, and hence I cannot support this motion. We as members of this Assembly have a need to be more vigilant with this government and its planning. We will have to monitor all the reviews they are doing. We will have to watch closely what is going on, and we will have to endeavour to work to ensure that we do have, at the end, a long-term plan for planning in this city, one that the Assembly, not just the government, can be proud of.

MRS DUNNE (4.32), in reply: We need to go back to the thrust of the motion. We came in here today to discuss whether or not draft variation 200 should continue in its present form while we are looking at the spatial plan, the social plan, the economic white paper and other strategic reviews that are going on, such as the reviews of public transport and affordable housing.

I made the point with great emphasis that I do not disagree with the basic thrust of draft variation 200. I repeated it so as to emphasise that to the minister. But his contribution was predicated on the fact that I was going to come in here and bag him. He did not have the wit to adjust his response. He said he expected me to come in here and say, “It is wrong. Throw it out.” I did not do that.

Mr Corbell, in a characteristic knee-jerk defence, extolled the virtues of draft variation 200 without looking at the substance of the motion. The motion does not say there is anything wrong with draft variation 200 but says that it is putting the cart before the horse.

Mr Corbell extolled the virtues of the urban renaissance report prepared by the OECD. He said that it was the job of the media in this town to take up the challenge and start discussion on this. In fact, it is the job of the minister, the person who inherited the mantle of the report, to take up the challenge and continue the discussion. But this minister has attempted to hide this report because it says so many things which are inconvenient. Mr Corbell made his way on to the treasury bench on the view that planning was in chaos and Canberra was in chaos. The OECD debunks much of that.

Mr Corbell attempted a non-launch of *Urban renaissance: Canberra: a sustainable future* by covering it with the relaunching of his spatial plan. For a long time I hoped he was not deliberately hiding it, but I now know that he is deliberately hiding the results of this—

Mr Corbell: How do you know that?

MRS DUNNE: Because he will never talk about it, except to say that what we need to have is a spatial plan. We agree; everyone agrees. But let us talk about what else is in here. Let us talk about what else it says that we need to do. We are not having a discussion about what we need to do for the future of Canberra.

Mr Corbell: Are you coming on 4 September?

MRS DUNNE: Yes, I am. You know I am, because you have received my RSVP.

Mr Corbell: That is what we are doing. We are talking about that.

MRS DUNNE: And you are going to do it all on the 4th. You are going to solve it on the 4th. Mr Corbell has waxed lyrical about the values and the motivations of draft variation 200, but this is not the point of debate today. The point is that we are putting the cart before the horse. The minister said he has had lots of productive meetings with members of the community, but I suspect he has not listened. I know that the Institute of Architects have asked him, as they have asked me, to put some rationality in this. I know that the Institute of Planners have done the same thing. I know the Property Council has done the same thing. From meetings they have had with me I know that they have had meetings with the minister at which they asked for some rationality.

They say that strategically draft variation 200 pre-empts and is premature. It is premature because it pre-empts the outcomes of the spatial plan, the Canberra Plan, the economic white paper and the social plan. It is premature because it pre-empts the discussion about what sustainability is. We have not had the discussion about what sustainability is. We still have a discussion paper out trying to find the information.

Ms Tucker in particular missed the point about what draft variation 200 does. Draft variation 200, as Mr Smyth said, has interim effect which kicks in on 1 September, on Sunday. That means that everything that can happen when draft variation 200 is finally made will happen in this town from 1 September, irrespective of what finally happens in the draft variation.

Mr Corbell: No, that is not strictly true.

MRS DUNNE: Mr Corbell spoke at length, and he tries to interrupt here because, although he is finally getting his way, he is hearing things that he does not like to hear. He does not like to hear someone present a counter-opinion. The impact of draft variation 200, as we have said before, could be catastrophic on this town by the time we do the whole process, get to the other end, look at the spatial plan and consider whether they fit together. There is a great risk that they will not fit together. At the moment the institutions are coming to me saying, "How does draft variation 200 and the

neighbourhood plan fit together with the spatial plan and sustainability?" They are trying to get it to lock together.

We have discovered that they do not lock together. They go in sequence in a different order. When we have completed everything in 2 years time or 18 months time, we will almost certainly find that what we have decided in draft variation 200 does not fit with our view of what Canberra should look like in 25 or 30 years and we will have to go back and do it again, creating more uncertainty and more instability in this town.

We should be striving to find a day when planning is not the pre-eminent issue for dinner-table conversation and for public meetings around this place, when planning runs smoothly like clockwork in the background, making this plan better rather than pulling it apart as is happening.

I implore members of the Assembly to think about the implications of what this minister has done. It is all laudable, but it is just wrong-headed, and we need to impose a little bit of order and a little bit of rigour on what this minister plans to do. If we have real community consultation on the spatial plan, on the social plan and on the white paper, we will get the right answers. But we do not want to be bushwhacked along the way and locked into something in draft variation 200 which will prevent us from getting the right answers.

Question put:

> That the motion be agreed to

The Assembly voted—

Ayes 5	Noes 8	
Mrs Dunne	Mr Berry	Mr Quinlan
Mr Humphries	Mr Corbell	Mr Stanhope
Mr Pratt	Ms Dundas	Ms Tucker
Mr Smyth	Ms Gallagher	
Mr Stefaniak	Mr Hargreaves	

Question so resolved in the negative.

Gungahlin—telecommunication services

Ms Gallagher, in accordance with standing order 128, fixed the next day of sitting as the time for the moving of this motion.

Legislation—discriminatory references

MS DUNDAS (4.44): Mr Speaker, I move:

> That this Assembly calls on the ACT Government to compile a report on necessary steps to achieve equal status for lesbian, gay, bisexual, transgender and intersex people in the ACT, to be provided to this Assembly before the end of November 2002. The report will include, but is not limited to:
>
> (1) a full audit of ACT legislation detailing all instances of laws that discriminate against lesbians, gays, bisexuals, transgender and intersex people, including reference to:
>
> (a) legislation that discriminates in language or effect, including directly, indirectly or by omission;
>
> (b) legislation that discriminates either in the definition, or the lack of definition, of relationships including spouse, de facto spouse, family, relative, kin, parent or guardian; and
>
> (c) the reproductive and parenting rights of the abovementioned people, including adoption, artificial conception, substitute parenting and eligibility to be recognised on a child's birth certificate;
>
> (2) an investigation of possible means to introduce registered relationships, or Civil Unions, under Territory Law;
>
> (3) an investigation of the introduction of anti-vilification legislation to protect the above-mentioned groups, as well as persons infected with HIV/AIDS;
>
> (4) an investigation of the issue of explicitly excluding the defence of provocation being available as a result of a non-violent homosexual advance;
>
> (5) an investigation of the needs of transgender people in the ACT, including whether current legislative frameworks are adequately addressing their needs;
>
> (6) an investigation of the issue of normalising surgery for intersex adults and children; including possible legislative protection to prevent unnecessary intervention;
>
> (7) changes in Government policy, programs or priorities that would improve outcomes for lesbian, gay, bisexual, transgender or intersex people in the ACT; and
>
> (8) a process for community participation and input into the report.

Mr Speaker, I rise today to call on the ACT government to help end discrimination against members of the Canberra community who are lesbian, gay, bisexual, transgender or intersex.

Last year's census has shown that the ACT has the highest proportion of same-sex couples of any Australian jurisdiction who were willing to disclose this information on their census form. Nearly 2 per cent of couples without children are members of the same sex, and there are certainly many more who would have declined to reveal that information. Canberra has numerous queer venues and social clubs and a thriving queer community. As the queer lobby likes to say, "We're here, we're queer and we're not going anywhere."

But discrimination against queers continues to be an everyday occurrence. People endure social exclusion, lose job opportunities and suffer rejection by their parents, children, families and religious institutions. People experience isolation, suffer verbal abuse and endure beatings and physical attacks. As a result, they disproportionately suffer emotional trauma, homelessness, drug abuse and suicide.

These are the effects of discrimination, and this is why it is imperative that we as legislators take seriously and urgently the need to ensure that this Assembly and this government take action to prevent discrimination in any form against lesbians, gays, bisexuals, transgenders or intersex members of our community.

There should be no second-class citizens in Canberra, and nobody should suffer the indignity of having fewer rights, either legally or socially. Yet here in the ACT we have legislation that still enshrines discrimination against queer Canberrans.

I hope that we, unlike our federal counterparts, will be prepared to use our positions here to further equality in the ACT. It has been a very poor year for queer people at a federal level. The current federal government has attempted to legislate to allow states to discriminate against lesbian women by preventing them from accessing IVF technologies. And we have seen absolutely appalling homophobic attacks by a federal senator against a High Court judge. I would certainly expect the attitude of this Assembly to be very different.

Part of the reason I have called on the government to complete this work is that it is simply beyond the resources of other members of this Assembly to do so. The sheer number and the complexity of the laws involved are huge. On last count, I heard there were something like 70 laws in the ACT that had in them inherent discrimination against Canberra's queer community. We have listed in this place numerous instances previously, but I would like now to touch on a few specific examples.

Our laws prevent same-sex partners from adopting children, even when a lesbian couple has had a child by artificial means. This effectively enshrines in law the concept that two people of the same gender are not capable of raising a child, which I have seen many times to be false. I believe that it is not your gender that makes you a good parent, but it is your capacity to love, cherish, commit and provide a stimulating environment for your child.

Currently, ACT legislation prevents same-sex partners from accessing compensation if their partner dies. But compensation is available for heterosexual de facto couples as well as for their children. In the same vein, there are numerous complications with intestate same-sex partners, especially if one partner was previously married. Same-sex partners may be unable to access each other's medical records in an emergency, and they have no right to participate in decisions about withdrawal of treatment or organ transplantation if their partner is fatally injured.

One of my salient problems is the varying definitions of spouse and de facto spouse. There are at least seven different definitions of these concepts in ACT law that I have been able to find. Some legislation uses them without any definition at all. Many of these laws specifically exclude same-sex couples, while in others it is uncertain whether or not they are included.

A case in point is the Discrimination Act. The Discrimination Act defines a de facto spouse as "a person of the opposite sex to the first mentioned person who lives with the first mentioned person as the husband or wife of that person on a bona fide domestic basis, although not legally married to that person". This definition also excludes a same-sex partner from discrimination due to marital status, as in that definition marital status, while applying to de facto relationships, is reserved solely for heterosexuals. Those in same-sex relationships cannot complain about discrimination based on their relationship status. They have to rely on the grounds of sex or sexuality.

Another example is the Domestic Relationships Act. When it was passed, it was heralded as a big step forward for the status of same-sex relationships, which it was, but the legislation was not designed to equate same-sex and different-sex de facto relationships and does not include a definition of a de facto relationship. The act was also designed to cover a broader scope of relationships than simply de facto couples—relationships such as that between an adult carer and an elderly parent.

One way of tackling this problem would be to insert into the Legislation Act a complete and exhaustive definition of de facto relationship, similar to recent changes made in Western Australian law. However, it is not only the definition of de facto that causes problems. In many cases, other terms that refer to familiar relationships either exclude same-sex couples or are left unstated. The presence of terms like "family", "relative" "next of kin", "parent" or "guardian" need to be examined in the context of same-sex relationships, as they may be construed to be discriminatory in effect.

A second major problem in administering many of these laws is that it is extremely difficult to formalise a same-sex relationship if a couple wishes to. While it is the case that same-sex couples often do not feel the need to have their relationship formally recognised by a government, there are some who would like the ability to do so but are currently prevented by federal law. I am proud to say that the Australian Democrats are working to fix that, with my federal colleagues tabling amendments, I believe, this week to the federal Marriage Act. But here in the ACT there is the avenue of going through the ACT Supreme Court and having the court rule that a domestic relationship exists, but this is very time consuming and painfully impersonal.

I understand that it is within this Assembly's power to create a system whereby de facto couples could register their relationships under territory law, which would provide greater legal certainty for both partners and legal documentation of the nature of their relationship. Such a civil union would not need to be reserved solely for same-sex partners but could be accessed by heterosexual de facto couples if they wished to formally recognise their relationship without taking the step of getting married. I have included the investigation of this issue in my motion, as I believe it is something we should definitely consider. I would like to note that it is current Labor Party policy.

I also wish to draw the attention of the Assembly to anti-vilification legislation. We already have racial vilification legislation. I note that both New South Wales and Tasmania have enacted anti-vilification legislation on the basis of sexuality or HIV status. I am interested in the outcome of these investigations because, while I support these measures in principle, I also recall that there have been legal difficulties with anti-

vilification legislation in various jurisdictions and would like to be informed as much as possible on how we can overcome these difficulties.

I would also like to inform the Assembly of the homosexual-advance defence of provocation, commonly known as the gay panic defence. This issue came before the High Court in 1997 in an appeal against a conviction for a murder where the defendant smashed in the victim's skull and stabbed and beat him to death with a pair of chicken shears. When the defendant was asked why he had committed this horrendous crime, he replied, "Because he tried to root me." The High Court, in a majority decision, declared a mistrial and allowed the argument that the brutal beating of a man to death, in response to a light touch, could possibly be seen as an understandable reaction from an ordinary Australian.

As the Australian Institute of Criminology noted in a recent investigation of homosexual murders, not only are victims more likely to be killed by strangers and the crimes to involve high levels of brutality, be committed publicly and involve multiple offenders, but an assailant is far more likely to allege a sexual advance by the deceased as their defence.

I believe that murder is not a reasonable response by an ordinary person to an unwanted sexual advance. Indeed, if women reacted in this way, the streets would be littered with corpses. Given that the defence of provocation in the ACT Crimes Act directly descends from the New South Wales Crimes Act, the homosexual advance defence is almost certainly available in the ACT. I hope that the Assembly feels that this defence is as unacceptable as I do and would welcome any moves to remove it.

Paragraph (5) of my motion regards the needs of transgender people in the ACT. Unfortunately, in discussions about queer rights and the queer community, the needs of transgender and intersex people are often omitted. I note that the experiences of transgender people are very different to those of gays and lesbians, and so are the forms of discrimination they suffer. Members of the transgender community in Canberra have informed me that the legislative protection here is less than exists in other jurisdictions. I think it is valid that the relevant areas of legislation be examined closely.

Equally, commonly overlooked when discussing these issues are the needs of intersex people. It is a biological fact that not all people are either male or female at birth but fall somewhere in between. Medically assigning these people to one gender or the other has historically seen some extremely poor outcomes, with individuals feeling the medical intervention was misplaced and resulted in far more damage than the original problem, especially if their gender assignment turned out to be incorrect. These, I understand, are difficult issues and not easily dealt with. It may be that a purely legislative response is not the best answer.

I would also encourage the government to examine its own policies and procedures to ensure that they comply with the spirit of equality for lesbian, gay, bisexual, transgender and intersex people. Legislation is not the only barrier to equality. Knowledge and community acceptance are also vital. Governments need to ensure that legislative structures are backed up with adequately resourced programs so that we can ensure that everyone in our community gets the same opportunities.

This is not about special rights; it is about human rights. Why are some ACT citizens treated differently when they have committed no crime, when they are our community? I strongly urge this Assembly to support my motion so that we can get on with putting things right.

MR HARGREAVES (4.58): Mr Speaker, I welcome the motion Ms Dundas has moved today. This Assembly has a good record on same-sex law reform, but there is no doubt that more needs to be done. Gay and lesbian people still face legal discrimination, homophobia and violence on a daily basis. The community has come a long way, but it still has a long way to go. That is why the ACT Labor government is committed to further reform.

Labor believes that all people are entitled to respect, dignity and the right to participate in society and to receive the protection of the law, regardless of their sexual orientation or gender identity. This Labor government is committed to implementing policies to give effect to our belief. The Chief Minister will talk more on that later.

Mr Speaker, the government has done exactly what we said we would do—establish an inquiry to investigate and make recommendations to achieve equal legal status for gays and lesbians in the ACT. The Chief Minister has outlined the progress of this inquiry, but he will do more in a minute. It might be taking longer than many would have hoped, but we need to recognise that this work must be done before we can move ahead with legislative reform. We have got to get it right the first time.

The government does not shy away from its commitments to the gay and lesbian community. That has been demonstrated by many on the current government side of the house in speeches in the last Assembly and this one. Labor has said that we will introduce programs to fight discrimination and vilification of gays and lesbians and legislate for two people, regardless of gender, to enter into legally recognised union. We will meet these commitments.

Labor's record of same-sex law reform speaks for itself. In 1994 the Follett Labor government passed legislation that was acknowledged around Australia and in other jurisdictions as being ground-breaking legislation in providing access to equality in property rights for people in same-sex relationships. Looking around the country, we can see that it is Labor governments that have delivered law reform in this area—Bob Carr's Labor government in New South Wales, with its "acts of passion" reform package, Steve Bracks government in Victoria, and most recently Geoff Gallop's government in Western Australia. I have no doubt that Jon Stanhope's government will be the next.

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 HARGREAVES: As I said at the outset, I welcome Mrs Dundas' motion and her commitment to law reform in this area. It is nice to see members in the place publicly declare their support for the removal of draconian provisions and draconian attitudes. I welcome any member in this place who wants to stand up and say enough is enough.

I look forward to working with Ms Dundas, Ms Tucker—who I know has a record in this area which is enviable—and the opposition to ensure that we get a good result for the territory's gay and lesbian community. But we have to get the reforms right. A haphazard or rushed approach will help no-one. We must take the community with us on this journey to right the wrongs of the past, to put an end to discrimination on the basis of sexual preference. Motions of this type are a good way to continue the path that Labor has set.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.02): Mr Speaker, I am happy to use the opportunity of Ms Dundas' motion to provide the Assembly with an update on the work the government has been doing.

As members are aware, I have announced in this place on a couple of occasions over the last five or six months that the government was committed to implementing its policy commitment to introducing amendments to ACT laws to eliminate legislative discrimination against gays and lesbians. Indeed, I have advised the Assembly that I have instructed my department to work on a review of all ACT legislation and to develop a policy proposal to address any discriminatory application of that legislation to gays and lesbians. That is a major task. It is a major piece of work the department has undertaken—to review every single piece of legislation on the ACT statute book and to identify provisions within each and every single piece of legislation in the ACT which on its face or otherwise discriminates against gay or lesbian people or transgender and intersex persons.

I am very pleased that officers from the department have completed a preliminary survey of all legislation. That preliminary survey has identified some 70 acts and regulations that contain provisions that potentially discriminate against gay, lesbian, transgender and intersex people and may need amending. I am happy to table a list of the legislation the department has identified. I acknowledge the enormous amount of work that has been involved in the process to date in the identification of those pieces of legislation. I present the following paper:

> Discriminatory references in ACT legislation—List of legislation for possible amendment.

What has become apparent from the preliminary survey is that there are a wide variety of issues that need to be dealt with. The number of different issues means that there is no single or simple amendment that can be made to apply to all legislation. Each act and regulation needs to be considered on a case-by-case basis, and this will take some time.

Some legislation, however, raises very complex issues. The Artificial Conception Act 1985 provides for certain presumptions about parentage in relation to children born using artificial conception procedures. For example, where a married woman, with the consent of her husband, undergoes a procedure as a result of which she becomes pregnant, then her husband is conclusively presumed to be the father of any child born as a result of that pregnancy. If any of the semen used in the procedure was produced by a man other than the woman's husband, then that man is conclusively presumed not to be the father of any child born as a result of that pregnancy.

There is also a presumption that applies where a woman is not married. In this case any man who produced semen used in the procedure is conclusively presumed not to be the father of any child born as a result of the pregnancy occurring by reason of that procedure. This latter presumption would currently apply to a child born to a lesbian couple using an artificial insemination or in vitro fertilisation procedure to conceive, so that the donor of the semen would be conclusively presumed not to be the father of the child. But should the legislation go further? Should it provide that where the birth mother of the child conceives with the consent of her partner her partner is also conclusively presumed to be the parent of the child?

A side issue, although not a determinative one, is how these sorts of presumptions might be reflected in the Births, Deaths and Marriages Registration Act 1997. The registration requirements under that legislation currently only provide for the registration of the mother and the father of a child. While it may be possible to amend that legislation to register the parents of a child, this raises the much broader question of the purpose of birth registration information.

The purpose of the register has already been stretched beyond containing birth information so that it now includes adoption information and information arising from surrogacy arrangements. It is one of the purposes of the births register to provide social parentage information.

Another very complex issue is the treatment of property in succession matters. The Administration and Probate Act 1929 and the Family Provision Act 1969 both currently make provision for a domestic partner, which includes a same-sex partner, to benefit from the estate of a deceased person. The domestic partner does not, however, benefit in exactly the same way as they would if they were a spouse of the deceased person.

A spouse of a deceased person is entitled to an interest in the deceased's estate regardless of the length of the marriage. The domestic partner must have been a domestic partner of the deceased for at least two years or be the parent of a child of the deceased. Should this two-year qualifying period continue to apply, would the same-sex partner of the deceased birth parent of a child be regarded as the parent of the child of the deceased for the purposes of this provision?

Other issues are more straightforward. Under the Powers of Attorney Act 1956, for example, the signature of the donor of an enduring power of attorney must be witnessed by two persons, neither of whom is the donee of the power or a relative of the donee or the donor. This requirement relates to the need to establish an independent witness who can attest to the circumstances in which the power of attorney was signed.

While the definition of relative includes a spouse and de facto spouse but not the partner in a same-sex relationship, this does not have a discriminatory effect in the sense that such a person is treated unfavourably. In fact, such a partner can do things that a spouse or de facto spouse cannot do—that is, be a witness to a power of attorney. While the definition does not have a discriminatory effect, it would seem to be appropriate to amend the provision to include a same-sex partner in order to give better effect to the intention of the provision, which is to protect the interests of a donor of a power of attorney.

Similarly, the Periodic Detention Act 1995 contains some potentially discriminatory provisions that may be dealt with quite simply. This act contains provisions requiring that a body search of a detainee must be carried out by a person of the same sex as the detainee and must not be conducted in the presence or view of a person who is of the opposite sex to the detainee.

This provision may have an ambiguous application to transgender and intersex detainees. This ambiguous application may be simply dealt with through the inclusion of a provision to define the sex of a transgender or intersex person as the sex with the which the person identifies. Such a provision is already included in the Crimes (Forensic Procedures) Act 2000.

Given the range and complexity of some of the issues that have been identified, the preliminary view is that amendments to legislation might proceed in two stages. The first stage would consist of changes that are unlikely to be contentious and/or complex. Included in this category would be matters such as probity requirements and body search arrangements for transgender and intersex persons in the Periodic Detention Centre. These types of issues are non-contentious and may be addressed relatively quickly. The department has advised me that there are some 39 acts and regulations that would fall into this category.

Other legislation raises much more complex issues, some of which I have touched on today. Included in this category would be legislation dealing with issues such as adoption, recognition of same-sex partners in relation to children and succession matters. Any amendments to legislation in this category should be undertaken only following detailed consideration of all relevant issues and a extensive public consultation process.

I am happy to advise members that it is my intention that amendments be developed to the 39 acts and regulations the department has identified as requiring only minor and non-contentious amendment—in other words, tidying up provisions which, had they come to the attention of any government, would have been addressed.

Over and above that, there is another category of provisions that discriminate in about 30 acts and regulations which require some detailed policy consideration and in respect of which the government believes it would be appropriate to develop a paper along the lines Ms Dundas suggests in her motion, which would be used as the basis for detailed consideration and in consulting or communicating with the community about a range of other issues that need to be dealt with in relation to discrimination against gay or lesbian people or transgender or intersex couples.

In the context of the significant work and progress of the government in this area, I would seek leave to move two amendments I have circulated, which do not detract from the import of Ms Dundas' motion.

Leave granted.

MR STANHOPE: I move:

(No 1) Delete all words from and including "That this Assembly calls on" to and including "The report will include but is not limited to:".

Substitute:

"That this Assembly notes that the Government has undertaken a full review of all ACT legislation to identify provisions discriminatory to lesbian, gay, bisexual, transgender and intersex people and is compiling a report on the necessary steps to achieve equal status for lesbian, gay, bisexual, transgender and intersex people in the ACT and the Government will provide a copy of the report to the Assembly by 1 May 2003. The report will include but is not limited to:

(No 2) Delete clause (8), substitute the following clause:

"The Assembly also notes that a necessary step to the achievement of equal status will be community participation in the process of identifying and removing discriminatory legislation and practices.".

These amendments acknowledge that the government and the department have been working assiduously on this task for months. Officers within the department have devoted enormous resources to a review of every single statue on the statue book of the ACT. Through that review, they have identified about 70 acts and regulations that require serious assessment. I am happy to provide for the information of members and for consideration within the Assembly amendments to about 39 acts and regulations, and we will develop a detailed discussion paper in relation to proposed amendments to an additional 30 acts and regulations.

MR HUMPHRIES (Leader of the Opposition) (5.13): Mr Speaker, I can indicate that the opposition will support the amendments. As a result the motion, as amended, will become a motion which essentially notes the government's progress in developing this report and notes that there will be a process of community participation in following up the report, in a range of areas the motion refers to, to identify and remove discriminatory legislation and practices.

Let me indicate clearly what our view about this matter is. We believe that legislation in the ACT should appropriately prevent discrimination against people on the basis of their sexual orientation; that discrimination of that kind is contrary to principles of liberalism that suggest that people should be free to express and to do as they wish, provided that their actions do not prevent other people in the community from being able to exercise similar freedoms. The sense of the supremacy of individual choice is the concept which I think militates in favour of removing discrimination in general terms against people of different sexual orientation to ensure that those people enjoy the same freedoms as other people in the community.

Mr Speaker, we support the general principle. In particular, we support the idea that measures in ACT laws at present which humiliate or denigrate what I will summarise in this debate as non-heterosexual people are unacceptable and should be removed from the statute book.

The Liberal Party's record on this issue in government has been fairly clear. During my time as Attorney-General I introduced legislation to extend the rights of people in de facto relationships. Earlier legislation was extended so that people in de facto relationships, including same-sex couples, would have fair distribution of property at the end of a relationship such as at the death of one of the parties. That issue was an

important extension of rights of people in same-sex relationships. Indeed, that debate was taken nationally. It is a debate which I think the present Attorney-General is still dealing with at the national level. I think we have debated this since the last election, and I think the issue is being supported across the board in this Assembly. The rights of people in those situations should not be any different to the rights of people who are legally and formally married.

I detected in the comments made by the Attorney-General that in a range of issues a simple act to remove discrimination requires a careful policy decision which needs to be taken with some thought. Presumably this process will be undertaken once the report the motion refers to is on the table.

Having put on the table very clearly the view that discrimination in general is unacceptable, we need at the same time to acknowledge that there are some areas where discrimination would be defended by some in the community and where an argument would be put that discrimination of a certain sort accords with the values of the community.

I think, for example, of the adoption of children by same-sex couples. At the present time, as I understand it, the law does not allow that to occur. In fact, I am not even sure that the law allows de facto couples to adopt children. There may be a wider issue of discrimination in the legislation at the present time.

We have to ask ourselves whether to legislate to allow any person, including presumably single people or celibate people, to adopt children would be in accordance with the values of this community. That is not necessarily because there is a desire to deprive non-heterosexual people of access to the pleasures and joys of adopted children, but because we would have some concerns presumably about the effect on those children of having a potentially unusual family relationship that would perhaps hinder or inhibit their development.

Provocation is another interesting issue which needs to be carefully thought through. The circumstances of provocation that Ms Dundas referred to in her speech seem to be quite horrendous. I do not think any of us would argue that people should be able to avoid serious criminal penalties where they commit horrendous crimes in those circumstances.

But my understanding of the law of provocation is that it is a subjective exercise. I have not been able to research the law of provocation since this motion appeared today. But my understanding is that essentially it is a subjective question about whether a person charged with an offence was sufficiently offended, provoked, outraged or put in a position of losing a sense of balance and proportion that they had a mitigating factor in existence when a particular offence was committed.

That may be an entirely subjective matter. If that is the case, it may be—I do not cite it any more strongly than that—that a defence of provocation should be available if a person is in such a frame of mind. Deplorable as we might consider it to be that people hold those views, if those views genuinely lead them into that frame of mind, it may be that provocation should remain as a defence. That is an issue which will need to be very carefully examined in the paper the Chief Minister refers to.

I do not think anything I have said should be construed as a desire to preserve discrimination which is designed to humiliate or denigrate non-heterosexual people in this community. Ms Dundas has said—and I was not aware of this fact—that there are more such people in the ACT than in other jurisdictions in Australia. If that is the case, clearly we need to address the needs of that proportion of our community in that position.

I do not think there are a large number of disabilities entrenched in ACT legislation, but from the sound of what the Chief Minister had to say there may be pieces of legislation where such provisions exist. In non-contentious circumstances they should clearly be removed as soon as possible.

I hope we can conduct a debate about the more contentious issues in a rational atmosphere and consider what is in the best interests of the people against whom discrimination is presently exercised in the law and what is in the interests of preserving a sense of us reflecting the values of this community as we undertake legislation of any kind in this place, including legislation in areas such as this.

Mr Speaker, in those circumstances, I hope that the report which will available by May of next year will be illuminating. I hope it will lead to a sensible discussion about what we need to do to engineer a truly fair and just society which does not discriminate on a basis that the community would find unacceptable.

MS TUCKER (5.21): Already this year we have debated several times the overdue need for law reform in this area. It is a key part of removing discrimination from our statutes and ultimately from our society. Many of these discriminations have remained hidden to people not directly affected by them. But there are numerous instances where the law denies same-sex couples the consideration and responsibilities for each other that heterosexual couples take for granted. If transgender people come into contact with police or the prison system, there are not always clear guidelines for determining their gender. I note Mr Stanhope's comments on that issue. I am aware of one constituent who identifies and dresses as a woman and who was put into a watch-house cell in the city with men. This was a terrifying and potentially dangerous situation.

In the Transplantation and Anatomy Act, which applies when people are dealing with the death of their partner, same-sex partners are not recognised as spouses and are therefore not necessarily consulted about decisions related to their partner's body or tissues. In the Compensation (Fatal Injuries) Act, same-sex partners are not entitled to the recognition or compensation that a bereaved partner in a different-sex de facto relationship would be.

ACT law does not prevent single or lesbian women from accessing IVF. However, a woman who is a partner of an IVF mother would not automatically be recognised as a parent to her partner's child, when a man in a similar situation who is not genetically related to the child would. Same-sex couples are not allowed to adopt children.

This is just a small sample. I understand from the Chief Minister's office that they have completed a review of the laws and have come up with around 79 instances, some straightforward and some more complex. There are some issues to be addressed and this motion calls on the government to investigate them. Some people in our community and perhaps some people in this place will find these issues difficult to accept. In part, that is

why community input is important. Of course, it is important in its own right. But as the government's amendments note, it will also be important in identifying problems.

In developing the changes to Western Australian legislation, my colleague Giz Watson spent some time consulting and gathering information about areas of discrimination in the lives of people.

The potential for division also means that the way that community discussion is handled is an opportunity for developing ideas for education and for reducing discrimination. There will be some who will never agree because of their particular religious views or a particularly intolerant attitude or fear of difference. Those attitudes and fear of their effects at the ballot box should not stop us from removing the discriminatory laws. The consultation can be an opportunity to develop and educate, depending on how it is handled.

I noted Mr Humphries' concerns about adoption of children. It is a good example of issues that need to be discussed in a thoughtful way. There is an interesting paper by Maurice Rickard of the social policy group of the information and research services of the Department of the Parliamentary Library. It is on children of lesbian and single-women parents. I will read a bit of it:

> There is a body of research evidence, spanning over 20 years, on the developmental outcomes of children of single women and lesbian parents. This includes longitudinal studies which track the development of children over a number of years into adolescence and adulthood as well as cross-sectional studies that comparatively investigate a child's development at a single time. Results are generally consistent across these various studies, for both single women parent studies and lesbian couple parent studies …
>
> With regard to lesbian parenting, studies tracking the long-term progress of children of lesbian mothers have revealed no significant differences between them and children of heterosexual mothers along any of the following key developmental dimensions:
>
> - *Gender development*: children of lesbian parents are no more likely to have confused or unconventional gender identity or behaviour, or to have gay or lesbian sexual orientation.
>
> - *Self-esteem and emotional wellbeing*: the behaviour, intelligence, psychiatric and emotional condition of children of lesbian parents is within the normal range.
>
> - *Social development*: children of lesbian parents are within the normal range of confidence, and have positive peer relationships. They are no more likely to be teased or bullied than children of heterosexual mothers.
>
> These longitudinal studies report on children of lesbian mothers separated from previous heterosexual relationships. There are fewer studies on children raised from infancy in lesbian parent families. Such studies nevertheless corroborate the findings of the longitudinal studies.

> Some studies, however, do report that some children of lesbian parents exhibit some of the following developmental differences:
>
> - are more willing to consider homosexuality as an option (even if not pursue it)
> - are characterised as more affectionate and responsive, and report a greater sense of wellbeing and contentment about themselves
> - fear stigmatisation, have a more negative reaction to stress, and remember teasing more
> - perceive themselves as less intellectually and physically competent than children from father-parent families.
>
> Overall, though, the existing evidence indicates that the sexual orientation of parents does not appear to be a determinant of the success of a child's development. Nor does the presence of a father appear crucial for normal development. The available evidence, therefore, does not support the developmental assumptions mentioned [by Mr Humphries and other people in our community].

I have added that, because that is one of the things Mr Humphries raised. It goes on to say:

> Strong as the existing evidence on lesbian parenting is, it is nonetheless based on certain types of study, which inevitably involve certain types of limitation. For example, subjects were generally English-speaking, middle-class and voluntary participants. Findings were also generally based on participants' own verbal reports, and were conducted in either the USA or UK. These factors may have influenced findings, but it is not clear that they would have done so extensively.
>
> None of the evidence above serves to denigrate the contribution of good father parenting. It does indicate, though, that it is the good parenting rather than the father parenting that is relevant.
>
> Developmental research consistently reports that it is the quality of family processes, rather than the nature of family structure (e.g. single, same-sex, or heterosexual couple parents) that is most important to the adjustment of the child.
>
> The issue of what counts as appropriate development is also important. It is regrettably true that those with non-conventional gender or sexual orientations are likely to face adversity in their lives. But the assumption that those orientations in themselves should count as adverse or inappropriate developmental outcomes is entirely questionable.
>
> In this matter, not only is some of the public debate open to criticism, but also some of the developmental literature.

That is the sort of discussion we need to be having.

The ACT Assembly installed a strong Discrimination Act which includes discrimination on the basis of sexuality and sex. I note, though, that even that act includes a definition of de facto spouse which excludes same-sex couples as members of near family. But our commitment to any discrimination is fairly clear.

I will be supporting Mr Stanhope's amendments, having consulted with Ms Dundas' office. I am aware that the government has been working on this issue, and I am aware of the commitment of Mr Stanhope and other members of the Labor Party. We have had this discussion in this place several times over the last few years. Ms Dundas is here now. She is a strong and articulate voice on the issue. It is a good political environment for us to have this discussion. I am pleased with Mr Humphries' support and his open mind on the issue. The work is in progress. That is important. Hopefully, we will be able to take steps to repair some of the damage. I thank Ms Dundas for raising the issue.

Amendments agreed to.

MS DUNDAS (5.31): I thank members for their comments. I am happy to note that the government has already commenced a major part of this work. I look forward to further information on how things have progressed in the last few months. I would hope that the government might choose to release an interim report on the subject so we can see where we are up to.

I would like to reiterate that equality cannot be achieved by legislation alone. Governments need to take on responsibility for the implementation of well-resourced programs to combat homophobia. I note the excellent work that Sexual Health and Family Planning ACT is already doing in this area with the two in every classroom project and the new queer youth program Gilbert's Friends.

The Assembly has already accepted Mr Stanhope's amendments. Although they are not exactly as I would have phrased them, I am glad we have a government that has at least begun the process. We will watch to see how far it progresses.

Queer rights are human rights. I believe that members of the community should be free to follow their individual paths in terms of gender and sexuality and not be punished by this or any government for being themselves. Liberal democracy is not simply the will of the majority but also the protection of minorities to ensure that everyone in our community is treated as equal.

Motion, as amended, agreed to.

Community Referendum Bill 2002

Mr Humphries, by leave, presented the bill and its explanatory statement.

Title read by Clerk.

MR HUMPHRIES (Leader of the Opposition) (5.33): I move

> That this bill be agreed to in principle.

Members, this bill is exactly the same as the bill of the same title that I presented this morning. Unfortunately, due to an administrative oversight, the notice that I gave for the bill did not cite the correct title. Therefore, in accordance with standing orders, this bill must be withdrawn and I will be moving a motion of effect as soon as I sit down. I am

reintroducing the bill so that the Assembly can consider it and so that the requirements of the standing orders are met.

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

Order of the day—withdrawal

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

> That the Community Referendum Bill 2002 presented earlier this day be withdrawn from the *Notice Paper*.

Leave of absence

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

> That leave of absence for today, 28 August 2002 be given to Mrs Cross and Mr Cornwell.

Adjournment

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

> That the Assembly do now adjourn.

Community bank

MR HARGREAVES (5.35): On the adjournment, I wanted to make mention of the good works that some members of the Brindabella community have concluded recently in the creation—I hope very shortly—of the community bank in Calwell and Wanniassa. I wanted to pay tribute in the adjournment debate to those people that have put themselves forward and managed this process when they really got absolutely sick and tired of the major banks and their lack of service to people in the community. This is evidence of how ordinary people in the community can come together and say, "Look, we're not taking it any more, and if you're not going to give the service we'll do it ourselves."

Originally a steering committee was created that raised community pledges. It organised an independent feasibility study and prepared a business plan, sent out zillions of letters and newsletters, and generally did the hard yards at shopping centres for 38 weeks in a row. As the members for Brindabella who were out on the hustings during the election campaign would know, we had to compete for space with the people with "Bendigo Bank" on them—and with sausage sizzles.

I want to pay tribute to the people who actually did that. Michael Lindfield was the chair—just an ordinary bloke out there in the community who decided to do something about it. Nick Tsoulias is the deputy chair of this steering committee. They were assisted ably by Maria, Silvio and Frank Porecca, Roger Tall, Mike Crozier OAM, Peter Ruth, Tim Stockbridge, Wayne Simpson and Dino Vido.

In May 2002, the steering committee resolved to form a public company—Tuggeranong Valley Financial Services Ltd—to issue a prospectus and raise public funds to establish the branches. The prospectus would cover fit-out costs, staff salaries, working capital and the like. The company board of directors included, as a kick-off, Michael Lindfield, again in the chair, Robert Yeomans AM as the deputy chair, and Michael Crozier OAM, George Kelly OAM, Bill Allan, Maria Porecca and Wayne Simpson as members.

What is really incredible is that the community went out there and said to the rest of the community, "Support us and we'll get some banks back in our community." They raised $900,000 in pledges to enable a community bank to open its branches in Wanniassa and Calwell. And then, of course, came the hard work of trying to part people from their money, after they had given their pledges. I was pleased to see a press release saying that the $900,000 mark was reached last Friday, because a number of large investors actually contributed to the business.

It is hoped that the community bank branches will open just before Christmas—hopefully before Christmas—and that their staff recruitment process is started in the next week or so. They are also talking about building fit-out programs and the like.

I think the community in the Brindabella electorate, Tuggeranong specifically, and the people of the ACT generally ought to extend their congratulations to members of their own community for taking the matter in their own hands and doing something about it. And, of course, if these banks are successful, I am absolutely sure the idea will catch on with other electorates in town. So I wish to extend my congratulations, and hopefully those of other Assembly members, to those people involved.

Dance extravaganza

MR SMYTH (5.38): Mr Speaker, I rise to speak in the adjournment debate tonight to give credit to an incredible group of young Canberrans who from 14 to 17 August put on at the Playhouse "Quantum leap—a youth dance extravaganza". There were two parts to the program. The first part was the quantum Leap youth choreographic ensemble, and it was absolutely spectacular. But the second part of the program was devoted to an all-boys dance troupe. And, in terms of the earlier debate we had and getting rid of stereotypes, it was great to see what was called Hardware 3. I will read from the program:

> *Hardware 3* is this year's extension of our very successful young men's program—*Hardware*. It is a celebration of the physicality of male dancers in a masculine environment.

And they did it incredibly well. The seven parts of the performance were called Team Spirit, New Heights, Saving Face, No Barriers, Group Dynamic, Age of Man and Celebrate. It was such an achievement that I am going to read out the names of all the artists. The young men that performed were Paul O'Keeffe, who was the guest artist, Ross Newton, Daniel Norton, Ryan O'Leary, Paddy Quiggin, James Shannon, Matthew Teran, Dean Cross, Grant Freeman, Ian Fallon, Stephen Gow, Josh Mulrine, Daniel McKinley, Nathan Anderson, Joey Colebatch, Tom Dickens, Thomas Foxwell, Joshua Mansfield, John Milton, Christopher Palavestra, Kane Stuart, Reuben Ingall, Ned Jopson, Mitchell Goodfellow, Jarrad Irvine, Sascha Kerbert, Julian Ingall,

Tyler Ayres, James Batchelor, Jack Wilson, Jack Ziesing, Jake River Fraser, Harry Morrissey, Kai Wasikowski, York Stuart and Samuel Maxted.

The extraordinary thing was the age group. It was from very young boys—some of them looked to be about seven or eight years old—all the way to clearly young men in their early teens. But what they did as a team was prove that masculine dance and male dance troupes have a great future in Australia.

It is a credit to all those who put it on. They included Ruth Osborne, who was the artistic director, and the other choreographers were Paul O'Keeffe, Gerard Veltre, Rowan Marchingo and Darren Green. The other group that really takes the credit for this is the Australian Choreographic Centre and Mark Gordon. The Choreographic Centre is to be congratulated for the hard work it has done. It gave young Canberrans the opportunity, in the nation's capital, to put on display some incredible talent and some incredible choreography, and bring to the people who were in the audience that night—and I don't think anybody left and everybody got into the mood—a very visual and entertaining night.

So, to all of the boys in the dance troupe and to all of the participants in the first half of the show, who were both male and female, well done. And to Mark and all those at the Australian Choreographic Centre, the best of luck, and I hope that what you have proved you can do this year just continues year after year to show that this city really does produce talent that is outstanding.

Question resolved in the affirmative.

The Assembly adjourned at 5.42 pm.