



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 June 2000

Wednesday, 28 June 2000

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The Assembly met at 10.30 am.

(Quorum formed.)

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

DEATH OF PROFESSOR LINDSAY CURTIS AM

MS CARNELL (Chief Minister): I move:

That this Assembly expresses its deep regret at the death of Professor Lindsay Curtis AM, who made a significant contribution to the ACT legal system, and tenders its profound sympathy to his family in their bereavement.

Mr Speaker, the ACT community was fortunate to have had the benefit of the knowledge, experience and energy of Professor Curtis. He came to us at an important point in the development of the ACT legal system when he was appointed by the ACT government to be the first President of the ACT Administrative Appeals Tribunal. With his vast experience in administrative law, his excellent legal skills, his energy and commitment, he guided the development of the tribunal from its inception to become the well-established and respected review body it is today. This was, of course, only one of his many achievements.

Born in 1928, Lindsay Curtis came from a rural background. After obtaining a degree in science from Melbourne University, he came to Canberra in 1950. He obtained an honours law degree in 1960 while he was working for the Department of Territories. Of course, at that time the ACT was administered through that department.

In 1963 he went to work for the Commonwealth Attorney-General's Department, where he stayed for 26 years, rising to deputy secretary and playing an important role in the implementation of the administrative law policies which resulted in the Administrative Appeals Tribunal Act 1975, the Ombudsman Act 1976, the Administrative Decisions (Judicial Review) Act 1977 and the Freedom of Information Act 1982. In 1986 he was made a Member of the Order of Australia.

On his retirement from the Commonwealth Public Service in 1989, Lindsay Curtis entered a new but no less productive stage. He became an Adjunct Professor of Law at the University of Wollongong, working with the Centre for Court Policy and Administration. His academic work continued after he was appointed to the ACT Administrative Appeals Tribunal. Through his teaching, he was able to pass on his great legal and practical knowledge of judicial administration and court management. At the same time, he was putting it into practice in the development of the ACT tribunal.

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Professor Curtis was particularly concerned that people coming to the ACT tribunal should get a proper hearing. They should not feel intimidated by the process, even if they had no legal representative. Practising this philosophy, the “reasons for decision” that Professor Curtis wrote are notable for their clarity and thoroughness. They are accessible and easy to understand. In all, he was a great advocate for administrative law, which he saw as important in ensuring good government. The Canberra community is fortunate to have had the benefit of his commitment and enormous experience in this area. He retired from the Administrative Appeals Tribunal in November 1998.

Throughout his time living in Canberra, Lindsay Curtis was an active member of the Anglican parish of St John the Baptist in Reid. He became the Chancellor of the Anglican Diocese of Canberra and Goulburn, as well as holding other positions within the church where his commitment and energy were also valued. In his work with the church he demonstrated his commitment to social justice. This paralleled the commitment to accessible justice he had shown in his work with administrative law.

Lindsay Curtis was a man of principle. In all the areas in which he worked his commitment to his work and his principles showed through.

I am sure that all members join me in expressing our sympathy to Professor Curtis’ family and in acknowledging the outstanding contribution he made to this territory.

MR STANHOPE (Leader of the Opposition): I wish to join with the Chief Minister in expressing her condolences. As the Chief Minister has said, Lindsay Curtis was a distinguished Canberran and a servant of the people. He died in April, aged 72. He was rightly described by Pat Brazil, writing in the *Canberra Times*, as a man of the law.

Professor Curtis had a significant role in implementing important legislative programs—the Law Reform Commission Act, the Administrative Appeals Tribunal Act, the Ombudsman Act, the Administrative Decisions (Judicial Review) Act and the Freedom of Information Act. He played his role with conviction as he firmly believed that the law, and the governments that made them, should serve the people.

This belief may have resulted from his upbringing. Despite appearances, Lindsay Curtis did not have an easy path in life. Born in 1928, Professor Curtis was raised on a dairy farm in Victoria and educated in one-teacher schools until he won scholarships to Geelong High School and to Melbourne University. At university he took degrees in science and in law. He put his knowledge to work immediately, moving on graduation to Canberra to work in the Patents Office. In 1960 he commenced what was to be a long career in reforming the law when he moved to the law reform section of the Department of Territories. In 1963 Professor Curtis joined the Attorney-General’s Department where he worked for 26 years, interrupted only by a period as Secretary of Law for Papua New Guinea from 1969 to 1971.

Lindsay Curtis became a Deputy Secretary of Attorney-General’s in 1983 and served in that capacity until his retirement in 1989. As a digression, I can add that it was during that long period in the Attorney-General’s Department that my path as a legal officer within the Commonwealth Public Service crossed on many occasions that of Professor Curtis. His distinguished career in Attorney-General’s was marked by a commitment to

administrative law reform. He will be best remembered as a man of the law for his commitment to administrative law. He argued forcefully for a public service environment that embraced openness and did not use the freedom of information legislation as a shield.

His retirement from the public service simply meant he embarked on new career paths. He presided over the ACT Administrative Appeals Tribunal from its inception until 1998. He was Chancellor of the Anglican Diocese of Canberra and Goulburn. He was Adjunct Professor of Law at the University of Wollongong, and a professorial fellow at the Australian National University, supervising graduate students.

Professor Curtis had a great and distinguished commitment to church, the law, the public service and the community, and he will be sorely missed.

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

DEATH OF MR GORDON WALSH

MS CARNELL (Chief Minister): I move:

That this Assembly expresses its deep regret at the death of Gordon John Walsh, a former elected member of the ACT Advisory Council, Legislative Assembly for Canberra and House of Assembly for Canberra, and tenders its profound sympathy to his family in their bereavement.

Mr Speaker, it was with sadness that I learnt of the death of Gordon Walsh on Wednesday, 14 June this year at the age of 67. Gordon has an impressive record of serving the Canberra community and the Canberra region over a period of some 25 years as an elected representative of the people and as the holder of a number of senior public positions in the territory.

Born in Welling, Kent, in England, he emigrated to Australia in 1956. He joined the British Army at the age of 15 and graduated from the St Omer Military School as a catering instructor. He served in Singapore and in the Malaysian conflict, and his emigration followed a voyage to Australia as a ships cook.

In the years before self-government, Gordon was a member of the forerunners of the present Legislative Assembly. He was elected to the ACT Advisory Council in 1964, re-elected in 1967, and again in 1970. He was elected to the former Legislative Assembly for Canberra in 1974 and resigned in 1977. He was elected to the first House of Assembly for Canberra in 1979, and to the second House of Assembly in 1982. During this time, Gordon fought tirelessly to achieve self-government for the territory.

He will also be remembered for his work on social welfare issues and for his support and commitment to disadvantaged groups. He had a strong involvement with committees on these issues, including as a member of the ACT Child Welfare Committee from 1964 to 1968, as a member of the Select Committee on Poverty in 1982, and as a member of the Standing Committee on Health, Housing and Welfare in 1982. He also represented the

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Assembly on the ACT Police Liaison Advisory Committee from 1982 to 1985, the Parole Board of the ACT from 1982, and as a legal aid commissioner from 1982.

Gordon maintained a strong involvement in local business issues through his membership of the Canberra Retail Market Trust and the Milk Authority of the ACT. He was also a commissioner of the Capital Territory Health Commission from 1975 to 1981.

Mr Speaker, Gordon Walsh will be remembered for the considerable contribution he made to the Canberra community, as a longstanding elected representative of the people, and through his unselfish and untiring level of community service.

I am sure all members will join with me in expressing our sympathy to Gordon's family, his sons Martin and Timothy, his wife Naomi, daughter, Lillian, and sons, Steven and Brian.

MR STANHOPE (Leader of the Opposition): Mr Speaker, Gordon Walsh was a generation ahead of me in the Labor Party and left the party for the Democrats about the time that I joined the party. As a consequence, I had no direct contact with him, and I think the same would apply to my caucus colleagues.

Gordon was well respected by all sides of politics and was a representative of the ACT community for more than 20 years. Whilst in the ALP, Gordon was a member of the ACT Advisory Council from 1964 to 1974. Gordon led the ALP team for some of that time and was also a founding member of the Woden Valley branch of the ALP.

Gordon had something of a chequered career in the ALP. He was noted for a challenge in 1968 to the preselection of the longstanding and revered member for the ACT, Jim Fraser. To the surprise of many in the party, and I think perhaps to the shock of the community, his challenge succeeded, on the first round at least. There was subsequently a second preselection, and Jim Fraser won that.

In 1974, after allowing his ALP membership to lapse, Gordon joined the newly formed Democrats. He helped found the ACT branch of the Democrats and represented that party as a member of the ACT House of Assembly from 1974 to 1986. He was also leader in the house from 1979 to 1986, until the Assembly was dissolved prior to the implementation of self-government. Gordon was a determined advocate of self-government for the ACT. He actually resigned as President of the ACT Democrats in 1986 when his federal party decided to push for a weaker parliamentary model for the ACT.

Gordon was a tireless worker within the ACT community, and this was reflected in his activity during his time with the Labor Party and with the Democrats. Gordon was very active at the grass roots level of the Labor Party and his contemporaries remember him as an enthusiastic and effective party member. He did much to expand the party organisation and branches to incorporate the extraordinary population growth and expansion of suburban Canberra in the 1960s.

Gordon will also be remembered by all sides of politics as a man dedicated to working for the Canberra community. I join with the Chief Minister in expressing my sympathy to his family.

MR HIRD: Mr Speaker, in 1974 I began my career in local politics in the Australian Capital Territory, along with you and Mr Kaine, as well as Gordon John Walsh, Susan Ryan, Ros Kelly and Peter Vallee. At that time Gordon was the leader of the ALP team in the House of Assembly. He lead the ALP through to 1977. I was saddened to hear of his death last week at the age of 67.

As the Chief Minister has indicated, Gordon was born in England in 1932 and was therefore too young to fight in World War II. However, he certainly felt its effects, twice being evacuated from London, with other children, following threats of a German invasion. As the Chief Minister said, he joined the army at the age of 15 and excelled in his chosen field of catering, eventually graduating as an instructor. He served in Malaya with the British armed forces and eventually finished up in Australia in 1956. He was immediately snapped up to work as a caterer at the Melbourne Olympics. As well as providing him with a job, the Olympics also enabled him to indulge in his love of sport—however, only as a spectator. This does not take away from his personal sporting achievements as a runner and a boxer, in which he represented the army with distinction on a number of occasions.

Gordon often told me of his attraction to Australia's lifestyle and the Australian ethos. He was particularly attracted to the fact that in Australia you could speak your mind, as the Leader of the Opposition has indicated, and that rewards would come to those who chose to have a go.

After moving to Canberra, Gordon quickly moved his interest in politics into practical terms and joined the Australian Labor Party. Subsequently he was appointed to the ACT Advisory Council. When the council was replaced by the House of Assembly in 1974 he proved his popularity by being elected by the broad community. He served the ALP, as indicated, up until 1977. During this period Gordon realigned his political thinking and subsequently was one of the founding members of the newly formed Australian Democrats. He represented that party from 1977 through to 1986.

Mr Speaker, in the second House of Assembly Gordon was elected to the position of Chairman of Committees, which was equivalent to the position of Deputy Speaker in this house, an office which he served with distinction. This office enabled him to ensure that the voice of the community was never lost in the hurly-burly of political life. It was this community advocacy which determined Gordon's political stance on issues. He saw himself as, and he was, a true representative of the people of this great territory.

Gordon was heavily involved in the moves for the ACT to gain self-government and was appointed to the Select Committee on the Transition to Territorial Government. When his party, the Australian Democrats, opted for a weak model of independence his conscience was such that he resigned as President of the ACT Democrats, describing the proposal as a "damp squid". He even moved a motion in the second House of Assembly which criticised the feebleness of the proposal and the lack of power which it gave to the people of the territory.

Gordon held many other positions in public life and made the effort to further his understandings of issues by completing a social welfare certificate in 1983 and a bachelor of arts degree in 1992. Mr Speaker, it is not often that people of the calibre of

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Gordon John Walsh grace our lives and we are the worse for his passing. Mr Speaker, in the immortal words of Henry Lawson:

The night too quickly passes
And we are growing old
So let us fill our glasses
And toast the Days of Gold
When finds of wondrous treasure
Set all the South ablaze
And you and I were faithful mates
All through the roaring days.

Gordon John Walsh found his roaring days in the development of Canberra's political system, and I was proud to share them with him. Our sincere sympathy goes to his wife, Naomi, and his family.

MR KAINE: Mr Speaker, as has already been observed, Gordon Walsh served this community well over quite a long time. He was an elected member of preceded bodies of this place for 20 years and he served, as has already been indicated, on a number of important community organisations. He was absolutely committed to the service of this community. Mr Speaker, you and I know, from having worked closely with him over a good part of those 20 years, just how committed he was to the service of this community.

One of the things that were a characteristic of Gordon was his absolute commitment to the concept of self-government. He worked assiduously towards that aim, as well as serving as an elected representative and on those community organisations.

It has been mentioned that he was a member of the old Assembly committee on transition to self-government, but there is a little-known organisation of which Gordon Walsh was a member and through which he contributed to the outcome of self-government as we now know it. It is an organisation called the Movement for Home Rule which was established after the old House of Assembly was dissolved in 1986. There were a very limited number of members of it, including me and Mr Speaker and Gordon Walsh. That organisation, after the House of Assembly was dissolved, became in a way a sounding board for the Commonwealth Parliament because there was nobody else that could speak for this community. Very few people know that such an organisation existed, but it made, I believe, a very important contribution to the form of self-government when it was finally granted in 1989. Gordon Walsh was a very active member of that organisation, even though he had ceased by then to have any affiliation with any organised political party.

Gordon was a great guy to work with. He was straightforward. You always understood exactly where you stood with Gordon. There was not a devious bone in his body. He was cooperative. He had a very pleasant personality and a dry sense of humour that perhaps a lot of people did not appreciate because it was quite subtle. You sometimes did not realise that he was being humorous and having a shot at you until you sat down and thought about it later. I always found it a great pleasure to work with Gordon Walsh in those years of his involvement in public life during which I knew him, and knew him well.

I think his contribution to this community is sometimes underestimated because he went about his job really quietly. He did not publicise what he was doing very much at all. He was quite a humble man. I believe that this community has benefited enormously from Gordon's contribution over many years, and I believe he will be remembered by many, if not by all, of the members of this community for his diligence and his commitment to the interests of this community. As somebody who worked with Gordon and knew him well during those heady days of the 1970s and the 1980s when we were struggling for self-government, I join wholeheartedly with the Chief Minister in this motion of condolence to Naomi and Gordon's children.

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

DEATH OF MS JUDITH WRIGHT

MS CARNELL (Chief Minister): Mr Speaker, I move:

That this Assembly expresses its deep regret at the death of Judith Wright McKinney, one of Australia's best-known and most respected poets and passionate activists, who spent the last twenty years of her life in the ACT region, and tenders its profound sympathy to her daughter, Meredith-Anne McKinney, in her bereavement.

It was with much sadness that I learnt of the recent death of Ms Judith Wright McKinney. Judith Wright was one of Australia's best-known and most respected poets and passionate activists, spending the last 20 years of her life here in the Canberra region.

Judith was born on 31 May 1915 at a station near Armidale in New South Wales and was raised on her family property, *Wallamumbi*, in the New England tableland. She was educated at the New England Girls School and later moved to Sydney to work and write.

During World War II Judith met and married self-taught philosopher, Jack Wright. The two settled in the rainforests of Mount Tambourine in Queensland where, in April 1950, their daughter, Meredith-Anne, was born.

During her life Judith was a prolific poet, critic, editor, essayist, children's writer and short story writer and she will be well remembered for her outstanding contribution to Australia's cultural life. She published more than 40 books and was one of the first Australian poets to be used in English syllabuses in Australian schools. Twice nominated for the Nobel Prize for Literature, Judith was a recipient of many honours, including several honorary doctorates. She was awarded the World Prize for Poetry in 1984, the prestigious Queen's Medal for Poetry in 1992, and the Australian Human Award for Literature in 1994.

At the time of her death Judith Wright was working on a second volume of her autobiography, despite deteriorating eyesight, profound deafness and illness which slowed but did not stop her commitment to writing. Judith's first volume, *Half a Lifetime*, was published last year to wide critical acclaim. It is unfortunate that her second volume was incomplete at the time of her death.

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Throughout her life Judith fought passionately for issues close to her heart. She was untiring and passionate in her support for Aboriginal reconciliation, the environment, peace, and issues affecting Australian writers. An indication of the commitment to indigenous issues was recently evidenced by her participation in the reconciliation march held in Canberra on a bitterly cold winter's day at a time when she was quite unwell. I am sure all members who were part of that walk would remember just how cold that day was.

Judith was an inspirational writer and a poet of extraordinary insight and passion. Her writing struck a cord with generations, and I am certain that she will be remembered as one of Australia's most outstanding writers.

Judith donated her property, *Edge*, near Braidwood to the Australian National University, which in turn donated it to the Duke of Edinburgh Award. It now remains a lasting legacy of her life as a writer's retreat.

I am sure all members will join with me in expressing our sympathy to Judith Wright's daughter, Meredith-Anne, and her friends and colleagues, and in acknowledging the outstanding contribution Judith Wright made to Australian cultural life.

MR STANHOPE (Leader of the Opposition): I join with the Chief Minister in this motion. Judith Wright was born on a station near Armidale in New England, New South Wales, to a pastoralist family. From the old stockman Dan's tales of the early days of the district and later from the diaries of her grandfather, Albert Wright, came the stories that filled much of her early writing. In 1943 she moved to work at the University of Queensland where she met and married J.P. McKinney, a writer and philosopher.

Judith Wright was a prolific poet, literary critic, anthologist, editor, children's writer, short story writer, supporter of the Aboriginal land rights cause and an active conservationist. She won many awards for her writing, including the Grace Leven Prize twice, the Britannica-Australia award, the Christopher Brennan Award, and the ASAN World Prize for Poetry. In 1992 she received the Queen's Gold Medal for Poetry, the first Australian to receive the award.

Judith Wright's passionate advocacy for indigenous Australians was given voice through her writing. In an essay for the Tasmanian wilderness calendar in 1981 she expressed the rationale behind her defence of indigenous Australians with these words:

Those two strands—the love of the land we have invaded and the guilt of the invasion—have become part of me. It is haunted. We owe it repentance and such amends as we can make...

Judith Wright was an ardent supporter of the reconciliation movement in Australia right up until her death. Over the last 10 years her poems of social protest became more frequent, more emphatic and sharper in their condemnation of the various ills that torment our country.

Judith Wright's poems are proclaimed for their lyric beauty, brilliant craftsmanship and emotional honesty. Her poetry provides an insight into the incredible woman that she was. I will read a short paragraph from *The Oxford History of Australian Literature* about her impact in Australia. It says this:

Judith Wright's first book, *The Moving Image* (1946) was a major event in modern Australian poetry: it won immediate recognition and is probably the most often reprinted single volume of Australian poems in the last thirty years. It had the same kind of impact that the paintings of Nolan, Boyd and others had in the art world. It presented the facts of Australia—its past, convict and Aboriginal, its war time and post war present, and thoughts about its future—in an immediately recognisable way. Wright had clearly read and assimilated influences from Eliot, Pound, Edith Sitwell and Dylan Thomas. She was able to bring fairly modern techniques to bear on her Australian subject matter in the same way that the painters were able to assimilate various overseas techniques and influences and apply them for their own purposes. She also had the advantage, in writing about Australia, its landscape and its past, of being able to write at one and the same time about her own pioneering family which had such a close relationship with and a sense of responsibility for the land.

Judith Wright was a long-time resident of Braidwood and in recent years was a not infrequent visitor to Canberra. She was a contributor to Canberra's life. I was always pleased to see that she was a reasonably frequent contributor of letters to the editor of the *Canberra Times*. Many of us had come to regard Judith Wright as not just the great Australian that she was but as one of us here in Canberra and in this region. I often drew some quiet pride at the fact that Judith Wright had chosen to spend the last two decades of her life amongst us here in Canberra. Perhaps some of that quiet comfort that I received bore a relationship to the fact that one of my earliest memories of my time at primary school was being asked to learn to recite some of Judith Wright's early poetry. The one that springs to mind that perhaps most of us here remember was *The Bullocky*, perhaps Judith Wright's most famous poem. I am not sure whether it deserves to be her most famous, but I think it was regarded as such. I have distinct memories of being required to learn it by heart when I was at primary school. I will conclude my short contribution to this debate with one stanza from *The Bullocky* which I think is very relevant here today:

Oh, vine, grow close upon that bone
and hold it with your rooted hand.
The prophet Moses feeds the grape
and fruitful is the Promised Land.

MR MOORE (Minister for Health and Community Care): For 40 years I have enjoyed, studied and taught the poetry of Judith Wright, so I stand today to add my voice to express the regret at her passing. I cannot think of a better way of doing it than quoting two of her poems. The first one I would like to quote is *The Company of Lovers*:

We meet and part now over all the world;
we, the lost company,
take hands together in the night, forget
the night in our brief happiness, silently.

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We, who sought many things, throw all away
for this one thing, one only,
remembering that in the narrow grave
we shall be lonely.

Death marshals up his armies round us now.
Their footsteps crowd too near.
Lock your warm hand above the chilling heart
and for a time I live without my fear.
Grove in the night to find me and embrace,
for the dark preludes of the drums begin,
and round us, round the company of lovers,
death draws his cordons in.

I would also like to quote from *The Cedars*:

The dried body of winter is hard to kill.
Frost crumbles the dead bracken, greys the old grass,
and the great hemisphere of air goes flying
barren and cold from desert or polar seas,
tattering fern and leaf. By the sunken pool
the sullen Sodom-apple grips his scarlet fruit.

Spring, returner, knocker at the iron gates,
why should you return? None wish to live again.
Locked in our mourning, in our sluggish age,
we stand and think of past springs, of deceits not yet forgotten.
Then we answered you in youth and joy; we threw
open our strongholds, and hung our walls with flowers.
Do not ask us to answer again as then we answered.

For it is anguish to be reborn and reborn:
at every return of the overmastering season
to shed our lives in pain, to waken into the cold,
to become naked, while with unbearable effort
we make way for the new sap that burns along old channels—
while out of our life's substance, the inmost of our being,
form those brief flowers, those sacrifices, soon falling,
which spring the returner demands, and demands for ever.

Easier, far easier, to stand with downturned eyes
and hands hanging, to let age and mourning cover us
with their dark rest, heavy like death, like the ground
from which we issued and towards which we crumble.
Easier to be one with the impotent body of winter,
and let our old leaves rattle on the wind's currents—
to stand like the rung trees whose boughs no longer murmur
their foolish answers to spring; whose blossoms now are
the only lasting flowers, the creeping lichens of death.

Spring, impatient, thunderer at the doors of iron,
we have no songs left. Let our boughs be silent.
Hold back your fires that would sear us into flower again,
and your insistent bees, the messengers of generation.

Our bodies are old as winter and would remain in winter.
So the old trees plead, clinging to the edge of darkness.
But round their roots the mintbush makes its buds ready
and the snake in hiding feels the sunlight's finger.
The snake, the fang of summer, beauty's double meaning,
shifts his slow coils and feels his springtime hunger.

Mr Speaker, I think, as with her poem, Judith Wright McKinney will be reborn and reborn for many of us in many ways.

MS TUCKER: I join with other members in extending sympathy to the family and friends of Judith Wright in this condolence motion. As members have already explained, Judith Wright was born and brought up on a sheep station near Armidale in New England, New South Wales, and her memories of seeing land cleared for grazing were an early seed for her passionate defence of the environment that lasted right up until her death.

In 1967 she wrote *A Coral Battleground* and she remained a staunch supporter of the Great Barrier Reef. She was patron of the Canberra and South East Region Environment Centre, which is where I first met her. Her views on the environment are summed up in her foreword to *Going on Talking*, written in November 1990:

...our environment is not only the source and support of all things natural and human, but of language itself. We are not separate from it and it is the base of all our speech and all our science.

Her other deep concern was with justice. This is a quote:

...justice for the people we have so deeply and so unforgivably wronged from the very beginning of our arrival here.

Judith was actively involved in Aboriginal issues. She worked tirelessly on many committees, including one chaired by Dr Nugget Coombs from 1979 to 1983, which led her to write *We Call for a Treaty*. Her fierce determination to be present at the March for Reconciliation—Corroboree 2000 was an example of her deep commitment to the Aboriginal cause. As Mrs Carnell has said, it was a very strong statement of commitment to see her there on that day because it was absolutely freezing and she was very pale. For me to see her there was such a symbol of courage, and I felt very proud to have someone as noble as she in our midst.

Judith will be warmly remembered and sorely missed by all who knew her, and many more who know and love her extraordinary poetry which has inspired and given pride to Australians for more than 50 years. It is through her own words that we can best appreciate this remarkable woman. In delivering the Sir John Morris Memorial Lecture on 17 November 1975 in Hobart, she said:

Our problems and limits are not ours alone, and our needs and requirements are only a small part of what the wider world demands that this country should provide. But we are at the point of decision where we can no longer afford to go on without a clear view of what our natural resources really are, how they should be managed and how we should plan to do this.

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In considering her work on her grandfather's diaries, also published in *Going on Talking*, Judith Wright wrote:

Those diaries were very authentically Australian; if I wanted to interpret the country's history, they were a clear path to it.

For me, the landscape I knew was full of a deep and urgent meaning. I already had felt the problem of identifying with my family's past here and their effects on the land they took.

These hills and plains, these rivers and plants and animals were what I had to work with as a writer, and they themselves contained the hidden depths of a past beyond anything that cities and the history of British invasion had to offer.

In comment on a discussion at ANZAAS at Townsville in 1987 she said this:

One thing is certain: we stand very little chance of reaching that state of social justice and eco justice, or the free cooperation and public ethics that would support it, unless those whose immemorial territory we are living on without their consent are included in it, and on an equal and respected basis.

To continue to exclude them from our search would condemn the enterprise to valuelessness and lack of meaning.

Judith Wright gave up writing poetry at the age of 70 because she believed that the immediate battles were more important. It remains, however, her poetry which will endure when the battles she fought have been hopefully won.

From *The Gateway*, published in 1953, I would like to also put into *Hansard* a particular poem which is called *Birds*:

Whatever the bird is, is perfect in the bird.
Weapon kestrel hard as a blade's curve,
Thrush round as a mother or a full drop of water
Fruit-green parrot wise in his shrieking swerve—
All are what bird is and do not reach beyond bird.

Whatever the bird does is right for the bird to do—
Cruel kestrel dividing in his hunger the sky,
Thrush in the trembling dew beginning to sing,
Parrot clinging and quarrelling and veiling his queer eye—
All these are as birds are and good for birds to do.

But I am torn and beleaguered by my own people.
The blood that feeds my heart is the blood they gave me,
And my heart is the house where they gather and fight for dominion—
All different, all with a wish and a will to save me,
To turn me into the ways of other people.

If I could leave their battleground for the forest of a bird
I could melt the past, the present and the future in one
And find the words that lie behind all these languages.
Then I could fuse my passions into one clear tone,
And be simple to myself as the bird is to the bird.

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

ENVIRONMENT PROTECTION LEGISLATION AMENDMENT BILL 2000

MS TUCKER (11.16): I present the Environment Protection Legislation Amendment Bill 2000.

Title read by Clerk.

MS TUCKER: I move:

That this bill be agreed to in principle.

Mr Speaker, this legislation is very significant for the environment of not only the ACT but also the surrounding region. The burning of fuel wood is a major concern if we want to protect the nation's remnant forest and woodlands. Wood heating is a problem in that it produces nearly three times the greenhouse emissions of natural gas. The burning of wood is also a major concern if we want to address the serious small particle air pollution that has become a feature of our Canberra winters and causes ill health in our community.

Unfortunately the firewood issue has not received much attention from environmentalists or governments. Perhaps one reason is that the industry is scattered and many small operators and private collectors are involved. Perhaps it is because many of us enjoy a wood fire. The impact of our consumption of fuel wood can be imagined when you realise that approximately 6.1 million tonnes of fuel wood is consumed in Australia each year, which compares to an annual export of 5 million tonnes of eucalypt woodchips. For this reason I will spend some time explaining the ecological, consumer protection and health grounds for better regulation of firewood harvesting and use.

Wood stoves were the chief form of heating in Australia until the 1950s. Cheap heating oil in the 1960s and the 1970s reduced firewood use. As the oil price rose in the 1980s, use of fuel wood increased again. The proportion of wood using homes increased in Australia from 9.4 per cent in 1976 to 25 per cent in the late 1980s. The number of households using wood fell between 1988 and 1994, reflecting availability and popularity of natural gas.

Based on these trends, it is likely that without government intervention or other external factors, the proportion of households using firewood as the main heat source will decrease over the next 10 years. However, because of population increase and more people using heaters occasionally as a result of existing heaters in homes, the total number of households using firewood will increase by a small amount.

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It is estimated there are approximately 10,000 non-certified wood heaters, 2,000 certified wood heaters, and 5,000 open fireplaces in Canberra. Fuel wood is collected privately and commercially, with about half being privately collected. The current proposed amendment addresses commercial practice only. It is obviously a small step but an important one. Commercial fuel wood collectors often operate on a casual basis and, due to the unregulated environment, standards of practice vary considerably. For example, a study in Armidale showed that on average consumers receive 76 per cent of the specified weight, and some only 50 per cent.

Currently the industry is unsustainable, with demand outstripping supply. In the ACT region, collection of fuel wood is usually associated with the collection of trees which have died as a result of agricultural clearing, eucalypt ringbarking, poisoning clearing and dieback. Susceptible woodland communities close to urban centres are especially affected right around Australia. Consumption in Canberra has increased from 61,200 tonnes in 1983 to an estimated 100,000 tonnes in 1995.

The wood is often yellow, red and grey box. Red ironbark and some river gum are sourced from surrounding New South Wales. Wood is brought from up to 800 kilometres away. Most fuel wood is collected from areas of remnant vegetation which are not adequately protected in reserve systems. About 70 hectares of box ironbark woodlands are cleared each day for fuel wood. Both green wood and dead wood are collected, or mined, as is perhaps a more accurate term for the current state of practice.

The loss of living trees has clear implications for the health of a woodland. The loss of standing dead trees, however, has a significant impact on ecological diversity through changes to vegetation composition and structure, soil erosion and nutrient levels, and loss of food and habitat for fauna. Standing dead trees have major habitat value for raptors and arboreal mammals. Fallen branches are also valuable habitat for birds and other wildlife. The bird population of a stand of forest has been found to be directly related to the amount of fallen timber left on the forest floor.

On the question of pollution, Canberra's topography and climate are conducive to poor atmospheric dispersion in winter, and low-level inversions on cool nights will form if wind speeds are low. Surrounding hills exacerbate the problem of accumulation of air pollutants when vertical dispersion is poor. Light winds and low-level inversions will also increase the incidence of nuisance smoke, where smoke from a chimney or fire blows directly into a neighbour's home.

A recent study on air pollution called *Air Pollution—Size Counts*, by Dr Melita Keywood, identified for the first time in Australia the chemical make-up of different size particles in the air. Burning wood creates tiny particles which can penetrate deep into the lungs and contain toxic and cancer causing chemicals. Chemicals include lead, black carbon and complex organic compounds. Dr Keywood and her colleagues measured levels of particles smaller than 10 micrometres in diameter in Sydney, Melbourne, Adelaide, Brisbane, Canberra and Launceston. Average concentrations in the smaller

cities of Canberra and Launceston were two to three times greater than in the other four cities, with smaller particles making up a larger proportion of the particle concentration in Launceston and Canberra. This obviously has implications for the health of our community. This bill would go some way towards addressing these problems. I have also placed a motion on the notice paper which further addresses the issue of pollution.

In Canberra we, of course, do have a solid fuel strategy and a voluntary code of practice for fuel wood sellers. To date the voluntary code has attracted only seven firewood merchants to sign up, and while I would like to acknowledge these providers who have been concerned enough to do the right thing, the fact that others still operate outside the code means that we are not having that much effect.

This means that a small group is attempting to be responsible; a small number of purchasers of wood know what they are getting and what they pay for; and only a small number of people who buy fuel wood in the ACT receive any information about better burning practices, the type of wood they are buying, and burning mixed loads. The rest are missing out, which means that we are all missing out on cleaner air and a chance for viable woodlands to be part of our region's landscape into the future.

This legislation would require all sellers of fuel wood to residents of Canberra to have an environmental authorisation. A condition of the authorisation would be that fuel wood sellers would have to comply with the substantive provisions of the existing code of practice—that is, promotion of mixed loads, correct burning practices, firewood to be sold by mass or weight only, only seasoned wood to be sold and the source of wood to be disclosed. We have also introduced a set of definitions of wood sources, which will allow sellers and buyers to differentiate between types of wood.

Overall, the two main effects of this bill would be to ensure that ACT residents are given the most basic ecological information about the firewood that they buy, the most basic information about how best to use it, and a level of protection that they are getting the amount they think they are. This is, as I said, a small step, but it is essential. For any education campaigns to make a difference, people need to know the basic information about what the wood they are using.

Members of the industry who are taking a responsible approach are supportive of this legislation because, as often is the case, some operators choose to ignore the code, which can disadvantage the responsible operators whose prices sometimes, by necessity, have to increase in order to cover the extra responsibilities.

Cost savings also are an incentive to use wood heaters. Obviously, the real environmental cost of using fuel wood was and is not reflected in the price. As we know, for many people the price will be the determining factor and the result can be disastrous for the health of our environment.

There are equity issues here which have to be considered, and I want to acknowledge them as well. I will be talking about them more when we deal with the motion on air pollution.

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The industry is inadequately regulated and, as a whole, it has had little regard for ecological sustainability or pollution issues. The ACT Greens believe, therefore, that we need a stronger role for government in the regulation of this particular activity. I know that there will be some costs for the ACT government if they take a more proactive role, but I believe it is a fundamental responsibility for them to take on.

There is a serious problem in terms of the supply of wood and its impact on fragile and vulnerable ecosystems and there is a serious problem in terms of local pollution. I commend the bill to the Assembly.

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

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Report on Draft 2000-01 Budget—Department of Justice and Community Safety and Related Agencies

Debate resumed from 9 May 2000, on motion by Mr Berry:

That this Assembly authorises the publication of the Standing Committee on Justice and Community Safety's Report No 9, entitled *The 2000/01 Draft Budget of the Department of Justice and Community Safety and related Agencies*.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (11.26): Mr Speaker, members will recall that this motion provides for the publication of the report of the Standing Committee on Justice and Community Safety on the draft budget. Publication has been held up because of comments made in a dissenting report to the committee's report. I think much was said when we last debated this matter about the nature of the comments made in the dissenting report, and obviously the one or two members of the house referred to, directly or indirectly, in the dissenting report have a fairly significant interest in those comments.

There is clearly a broader community interest that the bulk of the work of the committee, which I think has been good work that deserves to be on the public record and formally received by the community, needs to be authorised for publication. As such, I support the motion which Mr Berry has moved. However, I have circulated an amendment to the motion, which I now move:

Add the following words:

or imputed improper motives to Members of the Assembly.'."

"with an inserti
'The Assembly

This amendment acknowledges the serious implication of the comments on page 5 of the dissenting report. These comments clearly impute improper motives to members of the Assembly and they are clearly offensive in terms of the standing orders of the Assembly.

I believe that the Assembly will have a considerable problem if it authorises publication of reports containing certain imputations because such comments would not be treated in the same way if they were made live on the floor of the Assembly. If I were to rise and say that member X is a wife-basher then I would obviously be asked, quite properly, to withdraw that comment. But if I—

Mr Berry: That is rubbish.

MR HUMPHRIES: I think quite clearly I would be asked to withdraw if that comment were made on the floor of the Assembly.

Mr Berry: Do you see your name in the report? Are you admitting that you are the person?

MR HUMPHRIES: Reference in the report is to the Attorney-General. Mr Berry, I do not know which other Attorney-General might be referred to in that report but me. Is there another Attorney-General in the house? No, I do not think so. Perhaps I am overly sensitive about this, perhaps I am just prickly, but it seems to me that when reference is made to the Attorney-General it is a reference to me.

Let me return to the point I was making. If I rose in the house and said some member of the house beat his wife then clearly I would be asked to withdraw that comment. It would clearly be out of order. But should I be able, in a completely unfettered way, to make that same comment in a dissenting report to an Assembly committee report, and thereby avoid giving other members the opportunity to have the matter withdrawn when it comes before the house? If we do not prevent that happening we open up an avenue for people to use the Assembly to make comments which are clearly disorderly and which would be defamatory if made outside the house.

Mr Berry: No they would not be.

Mr Hargreaves: I do not think so.

Mr Berry: That is drawing a long bow.

Mr Hargreaves: That is rubbish and you know it is rubbish, Gary.

MR HUMPHRIES: Well, I am sorry.

Mr Hargreaves: You know that is rubbish.

MR HUMPHRIES: My view is, and I have actually taken legal advice on the subject—

Mr Hargreaves: Yes, I have seen it and you know it is rubbish.

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MR HUMPHRIES: No, you have not seen it because it is advice that I took from my own solicitor. So I am sorry to tell Mr Hargreaves that he has not seen it. My view is, based on that advice, that it would be defamatory to make those comments outside the house. I do not have written advice. This is my personal advice.

Mr Hargreaves: And the chance of success?

MR HUMPHRIES: I do not really care what the chance of success is, Mr Hargreaves. I think the comments are—

Mr Hargreaves: You are just grandstanding.

MR HUMPHRIES: That may be your view. I think that you are grandstanding, Mr Hargreaves, which is why you want this report published under privilege.

Mr Hargreaves: I did not bring this on.

MR HUMPHRIES: I know. It is hard to imagine, is it not—

Mr Hargreaves: I did not bring it on. You brought it on.

MR HUMPHRIES: You put the comments in your report. Mr Speaker, I think Mr Hargreaves has abused the process of the Assembly with these comments.

I want to digress and make very clearly one important point about this process. The comments which Mr Hargreaves makes in his dissenting report are not based on any evidence given before the Standing Committee on Justice and Community Safety inquiry. My advice is that no witnesses came before the Assembly committee and made comments of the kind which are contained in Mr Hargreaves' report. No submission was made to the committee in the terms of Mr Hargreaves' report. Absolutely no evidence of any kind was given before the Assembly committee which even vaguely suggested the kinds of comments that Mr Hargreaves has made in his dissenting report.

That being so, the question needs to be asked: on what basis are the comments made in the report? They are, I think, quite properly personal supposition, a personal guesstimate, a stab in the dark, an assertion without foundation by Mr Hargreaves. Indeed, in a more recent committee inquiry when these issues were canvassed extensively—that is, the estimates committee inquiry—it became quite clear that the suggestion that, in taking the decision I had with respect to funding of the two bodies, I was on some wild frolic of my own, was unsubstantiated in that the advice on which I acted was clearly advice of my department. The basis for these claims has been repudiated since then by hearings before another committee of the Assembly.

Mr Hargreaves: No, they haven't.

MR HUMPHRIES: I think they have, Mr Speaker, and that is my view.

The other point here concerns natural justice. Mr Hargreaves has made these assertions in his dissenting report. I appeared as a witness before the Justice and Community Safety Committee in the course of its inquiry and these comments were never put to me. It would seem to me to be entirely appropriate that if Mr Hargreaves wanted to make these very serious assertions about my behaviour as Attorney-General of the Australian Capital Territory, he might have put those assertions to me so I would have a chance to rebut them. I had no such opportunity. As a result, the comments appeared without my having a chance beforehand to put my point of view about them. For that reason alone I think we have got to view these comments with considerable caution.

In any case, it is very important to consider that the publication of comments without qualification provides members with a major opportunity to use what has been described as the coward's castle of parliament to make comments under privilege—comments which they could not make outside the chamber under privilege and which they could not make inside the chamber without having to withdraw them.

Mr Speaker, I think the amendment I have moved reflects an appropriate response to the situation. It clearly notes that the comments of Mr Hargreaves would constitute a breach of the standing orders if made on the floor of the Assembly. The fact is that the comments ought not be construed differently whether they are made on the floor of the Assembly or whether they are made in a committee report. In both circumstances, the making of the comments attracts privilege, and unfettered privilege in these circumstances would be most unfortunate and most unfair.

Mr Speaker, I think the motion needs to be suitably qualified and I commend my amendment to the Assembly.

MR HARGREAVES (11:36): I am pleased to see that the government is going to support the body of the motion. I believe the most significant part about it is the extension of privilege to the committee and the staff of the committee, who obviously have to deal with the publication of the report. What the minister thinks of me is, in a sense, immaterial.

I would like to address a couple of things within the context of what the minister has said about my comments. Since I am the subject of the amendment, I would seek the indulgence of members on the question of time.

You may remember, Mr Speaker, that when we previously had this debate in the chamber I did in fact withdraw any suggestion of corruption. I want to make that point up-front at this stage and I will come back to it later. I understand that it is a difficult process to withdraw things from a written report. I also understand that we have a processing problem concerning an issued report that contains something which is regretted later. Perhaps the Administration and Procedure Committee can address that in the fullness of time. I do not regret the sentiments behind what I have said but I pose the question about procedure.

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I want to pick up on and concur with something the minister said. Mr Humphries said that as I did not make the comment during the course of the committee's inquiry he did not get a chance to respond. Firstly, I did raise it in the context of the committee deliberations. But I pay the point that you make—

Mr Humphries: Not while I was there.

MR HARGREAVES: No, when you were not there and you were not supposed to be there. I was exploring what was going to happen before making up my mind on the issue. But I do pay the point that the minister has made in respect of not being able to respond. I regret that and I will personally take it on board. The minister has made a fair point and it needs to be acknowledged.

As I understand it, the convention for the authorisation of items tabled in this place is that the manager of government business or the responsible minister moves a motion to authorise publication under standing order 212. In practice, many documents are released for publication or dispersment without such authorisation.

It is no wonder that the minister would not want the Justice and Community Safety Committee report on the draft budget released for publication. Coincidentally, he is also the manager of government business. The report contains embarrassing passages that no minister would want in the public arena. An example of this, which has been canvassed, is the treatment of the Women's Legal Centre and the government's response to the question of the funding reduction. The centre was told that it would have its budget reduced by nearly \$40,000. This was a reduction of 83 per cent. The somewhat flimsy justification for reducing the allocation was that the centre had put in a request, supposedly unsubstantiated, for a significant increase. Well, so what?

The facts, as revealed by the estimates committee, are that the Women's Legal Service did have a budget of \$8,000 in 1997-98. An amount of \$40,812 was recommended by the Law Society for 1998-1999, of which only \$8,144 was approved by the Attorney-General on 27 April 2000. But as of last month, or June this year, the actual amount for next year had still not been advised by the Attorney-General. I understand that later an increase was granted. But why the recommendation of the Law Society was rejected by the Attorney-General in 1998-1999 remains a mystery. Apparently there is no answer.

The government said that the centre undertakes a high proportion of family law work without apparently imposing a formal means test. What is this nonsense about the word "apparently"? Did the government not check the truth? If not, why not? How can you make decisions on such a significant amount of money when the word "apparently" is being used? This is the very thing the minister is accusing me of today.

Further, the government said that, in any case, family law matters were Commonwealth responsibilities. What a cop out! This is a real lesson in how to abandon victims of domestic violence who are marginalised socially and economically by our society!

Additionally, on the one hand the government says that it should allocate funds to only one legal aid provider, then on the other hand it says that the Women's Legal Centre submission "did not establish that the grant would actually provide a scheme for the provision of legal aid". If the Women's Legal Centre is not about giving legal aid, what on earth do people think it is about?

The real issue for the Women's Legal Centre was the reinstatement of their previous level of funding, as recommended by the Law Society. Imagine their horror. They ask for an increase and they get the same, if they are lucky. No wonder they are upset. No Treasurer and/or minister for justice in his or her right mind would want such appalling logic out there in the public arena.

Many of the figures supplied by the government in the draft budget process were shoddy. Calculations for the community policing exercise were suspect, and proved to be so, in much the same way as the so-called cost benefit analysis for the prison, issued later, was shoddy—and I will have more to say on this later. The minister has been sprung offering a standing committee an amount of money to dispense when no other committee got anything. He had thus wrecked his own budget process. He knows it and we know it. It only remains for some duped members to realise it and admit it.

On top of this, the offer of \$1 million from the low alcohol taxation changes was predicated on the government picking up one of three options. Two of these indicated there was no possibility of such a windfall anyway. Yet the government had not made its choice at the time of presentation to the standing committee. But, apart from the principle of budget distribution, with which I had huge difficulty, the promise was hollow and was exposed as such. No wonder the minister did not want the report to be available for scrutiny in the public arena.

What could be done to at least delay things? Kick up a lot of dust might be a good idea. Outrage may be the go. The minister's mock outrage that he had been defamed has an odd ring about it. A look at *Hansard* reveals, at best, how precious this minister is or, at worst, how he is Gary-ing me and this Assembly. I said in this chamber on 28 March last, as reported on page 110 of the uncorrected proof of *Hansard*:

I do not see for the life of me any reason for their reduction other than it is a personal vendetta from the minister across the chamber and others because these people disagreed with it.

Mr Humphries: Mr Speaker, I rise on a point of order. My recollection is that the comments that Mr Hargreaves has just read out were subsequently withdrawn on the floor of the Assembly. Now Mr Hargreaves is repeating them on the floor of the Assembly.

MR SPEAKER: Did you withdraw them earlier, Mr Hargreaves?

MR HARGREAVES: Mr Speaker, I did and I am only repeating them. I am not imputing that they are true at this point.

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MR SPEAKER: Then, I am sorry, you will have to withdraw them.

MR HARGREAVES: I have and I am happy to have done that.

MR SPEAKER: I want you to withdraw them now.

MR HARGREAVES: I withdraw, Mr Speaker. I was referring to the reductions in funding apparently to be suffered by the Women's Legal Service, the Environmental Defender's Office and the Welfare Rights and Legal Service. I had not referred to any specific reason that may be the subject of the minister's displeasure and that may have given rise to this. However, at the time the minister jumped to his feet in mock outrage and made an outlandish accusation of his own. He is also reported on page 110 of the uncorrected proof copy of *Hansard* as saying that I had alleged, in effect, that he had perverted the duty he owes to members of the community. He also said that it was an allegation of corruption. (*Extension of time granted.*)

Mr Speaker, on seeing how mortified this minister was of being accused, in effect, of perversion of duty and corruption, I immediately withdrew any suggestion or implication that there may be corruption. However, on reflecting on this issue, I now see that the minister was demanding I withdraw an implication which he drew from the comment. It was the minister who referred to the issue of abortion, not I. It was he who raised the accusation of corruption, not I. It is this perversion of the statements of members and the mock indignant defence of that perversion which is the hallmark of this minister, hence the term "to be Gary-ed".

Mr Speaker, I was somewhat angered because I had sought details of the government's decision in relation to the funding of the Women's Legal Service, only to be told that the chair had accepted the minister's verbal advice that he had acted on departmental advice. I sought details and none were forthcoming.

The minister has to understand that he is not the font of all wisdom and he is not the only person asked for information. Mr Speaker, I would ask you to perhaps use your good offices to inform the minister that I am under no obligation, as a member of a committee, to seek his advice on anything. If I want the information, I will do it through the chair, which I did. I did not ask the chair to seek information from you; I asked for a clarification of it within the committee structure. I would not dare to speak to you about the issue, minister, because, quite frankly, at the deliberations I did not trust you.

I considered the minister's advice to the chair to be inadequate justification for the apparent reductions and said so inside the committee deliberations or discussions. The sooner this minister realises that nobody has to run to him and ask him for everything, the sooner he will settle down and stop being so prickly and precious. I considered the minister's advice—or Mr Keady's; I can stand corrected by the chair, and I am happy for that to be done—to the chair to be inadequate justification. It is a bit amazing if you are now saying that the advice to the committee from the chief executive was that we should not query what the minister's response was because that advice is something that ought not have happened. It sounds a bit odd to me.

It was this advice on which the committee was being asked to make an important decision which led me to believe that something was afoot in relation to a reduction of funding for the Women's Legal Service. The minister did not want the report, with its dissenting report, to be available for public consumption because he was afraid that some of the truth contained in it would be revealed. He used the ruse of defamation, flimsy as it is, to ensure that the release did not happen at a time that inconvenienced him.

This Attorney-General, this first law officer, this master of the intricacies of litigation, would have known that he was on dubious ground. All he has actually done is draw attention to the fact that someone in this chamber has had the temerity to say in this chamber what many people out there in the community have been saying for five years. They are saying—they have said it to me—that the executive is not beyond bullying a non-government agency to suit their own ends.

For this minister to get all worked up about a statement of truth is a bit rich. I had not realised how thin-skinned and easily hurt he is. Well, I am sorry if I have hurt you, minister. But if you and your colleagues continue to have your officers or yourselves talk to drug recipients in words like, "Why do you bite the hand that feeds you?" when these organisations have the temerity to criticise the government, I will continue to expose you.

Mr Humphries: Like the AIDS Action Council, perhaps?

MR HARGREAVES: Mr Speaker, let the record show the minister interjects and says, "The AIDS Action Council." Nowhere in my speech so far have I referred to that organisation. If the minister wants to identify an organisation that he has bullied then so be it.

Mr Speaker, this document must be authorised for publication. It is the expression of a position reached firstly by a standing committee and secondly by a member who disagrees with the majority of the standing committee. (*Further extension of time granted.*) The non-authorisation, in my view, is a denial of parliamentary privilege to members. Further, it is a denial of protection for the committee office. The statements were made by me under privilege. The same protection should transfer to the committee office, who are the publishers, and to the Assembly who are also the publishers. Why there is not a general resolution to adopt the Commonwealth parliamentary process in this regard is a mystery to me. Perhaps the cynic would say it is convenient for some members who want to play around with the process.

I support the motion to authorise the publication of the report. It is the duty of this Assembly to be open and transparent about its deliberations unless there is good reason not to be. In this case there is insufficient reason to withhold it. The report is part of a draft budget process advanced by the government. If the government does not like what it hears or is slightly offended by the truth, well, bad luck.

Mr Speaker, I did not say that the Attorney-General perverted his duty, I did not allege corruption, and I did not refer to abortions. The Attorney did refer to all of these. I did, in fact, withdraw any implication of corruption. I did say in my report and in my speech

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that the budget process should not be a vehicle for members to pursue individual vendettas. If the minister was offended by such a suggestion, then methinks that perhaps he protesteth too much. I say this because the minister has not at any stage denied anything that I have said I suspected—and I reiterate the word “suspected”—to be the case.

Let us authorise this report for publication and be done with it. Any further comments that I may have about asking the minister to give us good reason why the Assembly should be denied this publication are now probably redundant because I note that the minister has signalled the government’s intention to support the motion.

I would like to see some resolution of the question of the need to have any report authorised by a motion. This ought to be automatic. There are opportunities for this Assembly to sanction its members if it does not like what is being said. The Assembly will do so at any time it feels like it, and I would not interfere with that process for a second. But those sorts of things ought not have a detrimental effect on the committee office or the secretariat. It is absolutely imperative that we consider what protections are given to those support officers.

When I have said something in this chamber that has offended somebody and it can be demonstrated that this is the case, my track record will show that I have withdrawn the remark fairly quickly. I am happy to do that so long as the objection can be sustained. But the question of defamation ought not hang over the committee office for months and months, as has happened in this case. I would urge the government and the Standing Committee on Administration and Procedure to give some thought to that.

Mr Berry: Mr Speaker, I would like to raise a point of order in relation to the amendment which has been moved by Mr Humphries. This amendment anticipates a ruling from the Speaker in respect of the standing orders of this Assembly. Mr Speaker, I would ask you to rule on whether or not amendments to motions or motions in this house can anticipate a ruling of the Speaker in respect of certain matters. In particular, the Speaker will not be able to make a ruling in respect of this matter—that is, the inclusion of certain words in a report.

Mr Osborne: He has already ruled it out of order.

Mr Berry: I hear Mr Osborne interjecting that he has already ruled it out of order. No, he has not because it is not open to the Speaker to rule the words in the report out of order. So I put it to you, Mr Speaker, that Mr Humphries’ amendment anticipates a ruling from you in respect of matters which can never come before you.

Mr Humphries: Mr Speaker, on the point of order: extremely similar comments were made on the floor of this Assembly on a previous occasion by Mr Hargreaves. He reiterated the same comments in not exactly identical words but very similar words.

Mr Berry: There you go—see, you admit it.

MR SPEAKER: I am getting very tired of this. This is a storm in a teacup.

Mr Hargreaves: You are a stranger to the truth.

Mr Humphries: Mr Speaker, I ask that the comment “straying from the truth” be withdrawn.

Mr Hargreaves: Oh, come on! No.

MR SPEAKER: Withdraw.

Mr Hargreaves: No. I am not going to be Gary-ed anymore.

MR SPEAKER: Withdraw, otherwise I will deal with you.

Mr Hargreaves: Mr Speaker, I withdraw the comment that Mr Humphries is a stranger to the truth; I just do not think they have been introduced.

MR SPEAKER: I wish all members would concentrate on the matter. We have a great deal of business before us. I am getting very tired of the preciousness that is going on in this chamber.

Mr Humphries: Mr Speaker, I have to insist that the comments that were just made by Mr Hargreaves also be withdrawn.

MR SPEAKER: Withdraw those please, Mr Hargreaves, and get on with it.

Mr Hargreaves: I am sorry, Mr Speaker. I withdraw my comments suggesting that Mr Humphries has never been introduced to the truth. I am sure he has, but I just do not know whether he has acknowledged that yet.

MR SPEAKER: Do not get smart.

Mr Hargreaves: Mr Speaker, I must say, in response to your directions to me, that I have withdrawn, but I am getting sick of being Gary-ed.

MR SPEAKER: I am tired of talk back.

Mr Humphries: Mr Speaker, I hope we can conduct this debate without having continuous name calling in this place. We on this side of the house have certainly not engaged in it and I hope members opposite are able to restrain themselves.

Mr Hargreaves: Sanctimonious windbag.

Mr Humphries: Mr Speaker—

Mr Hargreaves: I withdraw that one too, Mr Speaker, in deference to the minister.

MR SPEAKER: Order, please. Come on—would everybody start acting like adults, thank you. You are here to represent the community and I would hope you would do it responsibly.

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Mr Berry: Come on, sweetie.

MR SPEAKER: I direct that remark to everybody.

Mr Humphries: Mr Speaker, you have made a ruling already on the words, or the almost identical words, that Mr Hargreaves uses in his dissenting report. The Assembly is perfectly entitled to anticipate your ruling in a similar way in respect of the amendment which is before the house.

Mr Berry: There is an admission already that they were not the same words.

Mr Hargreaves: They are not the same words, and you know it.

Mr Humphries: They are almost identical words.

MR SPEAKER: I have ruled already on the matter in answer to your question, Mr Berry. You took a point of order and I have just given you an answer. I have ruled on it.

Mr Berry: Mr Speaker, you did not rule. I asked you to rule whether amendments to motions can anticipate your rulings; whether it is open for amendments to motions to anticipate how you will rule.

MR SPEAKER: There is no suggestion of this in this amendment.

Mr Berry: Mr Speaker, let me read it to you. The amendment reads:

The Assembly notes that certain comments in the dissenting report of Mr Hargreaves, if used in the Assembly would constitute a breach of the Standing Orders of the Assembly and would be required to be withdrawn on the basis that they were offensive or imputed improper motives to Members of the Assembly.

If that is not anticipating a ruling from you, I do not know what is.

MR SPEAKER: It is not anticipating any ruling at all. It is a question for the Assembly to decide. It begins with the words "The Assembly notes". It is up to the Assembly to decide on this matter. I have already ruled on the earlier matter, so there is no point of order there. In other words, Mr Humphries is pointing out that, having already indicated that comments made in here were out of order—

Mr Hargreaves: It says "if". This is the key word.

Mr Berry: "If used in the Assembly", Mr Speaker.

Mr Hargreaves: Not "when used" but "if used".

Mr Berry: This is the old hypothetical in the extreme.

Mr Humphries: No it is not. Anyway, standing orders say that a hypothetical issue cannot be raised in a motion.

MR SPEAKER: Mr Hargreaves has already withdrawn comments that he made here.

Mr Berry: Mr Speaker, that's not the point.

MR SPEAKER: It is the point and I am getting very tired of this argument.

Mr Berry: You may be getting tired of it, Mr Speaker, but I just asked you to rule whether it can anticipate—

MR SPEAKER: Yes, and I have ruled no. There is your answer. I call Mr Osborne.

MR OSBORNE (12.01): Mr Speaker, we have been over this a number of times. It is not just the Attorney-General who has had allegations made against him in the report. Mr Hargreaves has apologised to me privately, claiming that I was not the target of the barrage in the report. I accepted that. However, the fact remains that it is still in the report and I would like it withdrawn.

Let us talk about the facts. Senior public servants—in particular Mr Keady on two occasions and Ms Lennon on one—have given detailed evidence to the committee on the background to this. I think some of the facts have got somewhat muddled. If Mr Hargreaves wishes the section to remain in the report, I think he should also add that he considers Tim Keady and Anna Lennon to be liars, because that is effectively what that report says.

I do not want this to drag on, Mr Speaker. We have got a busy couple of days ahead of us. I have accepted Mr Hargreaves' apology but I think his remarks should be withdrawn because I find what he said offensive and not true. Public officials have shown it not to be true. Although this matter has been raised twice, Mr Hargreaves spoke only on the last day. We could talk about this for hours but I think the point has been made.

MS TUCKER (12.03): I want to talk to the motion and to the amendment. This is a quite difficult matter. I have paid serious regard to a number of issues that have been raised in this debate—that is, what status we give to dissenting reports, the separation between committee work and the Assembly, and the issue of the substance of the dissenting report that has upset people.

First, let us look at the issue of dissenting committee reports. Some parliaments do not have dissenting reports at all. Rather, you can find out whether a member of a committee has a problem with or disagrees with the general direction of the committee by going to the minutes. The ACT Assembly has dissenting reports and I believe that they are useful. The minority view may indeed be the right view in any discussion and therefore the minority view should be allowed to be presented with the committee's report. So, basically I am supportive of the concept of dissenting reports.

I understand that the dissenting report which is the subject of the amendment now before us has offended some members of the Justice and Community Safety Committee. I think Mr Hargreaves could have been more judicious in his use of words, but I defend his right to raise concerns about the particular issue.

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Mr Humphries: Without any evidence.

MS TUCKER: Mr Humphries says, “Without any evidence.” As a member of this Assembly I can understand why he said that. I recall that a 1999 report of the Finance and Public Administration Committee on the implementation of service purchasing arrangements in the ACT stated:

The committee found among agencies a disturbing degree of mistrust regarding long term departmental intentions. Some agencies have reason to believe they have been singled out for adverse treatment.

It became evident early in the inquiry that there is considerable disquiet within the community services sector about the process of implementation of the Rogan/Johnston recommendations. The committee found a reluctance by some agencies to be open about their concerns out of a perceived fear that they might suffer retribution if they were frank in their opinions about service/purchasing arrangements and their administration.

I personally have also had those concerns communicated to me consistently over the last few years by individual agencies. So there is certainly, from the perspective of my work in this place, a reasonable likelihood that this is the case.

Mr Hargreaves has used the words “I suspect” in his report, so he is offering an opinion. Perhaps he could have been more careful with his words. I think he could have and I hope he has learnt something from this. But there is something else at stake here. When I was speaking on the issue of freedom of speech I quoted the following extract from *House of Representatives Practice*:

By the 9th article of the Bill of Rights 1688 it was declared:

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place of Parliament.

And then it goes on to say, and I will not read the whole passage:

Members are absolutely privileged from suit or prosecution only in respect of anything they might say in the course of proceedings ...

Further on, the following point is made:

... it becomes the duty of each Member to refrain from any course of action prejudicial to the privilege which he enjoys.

This is absolute privilege. This section highlights the point that people have to take responsibility when they make statements under this protection, whether it be in respect of authorisation or whatever.

I understand that Mr Humphries, Mr Osborne and others are sensitive about what Mr Hargreaves said. I noticed yesterday that in one section of his dissenting estimates report, Mr Hird accused the committee of being hypocritical and in another he accused them of fraud in respect of information. He says:

I informed the committee that its figures on the expenditure budget for the V8 Supercar race were wrong, but a majority of members refused to make the correction. For those members of the committee who are aware of the correct estimates to knowingly publish false data in the report reflects badly on the integrity and usefulness of the committee.

This very serious allegation was made yesterday in a dissenting report. If Mr Humphries wants to amend motions and intrude into committee processes and committee reports in this way, we will be opening up a new approach to the way we deal with committee reports. Mr Humphries' amendment is very unusual. I guess we can expect that Mr Corbell or other members of the estimates committee will want to insert certain words into the motion concerning the report of the estimates committee because basically they have been accused by Mr Hird of deliberately misleading in respect of information.

These are the sorts of issues that make this discussion so tricky. I value the role of the committees and the reports that they present. I see a distinction between what happens in the Assembly and those reports. It is dangerous to intrude into committee reports and to closely relate the work of committees to what happens in the Assembly. What would happen under a majority government? A majority government could start excising bits of reports of committees if it were in its political interests to do so.

Mr Humphries: I am not excising anything, Kerrie. Nothing has been excised.

MS TUCKER: Mr Humphries says no, he is not excising anything. His solution is to insert some further wording. What I am trying to explain is that basically there is no consistency. Mr Hird said things that I think could be very offensive as well to members of the estimates committee. Are we going to move to the rather ridiculous situation of asking, "Well okay, what do we want next inserted into a committee report? Do we want the government response inserted? Does the opposition want the right to have responses to the dissenting reports inserted?"

Basically, the conclusion that I have come to is that I will not support Mr Humphries' amendment. I will, with regret, support the motion that publication of the report be authorised. As I have said, I think it is difficult. I think Mr Hargreaves needs to be more careful in what he says, and I think Mr Hird needs to be more careful too. Everyone should be much more professional in the way they put their name to these reports. The credibility of the committee system is being undermined, and this debate is contributing to that. Although I support the motion to authorise the publication of the report, I ask that members take note of what we are doing to the credibility of the committee system.

MR SPEAKER: Mr Berry has circulated an amendment which seeks to add to Mr Humphries' amendment the words "whether the comments were true or not". I have looked very carefully at this. *House of Representatives Practice* at page 345 states:

An amendment has been ruled out of order on the grounds that it:

- was frivolous
- was tendered in the spirit of mockery ...

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I am not going to rule the amendment out of order, but I think it is very close to one of those two points, Mr Berry. I will leave it up to the Assembly to make—

MR BERRY (12.13): Thank you for your wise comments, Mr Speaker. I move:

Add the following words “whether the comments were true or not.”.

I have moved the amendment principally to make the point that this is about the Assembly interfering in the committee process in the grossest way. It is open to members in this Assembly to move a substantive motion, in a form that they might choose, to deal with matters that reflect badly on members in this place. It is quite open for them to do so in respect of any comments that a member might make concerning due process. But if you value the committee process as you say you do, you would be very wary about seeking this level of interference in respect of committee reports. For example, if this amendment were to be passed, my reading of it is that the report would have to include some reference to the amendment.

Mr Humphries: No it wouldn't.

MR BERRY: Mr Humphries, that makes me feel a little more comfortable. But a motion in this place would then reflect, one way or another, the words that were in the report.

Let me leave the words in the report for the moment. Ms Tucker raised some very wise points. She quite correctly drew attention to a report released just yesterday which said some fairly strong things about members of the estimates committee. It is possible that we might, in retrospect, think that we should move an amendment similar to that of Mr Humphries' in relation to the words which were used by Mr Hird in his dissenting report.

Mr Humphries: You are entitled to move an amendment.

MR BERRY: I would not presume to do so because I do not think it is appropriate.

Mr Humphries: It would not suit your case, would it?

MR BERRY: It would suit my case because it would expose the stupidity of this particular amendment. If all I wanted to do in this place was expose your stupidity, Mr Humphries, I could be kept busy enough. But that is not what I am here for. I am here to represent constituents.

In his dissenting report, Mr Hargreaves said:

I suspect that these reductions reflect the personal commitment of the Attorney General and certain members of the Standing Committee to de-fund those activities ...

MR SPEAKER: Order! Withdraw. You are not allowed to do that.

MR BERRY: I withdraw. I refer to the words which have been found to be particularly offensive by Mr Humphries and which are contained in the dissenting report. Can I say that?

MR SPEAKER: Yes, you may.

MR BERRY: As long as I am not required to—

MR SPEAKER: Do not quote them.

MR BERRY: As long as I am not required to say that Gary is on the right track here.

Mr Humphries: We would not hear you say it that way, so don't worry about it.

MR BERRY: I might be required to withdraw it because other members thought I was terribly wrong and I was committing some sort of great offence against the committee process.

Mr Speaker, whether or not you agree with those words is quite irrelevant. What is very important is the right of members to make contributions to the committee process. Members who vote for Mr Humphries' amendment ought to reflect on the future and what might be said about their strong words as committee members. We could have a situation where the majority of the Assembly are heaping scorn, by virtue of the standing orders of this place, on the members of a committee. I do not think that is a process that we should engage in without kicking up a bit of a struggle to prevent it happening.

Mr Speaker, leaving aside the content, there is no justification for this Assembly to interfere so grossly in the committee process. If you take this step, it means that every time somebody is offended by something that is said in a committee report it is open to them to put this sort of amendment forward to salve one's hurt personal feelings or something along those lines.

If Mr Humphries so desperately needs to have his personal position repaired because of the words which appear in this report then I suggest that he should go and have a cup of tea or something. That would be far more positive than imposing this sort of standard or this possibility on future and, indeed, past considerations of Assembly members. I just think it is an unwise and appalling approach to these sorts of things.

I know that Mr Humphries is offended by the words that are contained in the dissenting report, and I think there are a lot of people in the community that have had the same suspicions. I am one of them; I hold the same suspicions. But I cannot, for the life of me, be found to have offended the standing orders of this Assembly because I hold the same suspicions that thousands of other people in the community, and Mr Hargreaves, hold. When has it become an offence under the standing orders for a member of a committee to hold suspicions about certain things? Members of committees come from the non-executive area and from time to time their words will be included in the work of committees.

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Mr Speaker, you are saying that if at any point committee members offend the standing orders or impute improper motives, whether true or not, we have to pass an amendment like the one before us to try in some way to water down the suspicions of particular members of Assembly committees. That is a nonsense. You cannot do that. If you want to go for John Hargreaves about what he said in the report, why don't you just go for him? Why don't you just move a substantive motion and deal with it? Why don't you just do it? Why don't you have the courage of your convictions, instead of trying to interfere in such a gross way in the committee process?

I do not care so much about what is said in this report but I do care strongly about the approach that you are taking. I am prepared to enter into a debate with you if you are prepared to move some sort of substantive motion in relation to these matters. If you think the sort of amendment that you have moved will change the suspicions of the community about your actions, you are kidding yourself. This does not change a damn thing. The Speaker can rule things out of order that are utterly true. The amendment is made up of a meaningless set of words anyway because they do not mean a thing.

The purpose of my amendment is to point out that Mr Humphries' amendment does not mean a thing in terms of the law or what people outside of this place might think. The standing orders relate to the behaviour of people in this place—not in committees, not outside. They relate to behaviour in this place when it is in session. So to try to impose those sorts of values on a committee process seeks to undermine that process. It seeks to gag members of the Justice and Community Safety Committee and force them to use language which suits the Attorney-General.

It may well be that to suit the Attorney-General everybody has got to refer to him as "sweetie", "petal", "rosebud"—all those sorts of things—and say, "We're on side with you, Gary." Whenever we refer to the—

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

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (12:22): Those names from Mr Berry's mouth are very attractive. I like them but I am not sure I like Mr Berry.

Mr Speaker, I will be very brief in speaking to Mr Berry's amendment. Mr Berry has not explained why these words are necessary. He has spoken in general about my amendment but not about why his words are necessary. I think the words compromise my amendment. They are intended to create the impression that the comments made by Mr Hargreaves might be true when, as I have already indicated, there is no evidence whatsoever that they are true. Indeed, the comments were not even put to either me or Mr Osborne in the course of evidence before the committee. So how could they even be tested to see if they are true?

The question that members need to ask themselves is: why is it that the Labor Party has spent so many hours over this week and previous weeks trying to get this matter reported out in the public arena in the form that they want? The reason is that they want these assertions repeated outside this place but they do not have the guts to make those claims

without parliamentary privilege behind them. They want to make the claims with parliamentary privilege behind them because they know that they are not true and they know that they are defamatory.

The effect of my amendment is that no reporting can occur of the assertions without also reporting the qualification that the house has placed upon the words. So it does make a difference. I think Mr Berry's amendment adds nothing to my amendment. It simply complicates it.

MR OSBORNE (12:24): Mr Speaker, I do not think Mr Berry's amendment does anything really. I think perhaps you should have ruled on this in accordance with *House of Representatives Practice*. I can understand why the Labor Party is a little bit embarrassed about this. Mr Hargreaves has clearly got it wrong. Apart from the fact that he slandered members of this Assembly, he just got it wrong.

Ms Lennon, when quizzed about this by the estimates committee, said:

Mr Hargreaves, I can confirm again that, in fact, the Women's Legal Centre has not had a decrease in funding from previous years.

She goes on to say, in fact, they have got a CPI increase. So, Mr Speaker, apart from the fact that there is something that some of us find offensive in what Mr Hargreaves had to say, he just clearly had not done his homework.

MR HARGREAVES (12.25): I want to correct something the Attorney-General has said. He suggested that the Labor Party has been spinning this out for some time to get some sort of media attention. I challenge the minister to table, or even present me with, one media statement from my office that has gone out on this matter.

Mr Humphries: Because you cannot do it; because you have not got the thing out on the table—that is why. That is what you are aiming for.

MR HARGREAVES: Mr Speaker, he cannot do it. He has been sprung yet again. There has been no media mention of this from my office. So how in the world can that mealy-mouthed minister over there stand up here and say that we have been making media capital out of it? We have not. That is a blatant untruth, and you know it.

Mr Humphries: Mr Speaker, I rise on a point of order. First of all, I have not said that the opposition was making media capital out of this. My point is that the opposition wants to make media capital but cannot do so until this motion is passed. Secondly, to say that it is another untruth on my part is a further offensive comment under standing orders. Mr Speaker, over the last two days Mr Hargreaves must have been asked to withdraw about a dozen times comments—personal reflections on other members—which were in breach of standing orders. I ask you to consider whether the point is not fast being approached when Mr Hargreaves needs to be reminded of the standing orders. Do you have a power to throw someone out of this place if they will not obey the standing orders?

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MR SPEAKER: I do and I will. Mr Hargreaves, withdraw that “untruth”. Please, be careful of your—

MR HARGREAVES: Mr Speaker, I have to be given an opportunity to speak to that point order.

MR SPEAKER: As you will.

MR HARGREAVES: At your pleasure, I might say. Mr Humphries suggested that we had made some capital out of his untruth, and that was the beast to which I referred about the untruth. Mr Speaker, I withdraw, at your insistence.

MR SPEAKER: I ask all members to please be careful about the language you use in this place.

MR HARGREAVES: Very well, Mr Speaker. Mr Osborne got up and said that I got it patently wrong. The comments I made were before Ms Lennon appeared before the Estimates Committee.

Mr Humphries: See, there is no basis for making the claims.

MR HARGREAVES: No, you just cannot have it both ways.

Mr Humphries: Isn't that worse?

MR HARGREAVES: No, it is not worse. Mr Speaker, if you are going to give me a hard time, would you please treat other members in the same way. Thank you. The issue is this: my comments were made during committee discussions and I have said in my report that I suspect that X was the case. Ms Tucker has already shown Mr Humphries that there is nothing unusual about that.

Secondly, Mr Osborne says that I got it wrong. He then quoted what Ms Lennon said before the estimates committee. The facts are that when she came to that estimates committee she did nothing to convince me, she said nothing to convince me, that I was totally wrong. I refer members to the estimates committee report, in which the actual events are tabled. I believe there was a protracted decision-making process that worked in such a way that the Women's Legal Centre considered that they were being detrimentally treated; and I said so, and I said why I suspected X to be the case.

The simple fact is that it took this minister until 27 April 2000 to decide on the 1999-2000 allocation. No wonder people like me were getting twitchy about it. If you are going to have a go at me, at least get your chronology right. You can say righto and be as dismissive as you like, but this will have not one bit of effect on me. At least get it right. If you get it right you know damn well I will back down. But if you do not get it right I will not, and I will not on this issue.

I do not have a crystal ball. Ms Lennon came before the estimates committee and she said they are going to get \$47,000, but this does not accord with what was in the estimates committee charting. Furthermore, that happened about two months after I made my comment.

Members interjecting—

MR SPEAKER: Mr Hargreaves, you have the call.

MR HARGREAVES: Mr Speaker, you will note that I have not made the comment that you would ask me to withdraw, although I have got to tell you I was thinking about doing so. The members of the committee will know that I did raise it—and I acknowledge to Mr Osborne that I did raise it on the last day. However, I was not given a satisfactory response. In fact, as Mr Hird will recall, my questions were treated with disdain. The meeting closed particularly quickly and I did not have a chance to follow it up.

The mere fact that I put the questions forward should have been enough. When in fact the departmental officials did turn up to the estimates committee, the first thing I did was ask them a question to confirm my suspicions. I put my suspicions in my report. If a member cannot share with this Assembly the suspicions I have, well, bad luck for you, minister. On top of that, the minister poured scorn on what Mr Berry was saying a minute ago about how many people feel that way. I have to say that before I came into this chamber there were many hundreds of people saying to me, “When you get in there tell them to stop bullying us, pal.”

Mr Humphries: Yeah, sure.

MR HARGREAVES: Mr Humphries said, “Yeah, sure.” The fact is that he is the one that said he has spent a quarter of his life in this chamber. He has not spent one day out there in the real world. He does not know how his own public servants feel. He does not know that the non-government sector is running scared of this particular government, of which he a second lieutenant. He is just squirming. He is just trying to be a little shifty here to try to get the whole thing through.

I have to support Mr Berry’s amendment because it makes an awful lot of sense, which is something that has not come across the chamber for some considerable time from that mob opposite.

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

PERSONAL EXPLANATION

MR MOORE (Minister for Health and Community Care): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

Leave granted.

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MR MOORE: I want to make the following personal explanation to try to avoid the wasting of more time on political point scoring. Yesterday afternoon it was suggested that I had said in this Assembly that the report of the death review committee has said that the claims by a certain Dr Phil Jeans were false. As members can see for themselves, the committee reached conclusions that directly rebut public allegations made by a surgeon.

The language of the report extends simply to stating the facts. It does not in itself make reference to the allegations of the surgeon. The comment that the allegations are “false” is my statement, which of course I stand by. When challenged yesterday with the suggestion that I had attributed the word “false” to the report itself—in fact, “patently false”—I acknowledged that the report did not itself refer to the allegations, other than to indicate that the examination undertaken by the committee was a direct result of the allegations being made.

I also said that if I had inadvertently attributed direct comments about falsity to the committee then I would withdraw and apologise. An examination of the draft *Hansard* does indicate that at one point yesterday, namely in answer to a question, I am recorded as having suggested that the report itself “said” that the allegations were false, although I believe at no stage did I imply that I was quoting verbatim from the report, as Mr Berry’s motion suggests.

That having been said, I withdrew any implication that I was quoting from the text of the report. To make it absolutely clear, to correct the record I repeat my withdrawal of the word “said” in this context. I apologise again to anyone who may have been offended by the word “said”, whether it be Dr Jeans, whether it be members of the Assembly, or whether it be anybody else. Of course, I stand by the obvious fact that the findings of the committee, when compared to the allegations made, show that those allegations are unsubstantiated.

Sitting suspended from 12.34 to 2.30 pm

VISITORS

MR SPEAKER: Before I call on questions without notice, I would like to recognise the presence in the gallery of a local government area study group from Canberra Girls Grammar School. I welcome you to your Assembly.

QUESTIONS WITHOUT NOTICE

Canberra Hospital—Emergency Surgery

MR STANHOPE: My question is to the Minister for Health and Community Care. Mr Speaker, in the report of the Special Death Review Committee which the minister released yesterday following complaints by Dr Philip Jeans, it is not disputed that the surgery was delayed. The report acknowledges that the patient’s critical condition and the need for resuscitation were partly responsible for the delay, but points also to problems of communication as another factor in the delay. Firstly, can the minister tell

the Assembly what were those problems of communication? Secondly, can he say whether surgeons can now be confident that theatres will be available in appropriate time when emergency surgery is essential, or will the system break down again?

MR MOORE: Mr Speaker, members can read the report and take their own interpretation from the report. There were three recommendations, as Mr Stanhope may recall from his reading of the executive summary I released last Friday, about improved practice to ensure that theatres were available. There was a theatre available, but it required improved communication and the recommendation of the death review committee was, as I recall, that doctors go and deal with the duty anaesthetist on a face-to-face basis. Yes, there are improved processes recommended there, and I am sure that surgeons at the hospital will take them seriously, as I understand they take all recommendations of the death review committee seriously.

MR STANHOPE: Mr Speaker, I have a supplementary question. In addition to the problems of communication to which I just referred, the committee in its conclusion referred to problems related to the accessibility and availability of operating rooms. I do note that the minister, in his answer yesterday, ignored the problems relating to the accessibility and availability of operating rooms. Can the minister say that, as a result of the death review committee's report, those problems of accessibility and availability of operating rooms have been overcome?

MR MOORE: Better than that, Mr Stanhope: long before the death review committee and long before Dr Jeans made his public allegations, we had already taken action. In fact, one of your Labor members, Mr Bill Wood, chaired a committee to which Dr Jeans made a submission on the very issue of waiting lists. One of their recommendations was that we have a review of theatre utilisation.

We took that recommendation very seriously. We responded to the Assembly, saying that we would do something about it. But we will not do it in a half-hearted way; we will do it properly. We went to the college of surgeons and said, "Tell us who is the best person to do a review of this."

Mr Stanhope: Dr Jeans.

MR MOORE: They did not say Dr Jeans. No, you are wrong, Mr Stanhope, they did not say Dr Jeans. They said that Dr King would be the best person to do this job because of his experience. They said that it would be really good if he were accompanied by Dr Kerridge, who is an anaesthetist, and it would be really good if the two of them were accompanied by a very competent nurse experienced in reforming theatre utilisation processes, Ms Jan Cohen.

We agreed that we would bring that group to Canberra to make sure that we could improve our theatre utilisation and get much better theatre utilisation. We had actually acted long before Dr Jeans came out with these allegations, to ensure that we were doing something. Another allegation that Dr Jeans made was that I was sitting on my hands doing nothing when, in fact, we were putting into place the theatre utilisation review to ensure that we get the best possible patient care for people in Canberra. It is the number

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one goal of the Canberra Hospital and the number one goal of me as minister and of this government to get the best possible patient care, and that is what we will continue to pursue.

Bruce Stadium Redevelopment

MR QUINLAN: My question is to the Chief Minister. My question relates to the Bruce Stadium and is asked in anticipation of the Auditor-General's report on the redevelopment. I just want to be quite clear on something. In the 1997-98 financial year some \$9.7 million was expended without prior appropriation. We can play silly games in relation to the legality of the payments, given the much later issue of retrospective guidelines under the Financial Management Act, but I would like to understand the forward approval process for those payments.

Was the decision that those payments be made, made by a public servant; if so, by whom? Was the decision made by a minister—if so, by whom—or was the decision one of the whole of government, say, through cabinet? I guess the latter part of the question is optional, given that it relates directly to cabinet. Are you prepared to advise this Assembly whether cabinet received any briefing, written or oral, on deficiencies in appropriations before any payments were made or before the curious overnight loan was undertaken?

MS CARNELL: Mr Speaker, that was really a quite convoluted question with regard to this matter, which would usually make it the sort of question you would not necessarily ask in question time, but I will attempt to answer it.

I suppose the question is whether, with regard to that transaction, anyone has acted improperly or illegally. When cabinet authorises a transaction, and that does answer your question, it is entitled to assume that those charged with effecting that transaction do so in accordance with the requirements and processes of the law. Cabinet was entitled to believe that its directions in relation to Bruce Stadium were given effect to lawfully. Unfortunately, those charged with effecting the transaction that Mr Quinlan asked about slipped up; it is that simple. They relied upon practice, rather than the strict letter of the law.

I do not believe that the actions were motivated by any improper or unlawful motive. The people concerned acted as they had always done, believing that they did so within the outlines of the law. It is granted that the normally high standards of administration and process control achieved by the department were not met in this circumstance. However, it is not so much that the officers acted without diligence or improperly; it is just that they acted using longstanding practices. Ultimately, those longstanding practices had dubious legal value.

Mr Speaker, the issue here is that the transaction that was carried out needed to have a guideline in place. The person involved, who had done transactions like this before, believed that it was in place, did not check and should have checked; it was that simple. That is exactly what happened.

Mr Quinlan asked who did it. A middle-range public servant who does these sorts of transactions every day and whose name I will not mention in this place, Mr Speaker, nor would I ever. We have an Auditor-General who is looking at this whole issue. We have made it clear that cabinet did authorise a transaction and cabinet had every right to believe that it would be carried out within the letter of the law. The reality is that the administration of that particular action was not done appropriately.

Mr Speaker, thousands of transactions are done by any government, certainly this government, every single day. If a middle-range public servant makes a mistake, is that a hanging offence? The

reality is that what you have to do is to put in place a process to ensure that it does not happen again. That is exactly what was done. A full review of the Central Financing Unit, the CFU, and the way we handle those sorts of transactions was carried out at the time and processes are in place, and have been in place for quite a long period, to ensure that those sorts of administrative slip-ups do not happen in the future. But I need to make it clear again that there was no indication at all that the people involved in the transaction did anything that they believed was incorrect.

MR QUINLAN: Thousands of transactions! We must have a busy little cabinet if they all go to cabinet.

Ms Carnell: They don't all go to cabinet.

MR QUINLAN: They don't?

MR SPEAKER: Order! There will be no preamble. Ask your supplementary question, please.

MR QUINLAN: My supplementary would then be: what was so unique about these transactions that they did go to cabinet and whether there was any qualification to the advice that cabinet received?

MS CARNELL: Mr Speaker, asking for the advice to cabinet, I would suggest, is not just a little bit out of order but dramatically out of order.

MR SPEAKER: Yes, I do not think you can answer that.

Speed Cameras

MR HIRD: Mr Speaker, my question is to the Minister for Urban Services, Mr Smyth. I refer to comments made by Mr Hargreaves in a media statement of 9 June last about the introduction of speed cameras. Mr Hargreaves said in that media release:

Why the Minister can't be honest and say that his own figures show that it has not been successful as a road safety program and is only a good little revenue earner, I don't know.

Minister, can you please inform the parliament what the results have been in the first six months of the introduction of speed cameras? Has the introduction of the cameras so far proved to be successful as part of the government's road safety programs and strategies?

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MR SMYTH: Mr Speaker, I thank Mr Hird for his question, which is about an important issue. It is curious how many preambles and convoluted questions we get from members of the opposition. I used to worry about their future after politics. Obviously, some of the members opposite will go on to be great authors, writing bodice-ripping novels and having simple questions girt by lots of fairy-floss that means absolutely nothing, because it matches their press releases, Mr Speaker.

MR SPEAKER: Address me, please, minister, not the gallery.

MR SMYTH: Mr Speaker, ARRB Transport Research, a leading independent national consultancy group, is overseeing the effectiveness of speed cameras in the ACT. The results of its six-month progress report are quite extraordinary and great news for those concerned about road safety, particularly the potential drivers here of the year 10 class from girls grammar. The report illustrates quite clearly that the cameras are changing the dangerous driving habits of leadfoots. This study is being funded by the NRMA road safety trust, and I would thank the trust for that funding.

What has the report shown? It has shown significant speed reductions by Canberra drivers. Since the introduction of speed cameras in October last year, there has been a 26 per cent decrease in the proportion of vehicles exceeding the posted speed limit at the speed camera sites—26 per cent. Importantly, the report also found that there has been a reduction of 15 per cent in the number of motorists speeding on roads where speed cameras were not used.

Mr Speaker, across Canberra before the introduction of speed cameras, the proportion of vehicles speeding was about 38.5 per cent. The figure overall has dropped by 10 per cent. You would have to say that that is a staggering turnaround in such a short time. There has also been a dramatic fall in the number of motorists speeding by more than 10 per cent in the speed camera zones. For the information of the girls grammar students, the three big killers on the road are speed, fatigue and alcohol.

Mr Corbell: I take a point of order, Mr Speaker. The minister may like to flirt, but he really does have to address his comments to you.

MR SPEAKER: I uphold the point of order and I would remind the minister that Mr Hird asked the question, through me.

MR SMYTH: Mr Speaker, I thank you for upholding that point of order. It is important, though, that the members of the gallery understand that as well.

MR SPEAKER: No!

MR SMYTH: Mr Speaker, there has also been a dramatic decrease in the number of motorists speeding by more than 10 per cent. We have seen a 63 per cent decrease in this number, and that is particularly pleasing. While all forms of speeding can kill, obviously those drivers who exceed the limit by a significant degree place the community at even greater risk.

Mr Speaker, that clearly demonstrates that the cameras have been and are changing driver behaviour for the better by reducing speeding, one of the three big killers on our roads. But Mr Hargreaves has chosen not to believe the independent research by ARRB, the experts. Instead, he flies in the face of this data and proclaims that the figures show that the use of cameras, to quote Mr Hargreaves, “has not been successful as a road safety program and is only a good little revenue earner”. That is simply incorrect and ludicrous, as is so much of what we hear from Mr Hargreaves, as the figures clearly show that motorists are slowing down and, given that speed kills, are therefore making our roads safer.

Mr Speaker, it astounds me that Mr Hargreaves so boldly advocates that the evidence and the experts’ analysis are wrong and that only he is right. On what basis? He has shown no evidence, as we see so often. Mr Speaker, if I did that, Mr Hargreaves and this Assembly would be up in arms, and rightly so. What he has done is irresponsible and misrepresents the truth.

Furthermore, Mr Speaker, these results reflect what has happened in all other jurisdictions. They have also shown that speed cameras are a well proven safety measure, that they do change driver behaviour and that they do reduce speeds. I hope that Canberra, like other jurisdictions, will show a reduction in the number of traffic accidents and the amount of road trauma over time. This is the road safety outcome we wanted. The argument of Mr Hargreaves that it is not a road safety outcome is simply gibberish.

According to Mr Hargreaves’ press release of 9 June, he is not only having trouble grappling with why speed cameras are effective at improving road safety but also having trouble grappling with the logic. He said:

The minister can’t have it both ways. He says the speed is going down, the number of speeders is going up and he still says that the cameras are a good program for stopping speeding.

I have already shown that the speed is going down due to the introduction of the cameras—not only where the speed cameras operate, but also in other areas of Canberra where they do not. The number of people being caught speeding has gone up, as we predicted, since their introduction. Again, we are mirroring what has happened elsewhere in Australia, that is, people slow down as soon as the cameras are introduced and then they get complacent and used to the cameras and their speed creeps up again. Long-term habits do not change overnight, Mr Speaker.

But Mr Hargreaves, perhaps not surprisingly given some of his other comments, has just missed the point, and it is an important one, and that is that their speeds are still way below the levels prior to the introduction of speed cameras, again reinforcing their effectiveness as a road safety tool. So, another illogical comment from Mr Hargreaves illustrates his lack of understanding on this issue.

Fortunately, others in the community have understood. I will finish by quoting parts of a recent *Canberra Times* editorial, albeit with some risk of an outburst from the Leader of the Opposition—he is not here; perhaps we are safe—who described those who

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worked at the *Canberra Times* as “the pseudo-lefties out there, the wine and cheese night pinko lefties at the *Canberra Times*”. Mr Speaker, the *Canberra Times* editorial of 11 June, entitled “Speed cameras have shown their value”, says:

Those Canberrans who believed the introduction of traffic speed cameras was nothing more than a cynical revenue-raising exercise by the ACT Government have been supping on humble pie, with the news that the cameras have brought about a significant reduction in speeding on Canberra roads.

...

True, the number of drivers detected speeding has risen since the first review was carried out, a few weeks after the cameras were introduced. That was only to be expected, as the novelty wore off. But the sustained reduction in speeding half a year later is evidence of a fundamental shift in driver thinking and the fact that the results have carried over into areas not covered by cameras confirms the change of attitude.

These are significant results which vindicate the ACT Government’s decision to introduce speed cameras in the face of considerable opposition.

In fact, the “revenue-raising” argument has never carried much weight with thinking people. How can the introduction of speed cameras raise revenue unless people are doing what they should not be doing—speeding? If no-one broke the law, there would be no revenue to raise.

Speed limits do not exist for the fun of it. They exist because speed is one of the major contributors to injury, death and property damage on the roads. Critics of the cameras seem to think they know better than the traffic experts when it comes to deciding the speed at which they can safely travel on a particular stretch of road. It doesn’t matter what they think. When they speed, they break the law.

Mr Speaker, to the critics like Mr Hargreaves opposite, I repeat a comment I have made from the outset, if it is not too obvious or too late: do not speed and you will not pay. We would rather have safer roads, not your money. No member of this Assembly could support the concept of safe speeding.

Finally, it is important to remember that speed cameras are just one of the tools used in the ACT government’s overall road safety strategy. They supplement what the police do and other programs, such as double demerit points. Education is also an important key and we have leading initiatives, such as the road ready program, in our schools.

Canberra Hospital—Intensive Care Nurses

MR CORBELL: My question is to the Minister for Health and Community Care. Mr Speaker, the minister has complained publicly of the difficulty of recruiting trained intensive care nurses to work at the Canberra Hospital. How has this difficulty manifested itself and how long has it been evident? Can the minister confirm that over the recent long weekend specialist nurses working in the intensive care unit, established to handle eight beds, in fact had to deal with 18 patients? What initiatives has the government taken in the past year to meet the need to recruit more intensive care nurses?

MR MOORE: I thank Mr Corbell for the question. The shortage of intensive care nurses is not only Australia-wide but also worldwide. When it originally came to my attention some 15 months ago, we began a series of actions. The first of those actions was to negotiate with the National Capital Private Hospital to run a backup for the Canberra Hospital so that, should our intensive care unit beds reach such a stage that we were not able to take anybody else, we could take people over to the National Capital Private Hospital.

Remember, when we talk about beds we are normally talking about the number of nurses, not just the physical beds themselves. It is about the support of the nurses there to assist the people in those beds. It is correct to say that 18 beds were in operation on 9 June. That was the peak of the situation. We were down to eight yesterday, I was informed by the CEO at the hospital, Mr Ted Rayment. There was a period within the last few months when, as I recall, we were down to two or three beds at one stage.

The intensive care unit workload does go up and down, but on 9 June we had a particularly strong demand. I must say that we really appreciated the effort put in by nurses who voluntarily worked double shifts, working very hard, to support patients. Remember, those nurses, like the hospital staff and this government, are interested in providing number one patient care.

Mr Corbell also asked about what we will be doing in the long term about this issue. We are advertising for intensive care nurses in Australia. I have also asked the hospital to ensure when they are advertising for surgeons internationally that they also do the same for intensive care nurses. That would normally mean advertising in places such as the United Kingdom, New Zealand and South Africa, where we expect the training to be about the same. There were also offers to assist people with training in the intensive care speciality. I understand that more work is being done on that.

Mr Corbell, this is a difficult area, but there is a whole series of strategies under way. There is one other strategy that every hospital in Australia uses. I know that it was commonly used in Sydney at about the same time as we peaked. We are not quite sure what brought about the particular pressure at that time, but the same pressure existed in New South Wales. What happens in the hospitals in Sydney, for example, when they come under the same pressure is that they transfer people from Westmead to Liverpool, Liverpool to St Vincent's or wherever they can find the room. Hospitals stay in touch with each other to make sure that they can do the same thing. We are involved in exactly the same process.

It is not uncommon for us when we have such pressure on intensive care and we know that somebody who is having a particular operation will need to come into intensive care to take a person whom the clinicians say is able to be moved and move that person to New South Wales. That happens under extreme circumstances. We do everything we can to avoid that in the first place.

That is not to confuse a particular circumstance that was reported in a Sunday edition of the paper when Mr Bennett talked about his mother. Most of us are familiar with Mr Bennett. He is, in fact, a close neighbour of mine and I was familiar with that

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situation. Indeed, I spoke to him around midnight on the Thursday night that it occurred; so it must have been about 9 June. He said that the administration had asked him to move his mother on administrative grounds because that was the most convenient thing to do.

When I spoke to the deputy director, clinical, of the hospital, Dr Kerrie Delaney, I said, “Whatever your decision is, it should be made on clinical grounds.” In fact, as it turned out, it was not necessary to move Mrs Bennett in this case. I use her name only because he made her name available in the paper.

What I will say, though, is that something very interesting happened when I was at the hospital a day or two after that. A specialist came to me and said, “I am very surprised that one of my decisions, which was a very difficult decision, to move somebody from the intensive care unit was not carried through.” I said, “What do you mean?” He was referring to the particular patient whom this specialist said he believed would have had better care in Sydney—not on administrative grounds but on clinical grounds.

These things are always very awkward in the sense that often on the surface they appear to be one thing, but underneath there is a series of other things in operation. I used this particular example because it had already been raised publicly. Normally I am not in a position to be able to talk about a particular patient.

In summary, there is pressure on the intensive care unit. We have taken a series of actions and will continue to take a series of actions to recruit appropriate nurses for that area. In the meantime, we have other backup systems to ensure that we get the best possible patient care and we deliver the best possible patient care.

MR CORBELL: I have a supplementary question, Mr Speaker. I accept that the minister may need to take the supplementary question on notice. Can the minister tell the Assembly how many double shifts have been worked by nurses at the Canberra Hospital each week for the last four weeks? How many of these double shifts have been worked in the intensive care unit?

MR MOORE: I will take the part of the question as to the exact numbers on notice, but I can say that no double shift has been worked on an involuntary basis. Nurses are asked to work a double shift, but not forced. That having been said, I understand that some nurses, because they are concerned first and foremost with patient care, feel real pressure to do so when they would prefer not to be doing so. They do feel real pressure to say that they will stay back, even though they would prefer to go home. I want to distinguish between what I am saying is forced and the fact that they believe that the extra patient care is necessary.

I would also like to remind members that it happens in every hospital, and it has happened in this hospital for a long time, that there are peaks within hospital administration that have to be taken care of and do put pressure on for a short time. We saw that pressure around 9 June. We saw it come up, we saw a great deal of media on it and we know that the pressure has now eased very considerably.

If we run a hospital so that it can always handle this kind of pressure—for example, we staff the intensive care unit so that it can always handle 18 beds, but it only runs something like five or six beds through the norm—that would be a huge waste of money, money that we could spend on providing respite care for somebody in the disability area, for example, or money that we could spend on having another operation done for somebody who is elderly and needs a hip replaced because they are in great pain. So we are very careful to make sure that we have these processes in place.

As long as we take the attitude that it is better to make sure that we use our money in the most effective way, there will always be times that the hospital, like every other hospital in Australia, especially every teaching hospital in Australia, comes under these sorts of pressures. Sometimes it will happen quite rapidly because of trauma.

One of the things that add to this aspect of the intensive care unit, of course, is the growing number of trauma cases that are being brought in by helicopter. We are at the moment examining the impact. It was first raised with me some five or six weeks ago, maybe a little bit longer than that, that the use of the helicopter was increasing the trauma load. I said that we would have to monitor that, get some figures, to see whether it will require extra funding.

Mr Wood: Where does the helicopter come into it?

MR MOORE: I hear Mr Wood interjecting. I have to say to Mr Wood that I have tried very hard to answer the question fully and properly.

Mr Wood: You have overdone it.

MR MOORE: There is no information I have put in there that is repetitive.

Mr Wood: You can take as long with the next answer you give.

MR MOORE: Sometimes, Mr Wood, as you know, my answer will be just yes or no, but, when a full explanation is required, I try to give it in the most effective way I can.

Australia-Israel Chamber of Commerce Trade Mission

MR KAINE: Mr Speaker, my question, through you, is to the Chief Minister. On 25 May I asked you a question about the quarterly travel report and a particular trip on which your media representative somehow became competent to represent the government on an overseas tour. In responding to my question, you said:

I sent Mr Harris because I believed his interest in the area, his knowledge in the area and his capacity to report back to me and to other members of this Assembly were exemplary. That has been proven. Mr Harris has already reported to me and will report to this Assembly in the very near future. I am very surprised that anybody would doubt his capacity to handle a trip like this and to report back very appropriately.

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Chief Minister, yesterday you tabled a kilogram of paper which purports to be a visit report and which, in the government's draft program for this week, was, I presume laughingly, described as Geoff Harris' travel report. I describe it in those terms, Chief Minister, because there is nothing in this wad of documents that in any way constitutes a report on anything. It is a kilogram of rubbish. It is a kilogram of documents that any office boy could have picked up from any of the organisations that are referred to in here by going and knocking on the door and saying, "Can you give me a bit of information about something?" Nowhere does it even mention the fact that Mr Harris was there. It does not say anything about whom Mr Harris had discussions with.

Mr Wood: Did he write anything in there?

MR KAINE: The title on the front says *Report on Australia-Israel Chamber of Commerce Study Mission 'Innovation and Convergence' to Israel and the United States—March 2000*. Since you had such great faith in Mr Harris' ability to represent this government, to represent you and to report back to this Assembly, I have to ask, Chief Minister: when is he going to do it?

I ask you specifically, Chief Minister: what were the objectives of the study trip and to what extent were the objectives achieved? How is the involvement of a media adviser in such a tour intended to benefit the government and the territory? What information did the media adviser submit to you that would justify his inclusion in this tour? As the individual concerned is reportedly leaving your employment, how can any knowledge gained by him be expected to benefit the government in the longer term? Given the individual's impending departure, was this so-called business tour a justified expenditure of \$12,628 of the ACT taxpayers' money because this document does not demonstrate any of that? It is a disgrace, an absolute disgrace.

MS CARNELL: Mr Speaker, I actually think that it does. I think that if Mr Kaine had bothered to read it he would have seen that. I have not counted the number of pages of actual report in amongst all of the others, but there are about 20 or so, I think. The information that Mr Harris has given to me in verbal reports in support of a number of innovation projects we are involved with has been very important. I think it is really important to remember who else went on this trip. Kate Lundy was there. There were a number of others who were—

Mr Kaine: I am not interested in Kate Lundy; I am interested in your representative who spent \$12,500 of public money.

MS CARNELL: I can understand that Mr Kaine is jealous, Mr Speaker. I think that is all it could be here, because the reality is—

Mr Quinlan: He probably had more cause to go than Mr Harris. You can understand him being jealous.

MS CARNELL: On technology?

Mr Quinlan: Yes.

MS CARNELL: Sorry, no comment. I will just get over that one. I think the report is quite adequate. When you compare it with the couple of paragraphs that Mr Stanhope submitted for his last travel report, I think you would have to say that the report was—

Mr Kaine: I rise to a point of order, Mr Speaker. Will you ask the Chief Minister to deal with the question that I asked of her? It had nothing to do with Mr Stanhope.

MS CARNELL: You are just getting your knickers in a knot, Trevor. Calm down. I make the point again that I believe that the travel report was absolutely adequate. If you have looked at other travel reports that have been submitted to this place, some that do not actually make the bottom of the first page, you would have to say that this travel report was particularly useful. The fact that Mr Harris is leaving my employ has absolutely nothing to do with it. I know that Mr Harris' next job will be extraordinarily important to the ACT, particularly in the technology area.

MR KAINE: I have a supplementary question, Mr Speaker. Since the report does not fulfil the Chief Minister's expectations of this person, will the Chief Minister confirm that this trip was nothing but a junket and a payoff for Mr Harris before he left her employment?

MS CARNELL: Mr Speaker, it was in line with my requirements. Mr Harris gave it to me. I believed that it was totally appropriate. Getting right down to it here, the executive tables travel reports and travel information every quarter on the dollars that we spend and everything else. What happens with the rest of the Assembly? The rest of the Assembly does not do the same. If Mr Kaine really believes that it is important to be transparent in areas such as travel, he would be urging the Administration and Procedure Committee to change the Assembly's approach with regard to travel.

Mr Kaine: I am asking about your approach, your report and your staffer.

MS CARNELL: I come back to it: whether my staffer's report is appropriate, lives up to my expectations, is surely a decision for me.

Canberra Hospital—Emergency Surgery

MR WOOD: My question is to Mr Moore, the Minister for Health and Community Care. In doing so, Mr Moore, I apologise for mumbling away here and groaning about your previous long answer and encourage you to give me a long answer to this question, so long as it sticks to the point of the question. It is related to the report of the Special Death Review Committee and is a follow-up to Mr Stanhope's question.

Minister, it seemed to me that you avoided Mr Stanhope's question about the problems of communication indicated in the report as being partly responsible for the delay in surgery. You said in passing that the report covered the issue. The report does not cover the issue; it only raises it. It does not deal with it. Minister, this is an important factor which could be critical in future lifesaving circumstances. Will you tell us what were those particular communication problems that contributed to the delay? More importantly, have they been overcome?

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MR MOORE: I am just a little wary about what I say about this report because I have already been forced by the Assembly to withdraw a word which I thought was a perfectly reasonable word to use in a description of something. You are asking me to put an interpretation on the report, which I am happy to do and I will tell you what it is, but I want you to keep it in that perspective.

My understanding of the communication problem was that the communication was done by phone rather than, as is the recommendation of the committee, by having a doctor who needs to do an urgent operation going to the theatres and speaking to the duty anaesthetist. That is my interpretation of the report, from the brief discussions I have had with Dr Delaney on the communication problem. That is probably what they are referring to.

I want to remind members that a death review committee is an educational rather than a disciplinary committee and its aim, of course, is to improve practice. When the senior surgeons and senior doctors involved in a death review committee like this one make a recommendation to their colleagues, it is about that style of recommendation to improve how you do things. "Colleagues, if you need to do an operation urgently, do not just rely on a phone call saying, 'Have you got a theatre available?' because communication can break down in those terms. Go down to the duty anaesthetist and say, 'I do need a theatre right now, this very minute'."

Of course, when we read the rest of the report we realise that, in fact, Dr Jeans would not have been able to do that because, first of all, the patient that we are talking about had to go through a resuscitation process to be sure that he was ready to have the operation that we are talking about.

Mr Wood, I have to say that I presume that this will come out further in the coronial inquest that is to follow this matter. I presume that we will get a much clearer idea from the coroner and I presume, considering the amount of public interest in this situation, the coroner will use the opportunity—I hope the coroner will use the opportunity—to clarify the sorts of issues that you have raised.

MR WOOD: Thank you for that, Mr Moore. It raises more questions than it answers. Are we to assume, then, that doctors will be instructed not to use the telephone, even an internal telephone in the hospital? It strikes me as absolutely remarkable that there is a suggestion here that the interface has to be personal. Goodness me, are we all going to go off the phone? Is it the inference, Mr Moore, that these contacts have to be made personally? Indeed, was the doctor in the hospital and was it possible to do that?

MR MOORE: In fact, my understanding is that the allegations raised originally by Dr Jeans created the picture of a doctor stomping up and down the corridor of the hospital saying, "I can't get a theatre, I can't get a theatre," but what happened, as we can pick up from the death review committee, was that he was not there for quite some time and, in fact, telephoned. He did have a registrar there and the registrar had drawn his attention to the fact that the particular patient was rapidly going downhill and the processes were put in place. But I would say, Mr Wood, that if somebody was so seriously ill, as we know from the information in the report, as to have a mortality rating before they started the process of 100 per cent—

Mr Wood: After the operation but before the review of it, was it not?

MR MOORE: No. If you look at the report, part of it is about intensive care, Apache II, and the other one is about the Mannheim criteria. When they check on those two criteria they say at that stage, even when the decision was made to try the operation, that there was an extraordinary outside chance that this person would survive. I know that Dr Jeans questions whether that is true, but he just does it on his gut reaction, whereas the report actually uses the specific criteria to come up with that result. That having been said, all of us would hope that if there were even an outside chance of an operation being conducted—if that were the case and it was that serious—somebody would not be using the phone; they would be down there thumping and getting things ready. That is my interpretation—it is only my interpretation—of the death review committee's report. But I emphasise once again, Mr Wood, that this will be a matter for a coronial inquiry and I hope that that coronial inquiry will deal with those things and ensure that they are there.

But there is more to it. I did say to you that even before this situation was raised Dr King, Dr Kerridge and Ms Cohen will be doing a review of theatre utilisation. These are the sorts of issues that will be considered in that review, along with the bottleneck in intensive care and so on.

Mr Wood: Could this happen again?

MR MOORE: The very reason for getting the death review committee to look at things and to make suggestions is to avoid having a repeat. That is why it was that when I first became minister I asked Fiona Tito to come in and report on that, to tell us how to do these sorts of reviews, because the hospital is of such a complex nature that mistakes will happen. The disaster of the past has been that people have wanted to cover up the mistakes. The reason we have wanted to give privilege to committees is to make sure that these committees have the opportunity to discuss these issues and ensure that the message is received about what went wrong with the last one and how it can be avoided in the future. I think that there are some recommendations from the death review committee that are designed in that specific way.

Bruce Stadium—Canberra Cosmos

MR RUGENDYKE: My question is to the Chief Minister, Mrs Carnell. Chief Minister, this morning the newly appointed interim chairman of the Canberra Cosmos, Mr Danny Moulis, was interviewed on ABC radio and he indicated that the costs of hiring Bruce Stadium were too high for his club and that they might be looking at alternative venues if they are able to survive into next season.

When the Cosmos signed their most recent hirers agreement, which I understand was for 10 years, the government gave the Cosmos a six-figure lump sum payment which I assume was some type of loyalty payment. If the Cosmos were to break their long-term agreement and abandon Bruce Stadium, what would happen to this six-figure payment and would it have to be repaid?

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MS CARNELL: I have to say, Mr Speaker, that I do not know of any six-figure payment to the Cosmos. Members of the Assembly will remember that the ACT government underwrote a loan for the Cosmos two or three years ago and that details of the loan were tabled in this place. The elite teams fund allocates \$100,000 a year to the Cosmos, as it does to the Raiders and to the Brumbies, and then there are \$50,000 a year payments to a number of other sports. That is an annual payment, but it is certainly not any sort of up-front payment or inducement payment to sign a contract.

Mr Rugendyke: It is \$100,000 in the contract.

MS CARNELL: You might be talking about the elite teams fund.

Mr Rugendyke: I might be wrong.

MS CARNELL: You might be right, too. I must admit that I have not seen those closed contracts. With regard to whether the Cosmos continue to play at Bruce Stadium, obviously it is in the best interests of the people of Canberra for the Cosmos to continue in the national competition. We would certainly urge that and we will certainly be very supportive of the Cosmos doing that, but I think the Cosmos have one or two other issues to solve prior to issues of their tenancy at Bruce Stadium.

The fact is that the Cosmos generated an average of, I think, 2,000 patrons per game last year, which you would have to say is not an enormous amount. The revenue they generate out of the gate as opposed to their match costs is relatively small. Indeed, a number of the matches operate at a very small profit—in some cases, pretty close to a loss—at Bruce. We will certainly look at it if the Cosmos do renege on that contract. I would be hoping that that would not be the case. We will certainly look at the terms of that contract and I will get more information on the payment.

Vehicle Registration Renewals

MR HARGREAVES: My question is to the Minister for Urban Services. As the minister will be aware because our officers have been speaking about it, I have been receiving complaints from motorists who have not received their vehicle registration renewals. I understand that the normal procedure is for the motor registry to mail a renewal to vehicle owners three weeks before the due date, which gives the vehicle owner time to organise his or her finances to pay for the registration. I am aware of one case, which I share by way of example, where the registration is due on Friday, the day after tomorrow, and the owners, as of this morning, still have not received their renewal notice. This is not a one-off case. Can the minister say why vehicle registration renewals are not being mailed out in time? What has he done to notify the public of the delays?

MR SMYTH: Mr Speaker, there has been some delay. I am not sure whether Mr Hargreaves is referring to ordinary motor vehicles or heavy vehicles. There was some delay with the heavy vehicle charges simply because the federal government did not make their amendments and gazette their charges until 9 June. We were unable to do the necessary things that we have to do until after that time. I am advised by the department that all outstanding renewal notices have now been despatched.

MR HARGREAVES: Mr Speaker, I have a supplementary question. If that is so, minister, how is it that the persons I have just described had not received theirs as of this morning? Also, besides the GST, can the minister tell the Assembly whether there will be an increase in vehicle registration fees, excluding heavy vehicles, on 1 July? If so, what will they be? I have just been passed some additional information. For the minister's information, the vehicle was a Pulsar, so we are looking at ordinary vehicles, not heavy vehicles.

MR SMYTH: Mr Speaker, if Mr Hargreaves provides the details of that case, I will look into it. I have been told by the department that any outstanding renewal notices have now been despatched.

Fuel Temperature Correction

MR OSBORNE: My question is to the minister for fair trading, Mr Humphries. It is about the legislation we passed last year regarding temperature correction of fuel. It has been nearly a year, 25 August 1999, since the Assembly unanimously passed legislation providing for local service stations to prevent substantial financial losses due to the shrinkage of fuel in Canberra's cold winter climate. Given that scientific formulas are available to the oil companies—ones they use themselves in calculating the fuel excise they owe the Commonwealth—and the wide availability of temperature measuring equipment should any local wholesale outlet need such equipment, what has your government done over the past 10 months to implement this legislation?

MR HUMPHRIES: Mr Speaker, the legislation is a requirement, as I recall, of providers of fuel—if not the retailers, then the distributors of fuel—to provide for temperature adjustment processes to occur in the supply of the fuel. I am open to correction, but I do not recall there being any obligation on the government to provide the equipment that will make sure that proper fuel temperature conversion is taking place.

Certainly, there is an obligation on either the retailers or the distributors, I forget exactly which. The obligation of government in those circumstances is to ensure that the law is being observed by those parties on whom the obligation falls under the law. I have had some correspondence from representatives of fuel companies arguing against the legislation itself. The government has resisted the requests for the legislation to be changed and indicated that the legislation needs to be given a chance to work.

I am not aware of any complaints being received by my office or by the Office of Fair Trading about the effect of the legislation, that is, that it not being observed. I will check to make sure that that is the case, but I certainly do not recall having any letters across my desk on the subject.

I believe the government is taking on the process of observing and enforcing any laws in relation to this area. I do not know how many inspections have been conducted, for example, to ascertain whether appropriate conversion processes are going on. I will certainly find out from my department for Mr Osborne what the state of affairs is with that. As I say, I have not had any complaints on the subject, so I have assumed that the area is one where the law is being observed.

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MR OSBORNE: I have a supplementary question. I will just read you a letter that I received, just for your information. It says:

Paul, it's many months since you got the legislation on temperature correction on petrol passed. Nothing has happened in all that time. No corrections are taking place, even though it is now the law. The oil company reps are saying to service station owners that it will never happen as there's not any measuring equipment available. Read the attached advertisement, which is from the magazine "Service Station and Convenience Store News" recent issue. It makes it very clear that there is suitable equipment available to make your legislation easily workable Why the delays?

I do not expect an answer to that, but I look forward to you getting back to me after consultation with your department.

MR HUMPHRIES: I assume that is a letter from a service station operator.

Mr Osborne: Yes.

MR HUMPHRIES: It is. I am certainly interested in looking at those claims, Mr Speaker. I think it is most concerning if the legislation, having been passed, is not being observed in the industry. I imagine that, because most people who sell petrol in this town are supplied by a limited number of distributors, procedures would have been put in place following the legislation that covered all of those distributors. If that is not the case, the government certainly would view that matter with very considerable concern. I undertake to follow up that matter and report to the Assembly as soon as possible.

Public Housing Rental Rebates

MS TUCKER: My question is to Mr Smyth, the Minister for Urban Services, and is in regard to public housing rental rebates and the new family tax benefit that will come into effect on 1 July. Under the new package, families can receive the benefit through the tax system or directly from the family assistance office. In the case of a single parent family with one child between five and 13 years and an income of \$35,000, the fortnightly family benefit would be \$107.63. If the family took the tax cut and lived in ACT public housing, the rent rebate would be assessed against their gross income. In this case it would be \$8,750. If the same family received the benefit directly from the family assistance office, the rent rebate would be assessed on that income plus 10 per cent of the family tax benefit; in effect, a tax increase of \$3.80 a fortnight. Obviously a person needs to be cluey enough to claim the benefit through the tax system in order to avoid this marginal tax.

While many public housing tenants will not pay enough tax to be entitled to family tax benefit, it will be by no means all of them. I am interested to know whether you could advise us as to what notice, if any, has been given to public housing tenants of the two options here and of this tax increase. I would like to know how many tenants would be likely to be affected by it and how much additional revenue that would give ACT Housing if they actually accepted the benefit rather than the tax cut.

MR SMYTH: Mr Speaker, I thank Ms Tucker for her question. It is a very important question because the tax changes that start on Saturday will have a great impact across the country. Part of that is the impact on the rental rebate formula.

Ms Tucker asks what we have done to alert tenants to those changes. I have with me a copy of the letter that we have sent out to tenants. Helen Fletcher, the director of housing services, sent the letter to all our tenants and it does run through the changes and how they affect tenants. Attached to it is a chart that illustrates how it would affect you as a tenant, depending on your family circumstances and the number of children you have. I would be happy to table the letter at the end of this answer, Mr Speaker.

The government has sought to minimise the impact of the changes to rental rebates by attempting to make the changes revenue neutral. The closest we can get to this scenario is to charge 10 per cent of part A of the new payments. That is equal to the lowest in the country. Queensland is going to charge almost 14 per cent and I think New South Wales is doing 11 per cent. We have set out to make the change revenue neutral and we are charging the lowest rate in the country, so the effect on tenants will be minimal. Some tenants will experience a small increase in their rent, but many families will pay less. The exact impact will vary, depending on individual circumstances.

Ms Tucker cited an example. It is hard for me to work that out here, but I would certainly be happy to give Ms Tucker or her office, or any of the other MLAs who are interested in this issue, a briefing on the changes as they affect housing tenants. I table the letter.

Yarralumla Primary School

MR BERRY: My question is to the Minister for Education, Mr Stefaniak. Minister, Yarralumla Primary School has an autism unit. It has about six students, all of whom are highly dependent. The school's record is an excellent one and the program is well respected for its success. Your department has decided to cut one of the teaching or teaching assistant positions in the unit, which will cause irreparable damage to these kids and put extra pressure on the remaining two staff members. Are you aware of this decision? When is it programmed to take effect? Was this part of the budget process?

MR STEFANIAK: Mr Speaker, both Yarralumla and Weetangera were given a teacher and two assistants. The second assistant was actually for 100 days this year. There have been some discussions recently in relation to that and the government has decided that both of those positions will remain this year. I am pleased to see, Mr Berry, that we are getting some very good feedback from those units. I got a particularly nice letter, of which I think Mr Stanhope has a copy, from Weetangera.

Mr Berry: I take a point of order. I asked whether the minister was aware of a decision to take away those staff.

MR SPEAKER: Mr Stefaniak is answering the question quite adequately, Mr Berry.

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MR STEFANIAK: They are not, Mr Berry. Listen and you might learn something. Mr Berry, the decision at the start of the year was to have two staff and an additional staff member for 100 days. The 100 days are up, but we have decided to maintain that additional member there for the rest of the year, Mr Berry.

MR BERRY: I have a supplementary question. Will the minister deny that there was a decision to take away those staff?

MR STEFANIAK: Mr Berry, can't you listen?

MR SPEAKER: I am sorry, I am not going to allow that.

MR STEFANIAK: I think I have answered the question, Mr Speaker—twice, actually.

Mr Berry: Why will you not allow that, Mr Speaker?

MR SPEAKER: If he wants to answer it, I suppose he can.

Mr Berry: Will the minister deny that the decision was made to take away the staff?

MR SPEAKER: The position is continuing.

Ms Carnell: I ask that all further questions be placed on the notice paper.

V8 Supercar Race

MS CARNELL: Mr Rugendyke asked me a question yesterday with regard to the sound system at the GMC 400 race. I am advised that the public address system was tested and was working to specification prior to the race. During the race, it kept bleeding into the race control intercom system and race control requested that the public address system be turned down or off as it was hindering the safety of the drivers.

It is important to point out that there are two separate communication systems at races like that. One is the public address system and the other is the race control system. I am advised by CTEC that a thorough investigation of the circumstances which caused this interference has commenced. The contract provides for levels of service to be provided by the contractor. If it is shown that these levels have not been met, CTEC has the right to withhold money and/or to sue for damages. CTEC informed me that a decision regarding payment will not be made until reports concerning the public address system have been received from our engineers and a full evaluation of the circumstances is made.

Mr Rugendyke asked a supplementary question with regard to the tender. Mr Rugendyke asserted that the tender documents asked for the system to cover eight kilometres and that finally only a quarter of that distance was covered. I am advised that that is incorrect. The tender documents requested tenderers to design a public address system in

accordance with specified drawings of the circuit. The drawings were attached to the tender documentation.

The only area of the circuit that the address system was not required to cover was the area where the public could not gain access. This area was State Circle and the top of Flynn Drive, behind the Chinese Embassy. The public were not allowed there for safety reasons. This meant that, in total, more than 60 per cent of the circuit was cabled on both sides of the track, meaning that the system needed to cover in excess of five kilometres.

The tender process was carried out in accordance with ACT government tendering guidelines and I am advised that the tender was won by a company which had 10 years' experience in providing public address systems for race circuits and that local companies that tendered could not demonstrate that level of expertise.

Methadone Program

MR MOORE: Mr Speaker, yesterday Mr Wood asked me a question about the methadone program. He asked me to confirm whether the costs for clients in the third stream program will double—from \$15 to \$30 per week—as a result of budget initiatives. I asked for advice on that and the answer is as follows: methadone treatment can be delivered by a public prescriber and public dispenser, a public prescriber and private dispenser, a private prescriber and private dispenser or a private prescriber and public dispenser. In the ACT, currently there are three streams of methadone treatment available, using a public prescriber and public dispenser, the first stream; a public prescriber and private dispenser, the third stream; and a private prescriber and private dispenser, the second stream.

The cost of dispensing methadone was set by the ACT Pharmacy Guild in 1996 at \$30 per week. Private dispensing, until recently, was fully subsidised, that is, clients participating in the second stream and the old third stream contributed \$15 per week to the cost of dispensing and the ACT government subsidised the pharmacists for the other \$15 a week.

Decisions on how methadone treatment is delivered are guided by the principles of availability, accessibility, acceptability and quality of care. The aim is to achieve a balance between these principles and provide a mix of service options whilst responding to the continual demand and growth required for methadone treatment places in the ACT. The first stream of methadone treatment ensures that treatment is available to priority and disadvantaged groups. Clients are offered free treatment for the first six months. The alcohol and drug program is contracted to provide an average of 270 treatment places per year in this first stream.

The introduction of the second stream made methadone treatment more accessible because community pharmacies participate in dispensing and are located in proximity to clients. The pharmacy subsidy ensured that the dispensing of methadone was affordable and acceptable to clients. The alcohol and drug program is contracted to provide an

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average of 330 treatment places per year in the second stream, which makes so far 600 places per year.

The new third stream will again ensure that methadone treatment is available, accessible and acceptable. As the stream is unsubsidised, it ensures that clients who are able to pay the full fee of \$30 have treatment available sooner than later in an accessible location, a pharmacy. This approach is acceptable to clients because they can avoid the waiting lists for the first stream. It will also reduce first stream waiting lists, thus ensuring clients who are considered a priority or disadvantaged can have treatment available.

The first, second and new third streams of methadone will be complemented by a fourth stream of methadone treatment which will be fully private, that is, the client will bear the burden of all costs associated with treatment and the associated costs to be established. Work will commence soon on the development of this stream.

Quality of care is maintained through infrastructure development which builds into methadone treatment information provision client confidentiality, decision review processes, monitoring and reporting mechanisms and training for all participants. The budget initiative regarding the new third stream makes provision for the employment of additional staff in the alcohol and drug program to prescribe methadone, coordinate client care and ensure that the quality of methadone treatment is maintained at its current high standard within the ACT.

Mr Wood then asked me a supplementary question. In his supplementary question he asked me to include information on the number of places in the fully funded first stream and whether the number fell from 292 to 270. The answer in the short term is no, but it does require an explanation. The alcohol and drug program provides a first stream methadone treatment, as I have described earlier, comprised of an alcohol and drug program medical officer prescribing methadone to the client and daily doses of methadone being dispensed in either of the alcohol and drug program methadone clinics based in Civic and Woden.

The alcohol and drug program of ACT Community Care has been contracted to provide services for an average of 270 clients per year at the public clinics since the 1997-98 financial year. Therefore, there has been no decrease in the number of funded places on the first stream of methadone since 1997. However, in 1997-98 an average of 271 clients were registered for treatment on the first stream and 285 during the 1998-99 financial year. This financial year, as at the end of May 2000, an average of 283 clients have been registered for treatment on the first stream of methadone. On a per month basis, however, the number of registered clients has actually ranged between 324 and 247.

PERSONAL EXPLANATION

MR RUGENDYKE: Mr Speaker, I seek leave to make a statement under standing order 46 in order to clarify a question I asked today of the Chief Minister.

MR SPEAKER: Proceed.

MR RUGENDYKE: Mr Speaker, since I asked my question during question time and the Chief Minister answered it, I have come into possession of a letter which may help clarify the Chief Minister's answer. It relates to a payment of a maximum of \$100,000 to be factored into an amendment to the hiring agreement. I seek leave to table this document dated 12 months ago tomorrow.

Leave granted.

MR RUGENDYKE: I look forward to the Chief Minister's answer.

PRESENTATION OF PAPER

The following paper was presented by **Ms Carnell**:

Cultural Facilities Corporation Act, pursuant to subsection 29(3)—Cultural Facilities Corporation—Quarterly report for third quarter of 1999-2000: 1 January—31 March 2000.

PUBLIC SECTOR MANAGEMENT ACT—EXECUTIVE CONTRACTS Papers and Ministerial Statement

MS CARNELL (Chief Minister): Mr Speaker, for the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Robert Tonkin, dated 29 May 2000.
Anthony Curtis, dated 19 May 2000.
Allan Schmidt, dated 9 June 2000.
Peter Gordon, dated 26 May 2000.

Short-term contracts:

Tu Pham, dated 5 June 2000.
Edward Rayment, dated 18 May 2000.
Allan Hird, dated 1 June 2000.
Douglas Jarvis, dated 1 May 2000.
John Thwaite, dated 9 June 2000.
Kenneth Norris, dated 9 June 2000.
Jeffrey Mason, dated 1 June 2000.
Hugo Harmstorf, dated 25 May 2000.
Michael Ockwell, dated 26 May 2000.

Schedule D variations:

Michael Ockwell, dated 1 and 7 June 2000.
Suzanne Birtles, dated 10 May and 1 June 2000.
Michael White, dated 10 May and 1 June 2000.
Beverley Forner, dated 14 June 2000.
Gerry Cullin, dated 10 May and 1 June 2000.
Robert McConchie, dated 10 May and 1 June 2000.
Pamela Davoren, dated 23 and 28 May 2000.

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I ask for leave to make a short statement with regard to these papers.

Leave granted.

MS CARNELL: Mr Speaker, I ask members of the Assembly to take into account that information in these contracts could be confidential to the people involved, and I ask for the cooperation of members, as has been the case in the past, to respect that confidentiality.

PRESENTATION OF PAPER

The following paper was presented by **Mr Humphries**:

Financial Management Act—
Pursuant to section 26—Consolidated Financial Management Report for the month and financial year to date ending 30 April 2000.

FINANCIAL MANAGEMENT ACT—APPROVAL OF GUARANTEE Paper and Ministerial Statement

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): Mr Speaker, for the information of members, I present the following paper:

Financial Management Act—
Pursuant to subsection 47 (3)—Approval of guarantee under an agreement between the Australian Capital Territory and the CPS Credit Union Co-operative (ACT) for a loan under the Small Business Loan Guarantee Scheme, dated 26 June 2000.

I ask for leave to make a short statement.

Leave granted.

MR HUMPHRIES: I present an approval for a loan guarantee for an applicant of the small business loan guarantee scheme. Members have heard the details of the scheme in the past. The attached instrument has been approved by the chief executive of the Department of Treasury and Infrastructure as delegate, pursuant to the small business loans scheme. The loan guarantee is for Mr William Joseph and Mrs Finola Mary Doran, the owner of Capital Inspection Services, an ACT company which will offer non-destructive and in-service testing of equipment. I stress that these are guarantees, not loans. The maximum exposure under the scheme is capped at \$500,000. To date, including this loan, loans to the value of \$90,020 have been approved under the scheme.

PRESENTATION OF PAPERS

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety):
For the information of members, I present the following papers:

Financial Management Act—

Pursuant to section 15, instruments (5) directing a reallocation of funds and a statement of reasons for the reallocation.

Pursuant to section 15A, instrument directing a reclassification of funds and a statement of reasons for the reclassification.

Pursuant to section 16, instruments (5) directing a transfer of appropriations between departments and a statement of reasons for the transfers.

Pursuant to section 17, instrument varying appropriation relating to Commonwealth funding and a statement of reasons.

Pursuant to section 17A, instrument directing a transfer of funds to the Commonwealth and a statement of reasons for the transfer.

Pursuant to section 19B, instrument of authorisation of expenditure and a statement of reasons.

I ask for leave to have a statement incorporated in *Hansard*.

Leave granted.

The statement read as follows:

Mr Speaker, as required under the Financial Management Act 1996 I table:

- five instruments issued under Section 15 of that Act and a statement of reasons for the transfer, which allows for funds within the same appropriation that are allocated for the provision of different classes of outputs be reallocated in respect of those classes of outputs;
- one instrument issued under Section 15A of that Act and statements of reasons for the transfers, which allows for appropriations for Territorial payments to be reclassified as appropriations for provision of departmental outputs, and vice versa
- five instruments issued under Section 16 of that Act and a statement of reasons for the transfer, which allows for the transfer of appropriation from one department to another in cases where responsibility for a service or function transfers from one department to another
- one instrument issued under Section 17 of that Act and statement of reasons for the transfers, which allows for an appropriation to be increased for any increases in existing Commonwealth Specific Purpose payments (SPPs)
- one instrument issued under Section 17A of that Act and statement of reason for the transfers, which allows for an appropriation to be increased for certain payments made to the Commonwealth; and
- one instrument issued under Section 19B of that Act and statements of reasons for the authorisation which allows for an appropriation to be authorised for any new Commonwealth SPPs.

These instruments were signed recently and are tabled in the Assembly within three sitting days as required by the Act.

Variations under the *Financial Management Act 1996* enable changes to appropriations throughout the year to be accommodated with the total Appropriation limit passed by the Assembly.

The first four instruments are issued under section 16 of the Act. They relate to the Administrative Arrangement Orders announced on 6 August 1999. Unfortunately these have taken longer to finalise than would be ideal, due to the complexity of the financial details. The timing of tabling these types of financial instruments will be examined in the review of the Financial Management Act.

- he first section 16 instrument relates to a transfer from the Department of Education and Community Services to the Chief Minister's Department. This transfer contributes to the establishment of the Policy Group; T
- he second section 16 instrument relates to the transfers of the Office of Financial Management from the Chief Minister's Department to the Department of Treasury and Infrastructure; T
- he third section 16 instrument relates to the transfer of funds from the Department of Urban Services to the Department of Education and Community Services for the Novice Driver Safety (Road Ready) Program in schools; and T
- he fourth section 16 instrument relating to the Administrative Arrangement Order is required to transfer the Demographics Unit from Department of Urban Services to the Policy Group within the Chief Minister's Department; T

In addition Mr Speaker I also table the following instruments;

- The first of five section 15 instruments relates to the Department of Health and Community Care. The instrument transfers funds for a Project Officer who will oversee a number of Commonwealth funded projects.
- The second section 15 instrument relates to the Department of Urban Services. This instrument reallocates corporate overheads between Output Classes after a review of their distribution;
- The third section 15 instrument relates to the Department of Education and Community Safety. The transfer of Youth Justice to the Department of Justice and Community Safety has necessitated a reallocation of corporate overheads between output classes.
- The fourth section 15 instrument relates to the Chief Minister's Department. This instrument incorporates the transfer of CTEC purchases, the formation of the Olympics Unit and other necessary adjustments for the establishment of the Policy Group;
- The fifth section 15 instrument relates to the Department of Justice and Community Safety. This reallocation represents the transfer of Victims of Crime Scheme between output classes. It also includes a reallocation between all output classes relating to corporate overheads;
- The section 15A instrument relates to the Chief Minister's Department. The instrument transfers Expenses on Behalf of the Territory to Government Payment for Outputs. This is required to reflect changes made under an agreement held with the Commonwealth for the Centenary of Federation program;
- There is another section 16 to be table in addition to the ones already discussed, which allows for the transfer of funds from Department of Urban Services to ACT Workcover. This transfer is required as a result of the recent establishment of ACT Workcover as a separate department.
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- The section 17 instrument relates to the Department of Urban Services. The variation relates to increases in funding for Interstate Road Transport and Black Spot road safety initiatives;
- The section 17A instrument relates to the Department of Justice and Community Safety. The variation relates to increased payments to the Commonwealth for the provision of Community Policing in the ACT.
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inally, the section 19B instrument relates to new Commonwealth funding to the Chief Minister's Department to deliver outputs under the ArtsACT's Regional Arts Fund. Mr Speaker, I commend the papers to the Assembly.

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ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE Report on Operation of Legislative Assembly (Broadcasting of Proceedings) Act 1997

The following paper was presented by **Mr Speaker**:

Administration and Procedure—Standing Committee—Report—The operation of the *Legislative Assembly (Broadcasting of Proceedings) Act 1997*, dated 21 June 2000, together with extracts of the minutes of proceedings.

MR HIRD (3.47): I move:

That the report be noted.

Mr Speaker, it gives me great pleasure, on behalf of the Standing Committee on Administration and Procedure, to move that the report of its inquiry into the Legislative Assembly (Broadcasting of Proceedings) Act 1997 be noted. As members will be aware, the parliament resolved in March last year that the committee inquire into the operation of the act, with particular reference to the authorisation of broadcasts for Assembly committee proceedings, the continued restriction on the broadcast of debates other than those determined to be of landmark significance and the authorisation of broadcasts of proceedings to locations other than government offices.

Mr Speaker, while addressing these issues, the committee also saw the inquiry as an excellent opportunity to review the fundamentals of the act. The review was a chance to ensure that the act met the needs of members and allowed the parliament to take advantage of emerging broadcasting technologies. As part of the inquiry, the committee examined broadcasting procedures used in other Australian parliaments in order to ensure that the recommendations reflected best practice.

In short, the committee's recommendations effectively reversed the emphasis of the act. Currently the act prohibits broadcasts of the parliament and committee proceedings unless they are specifically authorised for broadcast. The committee believes that the act should allow Assembly and committee proceedings to be broadcast unless there is a decision by the parliament or a committee that they should not be.

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To this end, the committee recommends that the act be amended to authorise the broadcasts of all public proceedings of the parliament and its committees, subject to any conditions or guidelines specified by the parliament. The draft guidelines recommended by the committee would ensure that the broadcasting of parliamentary proceedings at least remained, in the interim, largely as it is. The report also recommends that the parliament should be given a statutory power to withdraw broadcasting rights and that this power should be also be delegated to the various committees.

The committee believes that the proceedings of the parliament should ultimately be broadcast on the parliamentary Internet home page. This will require the Assembly to film its own proceedings. The greatest practical change that would arise from these recommendations and if the act were amended is that committees would no longer need your authorisation, Mr Speaker, to allow broadcasts of individual public hearings. I dare say you will be delighted to hear that. Committees, however, would be delegated the authority to withdraw broadcasting rights, and they would have to follow certain protocols to protect the interests of witnesses.

I commend the report to the parliament and to members.

Question resolved in the affirmative.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Report on Draft 2000-01 Budget—Department of Justice and Community Safety and Related Agencies

Debate resumed.

MR BERRY (3.51): In the course of the luncheon break I thought of another amendment which might help Mr Humphries out. It went to the words “certain comments”. We have this ridiculous amendment that seeks to insert the words:

The Assembly notes that certain comments in the dissenting report of Mr Hargreaves, if used in the Assembly, would constitute a breach of the Standing Orders of the Assembly and would be required to be withdrawn ...

Which comments? There are several pages of them. I know that Mr Humphries has drawn attention to the ones that upset him, but we are going to pass an amendment which refers to certain comments in a report that is fairly lengthy by any measure. I cannot imagine that this sort of an amendment could be allowed. There is a certain amount of ill will towards the amendment that has been moved by Mr Humphries, to which I have put forward an amendment.

I wonder whether Mr Humphries would agree if we were to say in this amendment:

That the Assembly notes that the comments “I suspect that these reductions reflect the personal commitment of the Attorney General and certain members of Standing Committee to de-fund these activities because the activities have publicly disagreed with those members’ views on sensitive subjects” would constitute a breach of the standing orders of the Assembly

and may be required to be withdrawn on the basis that they were offensive or imputed improper motives to members of the Assembly.

Would Mr Humphries agree to that? That completes the picture.

MR SPEAKER: Order, please! I am tired of debate across the chamber. Is that a rhetorical question? I think it is. I will allow Mr Humphries in due course to answer it. In the meantime, finish what you are saying.

Mr Humphries: Can I make a point of order first, though, Mr Speaker? Mr Berry has again read into the record the very words which I have asked on several occasions to be withdrawn, so I ask for them to be withdrawn.

MR SPEAKER: Withdraw it.

MR BERRY: Okay, Mr Humphries, I will withdraw it. I will move another amendment to include those words in Mr Humphries' amendment. How would that go down? Would that be allowable?

MR SPEAKER: He just asked you to withdraw those very words. I am tired of this game.

MR BERRY: I know you are tired of it, Mr Speaker. So am I.

MR SPEAKER: We have a great deal of work to do.

MR BERRY: Day after day you tell us that if we want to do anything we have to do it by way of a substantive amendment. I suggest that course and you say you are tired of it. Make up your mind.

MR SPEAKER: Move your amendment.

Mr Humphries: I will oppose it, but you can do it.

MR BERRY: Mr Speaker, I am happy to move an amendment along those lines if I can get enough time to do it.

Mr Humphries: You have had all lunchtime, Wayne.

MR SPEAKER: You have had most of the day on this debate.

MR BERRY: I say that, Mr Speaker, because I think that would be an appropriate course to take. I suspect there might be another couple of speakers in relation to these amendments.

Mr Humphries: Not from this side of the house. We did agree that we would do the appropriation bill this afternoon, Wayne, so when are we going to do it?

MR BERRY: I am going to be a bit pressed for time. You can move to adjourn it if you like.

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Mr Humphries: You have had all day to do it.

MR BERRY: You can move to adjourn the debate if you like and I will put the amendment in later.

Mr Humphries: No, thank you. Move your amendment now.

MR BERRY: I can circulate it later. I will move it now.

Mr Humphries: All right, move it now. I am happy with that.

MR BERRY: I am unable to—

Mr Humphries: If the Clerk is happy, I am happy.

MR BERRY: I do not think the Clerk will be too happy. Mr Speaker, the Assembly notes that certain comments in the dissenting report of Mr Hargreaves, “I suspect that these reductions—

Mr Humphries: Mr Speaker, he is doing it again.

MR SPEAKER: Withdraw it.

MR BERRY: Do you want me to put—

MR SPEAKER: No. I am tired of this stunt. I will have to look at standing order 202.

MR HARGREAVES (3.56): I seek leave, Mr Speaker, to move that the debate be adjourned to a later hour this day.

Leave granted.

MR HARGREAVES: I move:

That the debate be adjourned.

Question resolved in the affirmative.

LAND (PLANNING AND ENVIRONMENT) ACT—VARIATION 114 TO THE TERRITORY PLAN

MR CORBELL (3.57): I move:

That pursuant to subsection 37(2) of the Land (Planning and Environment) Act 1991, the Legislative Assembly recommend to the Executive that the ACT Planning Authority be directed to review the Territory Plan as it relates to Variation 114—Heritage Places Register—Red Hill Housing Precinct to provide for a development intensity of no more than one dwelling on any block in the Red Hill Housing Precinct.

Mr Speaker, the area known as Old Red Hill is a highly significant element of Canberra’s planning heritage. Its areas of semirural residential estate and the Mugga Way dress circle are in the garden city tradition and are unique in Australia. The precinct’s design has direct associations with the

work of Walter Burley Griffin and Sir John Sulman, who was chairman of the Federal Capital Advisory Committee at the time of the precinct's development.

There is no doubt that the precinct warrants heritage listing and protection. The key question is: should the heritage listing allow dual occupancy development, and will dual occupancy development undermine the heritage significance of the precinct? Mr Speaker, there is no doubt in my mind that it will, and it is for this reason that I propose this motion today.

The rationale for the variation tabled by the government is that the provision made in the variation for dual occupancy development will not detract from the general dominance of landscape over built form in the Old Red Hill precinct. This approach fundamentally ignores the key heritage consideration in relation to Old Red Hill, and that is that the Old Red Hill area warrants heritage protection because it is a 20th century garden suburb of immense interest and importance.

Those are not my words: "a 20th garden city of immense interest and importance". They are the words of Professor James Weirick, a professor of landscape architecture at the University of New South Wales who gave very important evidence to the Standing Committee on Planning and Urban Services inquiry into this matter. The evidence presented by Professor Weirick highlighted the fact that the Red Hill precinct was a remarkable example of a garden suburb of the 1920s in the garden city tradition. He suggested that to find anything comparable to Red Hill would require viewing examples in the United States dating from the 19th century.

Professor Weirick highlighted the fact that the Red Hill precinct is essentially divided into three distinct parts. The first is often described as the dress circle. This comprises blocks on the high side of Mugga Way. He indicated that the second area, in his view, was the semirural residential area. This area comprises very large blocks of up to more than 10,000 square metres. He then identified the third area of the Old Red Hill precinct, which he described as the conventional prestige suburb area comprising essentially semirural residential areas which were subdivided between the 1930s and the 1960s.

Evidence given to the Standing Committee on Planning and Urban Services highlighted the fact that the key issues for consideration in determining the importance of these areas should be the factors of rarity and representativeness. Professor Weirick, in his evidence, indicated that in heritage conservation terms the dress circle area and the semirural residential area are rare in heritage terms. He further indicated that all three areas within the precinct—the dress circle, the semirural residential area and the conventional prestige suburb area are representative and are a fine example of Australian middle-class suburbia in the 20th century. Again, they are not my words but the words of a highly respected academic expert on the issues relating to the design of garden cities and particularly the work of Walter Burley Griffin in Canberra.

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Mr Speaker, what has this got to do with dual occupancy? The answer to the question is that the introduction of dual occupancy or multiunit development into this area is completely inappropriate. It is completely inappropriate because it would undoubtedly fundamentally compromise the heritage qualities of this distinctive area. This evidence has not been properly taken into account in the variation tabled by the minister.

I understand that in speaking to the media earlier today the minister said that this issue was done for; that it was resolved. He said that there had been consultation and that I was trying to bring back to life an issue which he believes has been satisfactorily dealt with. It has not been satisfactorily dealt with, for the very simple reason that the minister and the government failed to take into account very significant evidence given by a leading expert on the work of Walter Burley Griffin and a leading expert on the heritage significance of garden city suburbs in Canberra.

The design of the Red Hill precinct is directly connected with the original plan of Walter Burley Griffin from 1911. Griffin identified in his original plan the key streets which we now know as Mugga Way, Monaro Crescent and Arthur Circle. When the suburb was built, it was designed in accordance with the work of Griffin and was influenced heavily by the views of Sir John Sulman. It was developed as a garden city suburb and very much in the garden city tradition. There is no doubt that the precinct and its design have a direct historical link with the planners of early Canberra and their philosophies.

Issues relating to treescape and provision of housing choice are two of the key issues associated with whether or not it is appropriate to seek dual occupancy development in this precinct. A leading arborist and commentator on tree issues, Dr Robert Boden, gave evidence to the Planning and Urban Services Committee that highlighted the fact the loss of large trees and wooded landscape which would inevitably occur from the addition of extra dwellings. He highlighted further that to remove large trees and the wooded landscape of the precinct would put the existing landscape at risk. Dr Boden highlighted the fact that the area represents an important stage in Canberra's urban development and warrants protection, and in comparisons with other areas of residential development the precinct is unique in Canberra in providing for very large trees to be grown to maturity.

The Planning and Land Management Group and the government generally have argued that dual occupancy should be allowed in this area because it provides for greater housing choice for existing residents. This was a view supported by a number of other witnesses who gave evidence to the inquiry. However, it is important to note that figures based on a survey conducted by PALM on the issue of dual occupancy in late 1996 showed that 57 per cent of residents in the precinct opposed dual occupancy development in the area.

It would appear from my perspective that arguments supporting dual occupancy in the precinct on the basis of greater housing choice have more to do with the value of the land in the area than with providing opportunities for existing residents to remain in the area in smaller residences. This is particularly emphasised by the fact that the nearby suburbs of Griffith and Forrest can easily accommodate the demand for smaller residences. I do not accept the argument that the expansion of housing choice for existing residents is a legitimate reason for allowing dual occupancy development in this heritage area.

Professor Weirick and Dr Boden, as well as a number of other witnesses, raised the adequacy of the variation that has since been tabled in this place by the minister. The Planning and Urban Services Committee had highlighted to it the fact that the requirement for a conservation plan for the precincts was still to be addressed. Professor Ken Taylor of the University of Canberra highlighted that the current heritage study confined itself to streetscape and landscape only. He highlighted that the variation still lacked clarity in relation to the heritage values of the precinct and that more detailed analysis is required—analysis which does not consider solely streetscape or landscape issues. I agree with those comments. However, aside from providing for dual occupancy development in the precinct, I think it is also clear that the variation as tabled by the minister provides for a higher level of protection of landscape than exists under the existing planning regime.

I move to the purpose of my motion. I had originally hoped that it would be possible to amend the variation to replace the words “two dwellings” under the development intensity guideline of the variation with the words “one dwelling”. It would have been clear and simple what the wishes of this Assembly were. Unfortunately, it is not possible under the land act to amend the variation in that way. The Assembly can only choose to reject all or any part of a variation.

To reject the development intensity provision of variation 114 as tabled by the minister would leave open the prospect of more than two dwellings being built on any block in the Old Red Hill precinct. I think that is clearly an outcome which I and many other members would not be prepared to countenance. Instead, I have chosen to use subsection 37(2) of the Land (Planning and Environment) Act, which provides for this Assembly to recommend to the minister that he direct the ACT planning authority—that is, the Planning and Land Management Group—to review the Territory Plan to ensure that development intensity for the Old Red Hill precinct does not exceed one dwelling. It is not the most satisfactory outcome, but it is the only course of action available to this place if it believes that dual occupancy in Old Red Hill needs to be addressed now.

The variation proposed by the government for Old Red Hill should not allow for dual occupancy development. Whilst it is true that subdivisions have previously occurred in the precinct, notably between the 1930s and 1960s, it is clear that this subdivision has already resulted in a change to the heritage values of the area. This can be seen in the conversion of semirural blocks into areas of what Professor Weirick described as the conventional prestige suburb area.

Therefore, if we allow for what are not technically but effectively further subdivisions by allowing additional dwellings and dual occupancy, the precinct will only further change in its character and in its heritage significance. That change, resulting in a loss of treescape, will diminish the heritage significance of the place, and it will result inevitably in further pressure to allow still higher levels of density in the area.

I can hear the argument now: “We have changed the area already. What makes it different from the rest of Canberra? Surely we can allow for higher density, development.” By approving dual occupancy development in the precinct, however limited it is, as a city we will be moving towards a slow but gradual undermining of the heritage significance of the precinct and its place in the planning heritage of the garden

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city, Canberra. I cannot support such moves, nor can the Labor opposition support such moves, and I urge members in this place not to support such moves either.

MR Kaine (4.13): I will not speak at length, but I want to indicate that I strongly support the motion Mr Corbell has placed before us today. Those of us who have lived in Canberra over many years have often been struck by some of the things that make Canberra Canberra. There are characteristics of this city that you do not find anywhere else. When we introduced the new Territory Plan in 1991-92, I understood at the time that one of the things that that plan did was to embed those things about Canberra that we value for eternity, forever. Certain developments would not take place, because the Territory Plan would not permit them.

We have gone so far on many occasions as to identify areas of Canberra that are subject to heritage and other orders, areas we cannot change the nature of. In Ainslie, for example, you cannot change the nature of the residential units in some areas. In Barton there are other places where what existed some years ago has been preserved, and the intention is that it will be preserved. I always understood that the old area of Red Hill was one of those areas. In fact, I remember having discussions with officials from the old Planning and Land Management area some years ago when on the area map they had a big black line around the area. I cannot recall the boundaries, but the area was generally bounded on the north by Mugga Way and on the east by Flinders Way. The boundary went approximately across to Melbourne Avenue, it certainly included the Parliament House precinct, and there was a marked southern boundary. My clear understanding at the time was that this was outlining an area of land where the then character would be preserved. In other words, the streetscape would be preserved, the nature of the housing would be preserved and the nature of that old suburb would be preserved because of its historical value.

I have been somewhat confounded in recent months and years to discover that on pieces of land in that area the treescape has been completely destroyed so that an old house can be demolished and a new bigger and better house built. I am not decrying the notion of building better houses, but to destroy the entire treescape on a very large block of land in that area seems to me to be contrary to the original intention of the Territory Plan at least and in my view what ought to be the present intention of the Territory Plan. I am not clear at what stage over the last 10 years the attitude towards the preservation of that part of Red Hill changed.

I was astounded recently to note a decision of the Administrative Appeals Tribunal that allowed a second residential unit on a block in that area, despite the provisions of the Territory Plan and despite what I thought were the long-term intentions of preserving that area. We have seen an erosion of what I think most of us took for granted 10 years ago, an erosion of the concept of the retention of the general nature of the Red Hill precinct. I do not know what has happened in the planning process that has allowed this degradation to occur, but I agree with Mr Corbell that perhaps we have reached the point where we have to put a stop to it.

I do not know where the change has come from. I do not know whether it is something that has come from within the bureaucracy. I do not know whether our planners—of whom, I regret to say, we seem to have few these days—have changed their ideas about what we should preserve and what we should not. I do not know whether it is the

constant grinding down of the bureaucracy by the development lobby that has forced this to occur or where the pressure comes from, but I do know that there seems to be a totally different attitude today towards the preservation of historic areas like Old Red Hill than there was a few years ago. What the process has been, what the impetus has been or where the impetus has come from, I really cannot say.

It is time for those of us in this place who can influence the outcomes to do an analysis and a review of what has been happening, and decide what it is that we want to preserve and make sure that it is preserved. It should not be left to chance. It should not be left for ad hoc decision-making. If what I have seen in that area over the last two or three years is going to continue, in a very short period of time the Red Hill we knew, and which I thought we were preserving, will have totally disappeared. Those old gardens will have gone. They will have been replaced by a proliferation of residential units of one kind or another. The whole character of that suburb will have changed.

Maybe it is the will of this place that that should be the outcome. If it is, then it should be expressed as the will of this place. We should not just sit and allow it to occur. We should not do nothing and not express an opinion about whether the essential character of suburbs like Red Hill is deserving of preservation or not.

I totally support Mr Corbell's motion. It is time the government took stock of itself and made up its mind what its intention is. If they want to come back and say, "Our intention is that there will be five residential units on every residential block in Red Hill," that can be debated, and the community can have its say, and we could have our say. But I do not think it should be allowed to occur by default. I totally support Mr Corbell's motion.

MS TUCKER (4.19): For the Greens, the decision on this motion is a balance between maintaining heritage values, encouraging greater urban density where appropriate and considering community views raised in the consultation process. The Greens will always seek to encourage well-planned, well-considered urban planning and sensitive and targeted urban consolidation of existing urban areas over the development of greenfields. The Greens believe that urban consolidation should be part of the well-planned city, but only in full consideration of both the overall pattern of development and residents' concerns, and ensuring that designated heritage areas are protected from redevelopment that would degrade their heritage value.

In this case we have very large blocks which are assessed to be a rare example of the garden suburb as envisaged in the 20th century garden city model. The next best example of this type of urban planning can be found only in the United States and represents the 19th century school of landscaping. While we would not support a whole city of large blocks, we can see the case for retaining an example of this planned zone of homes in a park-like setting. Heritage conservation helps to give us a sense of place, reminding us of the ideas and the people who have gone before. Mr Kaine, who has lived here for considerably longer than I have, reflected those ideals in the speech he gave. That is a very valuable perspective.

Heritage, traditionally, is aimed at retaining the special places in our landscapes. There are strong arguments from the majority of the people who live in the precinct, from the perspective of heritage conservation and from the wider community that these very large blocks are essential to the area's heritage value. The Standing Committee on Planning

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and Urban Services was not convinced by these arguments and recommended limited dual occupancies. The committee argued that two houses per block represented a middle path between the viewpoints of those favouring one unit per existing block, mainly residents and heritage people, and those favouring multiunit development of the area, mainly real estate agents, also some residents.

The dissenting report highlighted the expert heritage assessment in arguing for a limit of one house per block. This motion is an attempt to ask the Assembly to consider the issues and requests that we come up with a different plan from that proposed by the Planning and Urban Services Committee. While there is sometimes a need to negotiate heritage values with residents concerned, and balance them with overall planning objectives, in this case it seems clear that a numerical compromise approach is not appropriate. It does not take into account the very real and meaningful subtleties that have come out of the discussion about sense of place and so on that has been articulated here and in the other forum where this has been debated. A numerical compromise is not appropriate or sensitive to those issues.

Strong arguments were put to the PALM investigation and the standing committee that in practice dual occupancy developments would compromise the heritage values by carving up frontages, building additional driveways and breaking up established gardens and old orchards. Since this area is relatively small, such development will have a small impact on the overall urban density pattern of the territory. A brief glance at the plan shows that this precinct has been laid out as a separate precinct from the beginning. The vision of the garden suburb has survived so far.

This issue is not entirely straightforward, as I have said, and we do have some concerns. Overall, the issue of heritage protection is the most significant from the social planning perspective. We do have some concerns about the elite nature of the area and who is able to live there, but I do not believe that is a reason to take away heritage protection. There are other ways in which you could address equity issues. If we had a government and a parliament that were committed to integration of social groups through the city, then there would be ways in which you could do that. Some of the houses could be purchased by government for more community use in some way. The gardens could only be a benefit to that. There are other ways in which the equity issues could be addressed if that was the will of future parliaments.

In conclusion, I support this motion of Mr Corbell's. I think it is an important motion. We have a tendency in this city at the moment to have developer-led elite planning. We know that developers and the business lobby have a lot of clout. As a member, I get a lot of representations from members of the community who are very distressed at what they see happening to particular areas of our city—Mr Kaine has expressed that concern very well—particularly those areas which we see being denuded. There is a good letter in the paper today from a person expressing great concern because they have seen a block stripped and a very large house built but not for residents of the surrounding area. This is a genuine issue for many people in our community. I commend this motion to other members.

MR SMYTH (Minister for Urban Services) (4.25): Mr Kaine asked how this has it come about. It comes about because the original interim listing on the heritage register of what was then called the Old Red Hill precinct was basically a document that had flaws in it and was often argued over in the AAT. It was with that in mind that the decision was taken that we would start a public process that would once and for all resolve the issues that arose so often in the AAT.

There is no simple answer to dual occupancy in heritage areas. Some people who own blocks in those areas and have lived there for a long time believe they have certain rights that would allow them to develop their blocks. Clearly, others who live in the area do not want that to happen. As Ms Tucker said, the majority report of the committee said the middle path would be to limit dual occupancy on each block.

I thank Mr Corbell for his acknowledgment that there is much that he can agree with in the variation. There are stronger controls on plot ratios. There is protection for trees, streetscape, landscape and many things. The intention of the variation is to make sure we have as little impact as possible on people's personal property rights in protecting those features of Red Hill that are special to all us. It is a special area. It is what was done in 1994 that led to so much contention and the process being started. The process started in March last year, when the variation was released. Since then we have had the very open, very public and very long process that has taken 15 months and ended with the variation here in the Assembly today.

The protection of the rights of residents, as well as the protection of the nature of Red Hill for all of us, is something we have to consider in balance. I consider that what the government has tabled here achieves that balance. I also understand that others would consider that it does not. We all know of developers who would like to forward plans to put multiunit developments on some of these sites. There are those at the other end of the spectrum as well.

In the main, I think the agreement in this place is that we have got it right; that there are better protections; that it does give a way forward. The contention would simply be on the issue of dual occupancy. I would acknowledge the work that was done by some of those who were against dual occupancy during the briefings. Mr Corbell quoted largely from his dissenting report. He referred to Professor Weirick and to Dr Boden, who are both respected in their field. There are others who believe that you can have some form of limited, sympathetic redevelopment, in this case dual occupancies, without destroying the intrinsic value of the area. It is with that in mind that the government tabled the variation.

Mr Corbell's motion asks the government to review its decision. That is something we can do. I believe there is no need for it after a 15-month process which has been very open and very public. It has resulted in a large number of submissions. As with the process to vary the Territory Plan, it has ended with the Planning and Urban Services Committee giving us a report. The majority report, with a few changes, backed what the government believed was the appropriate path forward. Mr Corbell, as is his right, wrote a dissenting report that said that we should remove dual occupancy.

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I believe the government has got it right. I believe the government has put on the table something that will retain what we all value in the Red Hill housing precinct. I believe that the property rights of existing owners can be addressed by allowing dual occupancies to go ahead where they are appropriate, where they meet the guidelines as outlined and where they take into account controls relating to streetscape, landscape, building and demolition that will protect the heritage values of the precinct. Should this motion get up today—and it would appear that there are the numbers for it to get up—we will conduct the review that has been asked for by the Assembly. My opinion and the opinion of the government, as is clear through the variation, is that we have got the balance right. But if it is the will of the Assembly, I will have a review carried out.

MR CORBELL (4.30), in reply: I thank those members who have indicated their support for this motion. But I want to place very clearly and strongly on the record my view as to how the government should respond to this motion, assuming that the Assembly votes shortly to pass it. My recommendation to the minister is very explicit, in that it asks the minister to direct the ACT Planning Authority to review the Territory Plan as it relates to Old Red Hill to provide for a development intensity of no more than one dwelling on any block in the Red Hill housing precinct. It is an explicit recommendation. It is an explicit review.

I do not want the minister to go away from this place thinking he can undertake a review and come back to this place and say there is no need to change it. I believe the majority of members in this place feel strongly that dual occupancy development cannot be allowed in the Old Red Hill precinct if its heritage significance is to be properly protected. I would like the minister, if and when he undertakes this review—assuming that the Assembly supports my motion—to know that that is the very clear wish of this place. Our wish is that he not just conduct a review but conduct a review recognising that this Assembly believes that there should be no dual occupancy development in the Old Red Hill precinct. It is incumbent upon him to treat that very seriously.

There is no doubt in my mind or, I believe, in the minds of the majority of members in this place that to allow additional dwellings in that precinct will significantly undermine the heritage significance of the place. This place is special. It is special not just for those who live there. It is special not just because the people who live there enjoy living there. It is special because it encapsulates a stage in Canberra's development which is past and a vision for Canberra's development, which has, quite naturally, evolved and changed. Old Red Hill encapsulates a vision for a city as a garden, as a park. It encapsulates a vision of large blocks, well treed, with the provision for people to live self-sufficiently. Those, of course, are not patterns of living which many people in our city would think are appropriate for today's lifestyle, but they were at the time that suburb was built. As Ms Tucker said, they represent a snapshot of a time past and of values and views of living in a city which are of an era that has passed us by. That is what makes it important and significant for us, and it is what makes it important and significant for those who look at issues such as town planning and the heritage and history of town planning not only in Australia but overseas.

Many Canberrans enjoy the Old Red Hill precinct. Many Canberrans who do not live there enjoy it. We have all heard the stories of tourist coaches and others driving around the precinct showing people the beautiful tree-lined streets, the large leafy blocks, a style of urban subdivision very different to that in many other parts of Canberra or, indeed,

any other city in Australia. There are many beautiful gardens in the Old Red Hill precinct. Many of those gardens are open from time to time through schemes such as the open garden scheme so that people can enjoy them.

In short, this precinct provides an aspect of our city which is not experienced in any other part of Canberra. Of course, those who live there have a privileged position. They are able to afford it and they are able to enjoy its amenity on a daily basis. But we in this place should not make decisions about heritage based solely on our perceptions of the group of people who live there.

I was thinking about this some months ago when I raised an issue about the Northbourne Flats. Perhaps Old Red Hill and Northbourne Flats are two extremes, but they are two extremes of the same issue. The Northbourne Flats, designed by Sydney Archer, a leading Australian neo-modernist architect of the 1960s, and the Old Red Hill precinct are both areas of heritage significance in our city.

Regardless of whether it is people from a higher income group or people from a lower income group who live in these heritage areas, the response from this government is the same: "We can change it." In relation to Old Red Hill, it is: "Oh, well, we can change it to provide for dual occupancy development. We should allow development there." But when it is public housing which is unique in its neo-modernist design, yet very badly run down, and occupied by public housing tenants, the response is: "We should get rid of it."

It is an interesting commentary on heritage debate in the city that, regardless of whether it is people from a high-income group or people from a low-income group who inhabit an area of heritage significance, the response from this government is the same: "We can change it." I think that is a sad commentary.

We in this place should make decisions about heritage areas based solely on their heritage significance—not on who lives there and not on how our city has changed but on what the place represents and how it is significant for the history, both cultural and planning, of our city. That is why I have moved this motion today. I thank members for their support.

Question resolved in the affirmative.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Report on Draft 2000-01 Budget—Department of Justice and Community Safety and Related Agencies

Debate resumed.

MR BERRY: I seek leave to speak again.

Leave granted.

MR BERRY: This matter was deferred earlier because I suggested that I was going to prepare another amendment, but in the scheme of things, and after gazing around the

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place, I felt that it might not be worth while proceeding along that course. It is better, I think, for me and the Labor Party to consider this matter as it stands.

We will not be supporting the amendment for all of the reasons which have been outlined by the members of this place. We think it is intended to interfere with the position of the committees in relation to their independence. So far as reporting is concerned, I understand they are animals of the Assembly. They are not organisations in their own right, but there is an issue, as I have said before, about their ability to report independently and the right of members to say what they will in the scheme of things so far as their comments are concerned.

I think this amendment which has been moved by the Attorney is an over-sensitive approach to an issue which could quite easily be left alone and may set a precedent which the government might regret in future times, as will, I think, members regret it when they make highly critical remarks.

Leave aside the comments and what you might think about the comments made in this report. It may set a pattern which, in future, we will regret, one and all, because it may impinge upon the rights of members to make certain specific, passionate, strident and sometimes intemperate remarks about certain issues in relation to the operations of this Assembly and the government or a matter which the committee is considering.

Mr Speaker, I would urge members to oppose the amendment which has been put forward by Mr Humphries.

Amendment (**Mr Berry's**) to Mr Humphries' amendment negatived.

Question put:

That the amendment (**Mr Humphries'**) be agreed to.

The Assembly voted—

Ayes, 9

Ms Carnell
Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Noes, 8

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Quinlan
Mr Stanhope
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

MR QUINLAN: Mr Speaker, I now seek leave to speak to the amended motion.

Leave granted.

MR QUINLAN: I do not intend to speak for a great length of time, but, given that this motion has now evolved into what it is, I want to pick up some of the things that Ms Tucker said this morning. The quotations that she read into *Hansard* in relation to the findings of the Finance and Public Administration Committee and the relationships between government and some community organisations come from a report in which I was involved. I do want to communicate to the Assembly that perception becomes reality in these cases. There is, out there, a genuine concern that community organisations will be adversely treated if they do not toe the line. In order to produce this report, and in order for quite a number of community organisations to appear before this committee, it was necessary to hold in camera hearings. We took no initiative in this. We were asked to hold in camera hearings so that quite a number of community organisations could come to us and voice their concerns.

A fair bit has been said as this debate has meandered today. We have not yet debated the government's response to this report even though it has been tabled. It has been on the notice paper for quite some time. I just wanted to place on record for this Assembly the fact that there are quite a number of organisations out there, sufficient, I would contend, to believe there is some base for it, that have genuine concern that unless they toe the line in one way or another they will be penalised and their funding will be withdrawn.

Mr Humphries: Which ones?

Ms Carnell: Name one.

MR QUINLAN: I can't because they asked not to be named. That is the whole point.

Ms Carnell: So did anybody give you any evidence, please, off the record? Tell us.

MR QUINLAN: They came and made the assertions. They do not want me to convey the evidence to you. They do not want to be named to you. That is the point I am making. Thank you, Mr Speaker.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety): I seek leave to speak again.

Leave granted.

MR HUMPHRIES: I do not want to respond to Mr Quinlan's comments except to say that I think evidence should be produced. Assertions should not be made without being backed up.

In the course of earlier debate I think I may have suggested that the effect of my amendment would not be that there should be an insertion into the report itself of the words that are quoted in that amendment. That, of course, is not the case. In other words, there ought to be an assertion in the report itself. I am not sure whether I conveyed the

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correct impression of what was going to happen. I hope I have cleared that up now in my remarks.

MS TUCKER: I seek leave to speak again.

Leave granted.

MS TUCKER: This is just a suggestion really. In light of the debate that has occurred here, and what it appears we are going to end up with in light of Mr Hird's comments in estimates yesterday in the second report that I read from in my comments, I am happy to put an amendment, or a motion, to this effect: why don't we put on every committee report a little label on the front that says, "Warning: this may contain unparliamentary language. If you may be offended, don't read it." Would you like me to do that?

Motion, as amended, agreed to.

EXECUTIVE BUSINESS—PRECEDENCE

Ordered that executive business be called on.

APPROPRIATION BILL 2000-2001

Debate resumed from 25 May 2000.

Detail Stage

MR SPEAKER: Standing order 180 sets down the order in which this bill will be considered; that is, in the detail stage any schedule expressing the services for which the appropriation is to be made must be considered before the clauses and, unless the Assembly otherwise orders, the schedules will be considered by proposed expenditure in the order shown. With the concurrence of the Assembly, I am proposing that the Assembly consider schedule 1 by part, appropriation unit and departmental totals. Is this the wish of the Assembly? Thank you. That being so, schedule 1 will be considered by part, appropriation unit and departmental totals, then the clauses prior to schedule 2 and the title.

Schedule 1—Appropriations

Proposed expenditure—Part 1—Legislative Assembly Secretariat, \$4,033,000 (net cost of outputs), \$77,000 (capital injection) and \$3,031,000 (payments on behalf of the territory), totalling \$7,141,000.

Mr QUINLAN (4.52): I want to refer back to the Estimates Committee report which I think the Treasurer said was a new low in the Assembly. I think that line was written before the report hit the table and was to be expected.

Mr Humphries: It wasn't written at all, actually.

MR QUINLAN: Well, I share with Mr Osborne, when he concluded his dissertation yesterday, the sheer admiration of your capacity to speak on two sides of the question with equal conviction.

In relation to the Legislative Assembly Secretariat, the only comment I wish to make is on behalf of many of the members in this place who have been disgruntled by the information systems that we use. We trust that there are sufficient resources available in the first instance to remedy those problems, and possibly, in the longer term, to insulate the Assembly from problems that beset the administration as a whole. We might now, or in the future, bring whatever pressure to bear that we can to get ourselves on a separate stand-alone server with reasonable backup support in order that we do not have the breakdowns we have had. I contend that if that system had been down over the last couple of sitting days, or any sitting days, but particularly the last couple, with the amount of material that came through, particularly in relation to the GST, we would have been in total chaos. I think we should be moving towards insulating the Assembly against that genuine risk that we face.

Proposed expenditure agreed to.

Proposed expenditure—Part 2—Auditor-General, \$909,000 (net cost of outputs).

MR BERRY (4.55): I rise merely because of the issues which have confronted the Auditor-General this year. I just wish to make the point that it would appear to somebody on the outside, even perhaps to those who have some inside knowledge on the subject, that the Auditor-General has been almost totally distracted by the Bruce Stadium affair, or, I should say, the Bruce Stadium scandal. This scandal in the territory has ended up with the Auditor-General devoting huge amounts of his resources over many, many months. Could somebody remind me when it first went to the Auditor-General?

Mr Quinlan: I wasn't here then.

Mr Stanhope: Over 14 months ago.

MR BERRY: I am reminded that this matter went to the Auditor-General 14 months ago. Since then I suspect that a great deal of resource has been poured into poring over all of the documents, preparing reports, sending them out to people who might be affected by it, fighting off a barrage of lawyers' responses and working towards an end report which will come to this place at some time in the future. People sitting around this chamber will say, "So what? That's what auditors-general do. It is their job to do all these things and to pore over all of these documents."

This was an extraordinary event, by any measure. The government illegally spent the taxpayers' money on a development which was aimed to bring plaudits for the government. It was an extraordinary event because the government then had to come back to this Assembly and seek a further appropriation to cover its illegal, unlawful, or whatever you like to call it, expenditure. This was a misappropriation of government funds. It was unlawful.

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Mr Humphries: No. Mr Speaker, “misappropriation” implies theft of money. That is what misappropriation is. It was not that. You might call it other things, but it was not that, Mr Speaker. I think that should be withdrawn.

MR SPEAKER: Yes. Thank you.

MR BERRY: Mr Speaker, may I clarify it a bit? It was an unlawful removal of money from there over to here, and that is what I would say a misappropriation is. It is an unlawful removal of money from there and putting it here. Mr Speaker, whatever. I surrender—wrestled to the ground.

MR SPEAKER: As long as you withdraw “misappropriation” you will be right.

MR BERRY: I will withdraw “misappropriation”, although I have used it before and it seemed okay.

MR SPEAKER: Not in this context.

MR BERRY: I think I have used it here.

MR SPEAKER: You may have, but you have not used it in this context and it is objected to.

MR BERRY: Okay. Unlawful or illegal. The consequences are the same in the end if it ends up being declared a criminal offence. You end up peering between columns of steel.

Mr Humphries: But it was not a criminal offence.

MR BERRY: We can soon fix that if you would like us to, if that would sort of prevent it from happening.

Mr Humphries: Retrospectively fix it. Why not?

MR BERRY: I do not know about retrospectivity.

MR SPEAKER: I do not want to get into a word game here. Can you get on with the budget, please?

MR BERRY: No, I don't think we would even do that. Not even for you, Gary.

Mr Humphries: I don't think you would either, Wayne.

MR BERRY: No, not even for you, Rosebud. Sorry about that. Mr Speaker, the point I am trying to get to here, rather tortuously I admit, is this: what has happened to all of the other issues that the Auditor-General might deal with in the scheme of things insofar as this budget is concerned? Do they get put aside? I suspect that many of them do. I suspect that many of them do get put aside because this becomes a priority for the Auditor-General. It has been hanging around for some time and I just wonder whether, at the end of the day, the territory gets good service out of the Auditor-General when he is so distracted by this extraordinary event. Mr Speaker, that is a distraction for the

Auditor-General from the duties that he would otherwise perform around the territory so far as the provision of government services and the expenditure of money is concerned.

Quite apart from the effects of the unlawful expenditure, illegal expenditure, whatever you want to call it, and the continuing requirement to deal with that, future generations will have to pay for this extraordinary event in the territory's history. Many future generations will enjoy going to a very nice Bruce Stadium, thank you very much; but if you put the question, "Would you prefer to have a few thousand people off the waiting lists, perhaps a little bit more money for students with disabilities, a better bus service, a bit more work on the environment, and other sports facilities for the not so elite sports in the territory instead of all the millions that have been expended on this?", I reckon the majority of people out there in the community would say that Bruce Stadium could wait for a while. We have got more important things to do with our money.

Notwithstanding the windfall gains that the government has had in revenue terms, this stadium, and the unlawful expenditure on it, will hold the territory back in some respects for many, many years to come. It was money that could have been spent better elsewhere. I bet that if you asked Ms Tucker where she would rather spend it she would think of something pretty smartly to spend the money on, and I reckon there would be just as many other ideas around the place about where the money could have been better spent. But no, we have been subjected to the circus and it has cost us dearly, and this is just another area where there has been a cost. There has been a distraction for the Auditor-General which he could have well done without.

The latest estimate for presentation of that report is about August. We will see what the Auditor-General has to say about this matter, but it is something I wish had never happened. I hope it leaves a scar on those who were responsible for it because it was an appalling and haphazard approach to the management of the territory's funds which we could have well done without.

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

MR QUINLAN (5:02): I want to endorse what Mr Berry has said in relation to the auditor's preoccupation with the Bruce Stadium audit. Difficulties seem to have been thrown up all along the way and only history will record at the end of the day just how difficult it was.

There was a question raised in the Estimates Committee that I wanted to clarify in case it does confuse people's minds. The auditor works on two fronts. First, he works on the front of performance audits, and that is what he is conducting in relation to Bruce Stadium. He has resources to conduct performance audits, and virtually all of those have been consumed by the Bruce Stadium audit and the difficulties that he faces as he wades through.

Equally, he has separate resources for the compliance audits to ensure that departments have expended their money and complied with the various legislative provisions and guidelines that bind them in their day-to-day operation and in their overall reporting requirements. That area of the Auditor-General's function has not been delayed by the

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Bruce Stadium audit. We had a delay in a previous program for the performance audit side, but not compliance orders.

It is highly likely that the Auditor-General and his office will have learnt a great deal more about the operation of government and how things work around here by the single audit that he is conducting than he would have by the much shorter and briefer performance audits. We do hope that the Bruce Stadium audit report comes forward fairly quickly, but I think we can be reasonably confident that we will have a sharper and more informed and hopefully more cynical and less believing and accepting audit team under his command once the performance audit of Bruce Stadium has been completed.

MR HUMPHRIES (Treasurer, Attorney-General and Minister for Justice and Community Safety) (5.05): I wish to make a brief comment. I am sure that the Auditor-General will appropriately draw to the attention of government any issues that arise with respect to resourcing of his function. I believe that the \$909,000 provided for in this appropriation for the coming financial year will suffice, but, of course, we will deal with circumstances as they emerge.

As to Bruce Stadium and the problems that Mr Berry and others have alluded to, I and I think 25,000 or so other people sat around Bruce Stadium a few weeks ago for the final of the Super 12 between the Brumbies and the Crusaders.

Mr Quinlan: Did you go to the footy? How was it?

MR HUMPHRIES: I did. It was very good. I looked around the magnificent stadium which this government has been responsible for creating. I think there would be very few people in that place who would have wondered what the fuss about Bruce Stadium was all about. I think the words of Sir Christopher Wren spring to mind here. He has a simple monument to him in St Paul's Cathedral in London. It is a simple stone marking the place where he is buried. Among the few words on the epitaph are "If you seek his monument, look around you". Much the same could be said about this government or about the Chief Minister.

Proposed expenditure agreed to.

Proposed expenditure—Part 3—Chief Minister's, \$68,275,000 (net cost of outputs), \$10,392,000 (capital injection) and \$4,637,000 (payments on behalf of the territory), totalling \$83,304,000.

MR QUINLAN (5.08): Mr Speaker, \$83.3 million is a lot of money for a department that does not really have a whole lot of practical responsibilities. Through the course of this year we saw a change in administrative orders. We saw the Chief Minister abdicate her role as Treasurer around about the time the heat went up on her monument at Bruce. Effectively, I think the Chief Minister's responsibilities are restricted to arts, tourism and general policy. That is about it, I think. At the same time we have seen more and more public servants migrating from the departments, with their individual responsibilities, through to the Chief Minister's Department.

Ms Carnell: No, I have less than I used to have.

MR QUINLAN: Yes, but you have nothing to do.

Mr Moore: You can say a lot of things about the Chief Minister, but you cannot say she's got nothing to do.

MR QUINLAN: Please do not use those dodgy numbers. What you have, effectively, is overarching functions. Through the latter part of the 20th century organisations have realised that they should cut out layers and devolve responsibility. They should make people directly responsible for their areas of command so that they do a better job. Well, what have we got here? We have got the centralisation of resources. Out of the centralisation of resources, I think we can see a trickle of pap publications emerging. I hope it does not become a torrent. This government may not be very good at doing stuff, like building stadiums, developing Kinlyside, running hospitals or whatever—

Mr Moore: You should have been there for the Brumbies. It was brilliant. It's a brilliant stadium.

MR QUINLAN: I was there.

Mr Moore: Then you know it's a brilliant stadium. An excellent job.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! Mr Quinlan has the call.

MR QUINLAN: I will diverge to the stadium, Mr Temporary Deputy Speaker, because it is typical of the Carnell approach, and that of her followers, to say the end justifies the means; like, "We have had the stadium full twice. That is it. It's worth all the money. It's worth all the breaking of the law. It's worth having to put through retrospective guidelines." The auditor still has not been able to sort out the mire after more than a year. After the teething problems, I think it is a pretty good stadium, but you could have had it built on a fixed price contract. You could have built it for less. I guarantee that if you could put together all the money that you have spent on the stadium, plus the money you had to put into Manuka Oval to pay off the disenfranchised sports followers, and started again you would have a whole lot better stadium. Just because it works does not justify the way you did it, and it does not necessarily justify the level of expenditure, seeing that we got the thing for nothing.

Ms Carnell: How do you know? Have you read the Auditor-General's report?

MR QUINLAN: No, I haven't.

Ms Carnell: Well, how do you know?

MR QUINLAN: I have no idea.

Ms Carnell: You have no idea. I agree.

MR TEMPORARY DEPUTY SPEAKER: Chief Minister, leave the poor lad alone. Leave the poor fellow alone.

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MR QUINLAN: This is my free opinion that I give you. Now, where was I? I was talking about the aggregation of policy-making into the Chief Minister's Department.

Mr Moore: And you digressed into us doing things.

MR QUINLAN: Yes, badly. That is the point. What we have now in this Chief Minister's Department is a sort of queen bee mentality where we have lots and lots of public servants. As I was saying, we are starting to see the first dribbles—it will probably become a torrent between now and the next election—of all these bits and pieces of paper that are pictures of Canberra, or assessments of pretty pictures, and all designed to give the impression of a great deal of activity and to paint the government in a good lie. I have not got the numbers with me but, if you add up all of the policy areas across the portfolio plus this huge raft of people in the Chief Minister's Department, we have continued growth, I think even into next year, in the policy areas, many of which boil down to propaganda areas.

Mr Temporary Deputy Speaker, I contend to this house that a considerable amount of this \$83.3 million that is spent on a department that runs arts and tourism could probably be better spent in Mr Moore's portfolio to sort out some of the problems, even if it is spent on hiring management to guide you through. I do not think the opposition could possibly endorse the expenditure of \$83.3 million on the Chief Minister's own little coterie.

MS CARNELL (Chief Minister) (5.15): Mr Temporary Deputy Speaker, if it was \$3 million those opposite would not agree. If it was \$103 million they would not agree. It does not matter what it is. It does not matter what the line says—they have opposed it every single year, just as they have opposed every single other line of the budget every year. So to assume that this has got anything to do with a policy area in the Chief Minister's Department, or Bruce Stadium, or anything else, is patently ridiculous because last year when they opposed this line we did not have a policy area in CMD. They just opposed it for some other reason. This year it is supposedly for this reason, and next year, and the year after, and the year after, it will be for some other ethereal reasons. While those opposite continue to oppose for opposition's sake and do not accept, at least in action, that the elected government in this place does have a right to their budget—although they say that they have voted against it every time—we will end up with the farce of this debate. They will oppose it every time, regardless.

With regard to the policy area, every single Chief Minister's Department, Premier's Department, and the Prime Minister's Department in this country has a policy area. Guess what? We were the only ones that did not.

Mr Moore: And it showed.

MS CARNELL: And it showed. It did show, and what has happened? Having a policy area has meant that we can coordinate difficult policy areas. Mr Moore and I were just talking about a really good example, and that is genetically modified food. That is a difficult policy area. It is an area where there are business interests, agricultural interests, environmental interests, health interests, and legal areas as well, so probably four of my five ministers would be interested. Now, is it sensible to have four separate submissions to cabinet, or is it sensible to have one?

Because our policy area is working so well, Mr Temporary Deputy Speaker, we will have one, and guess what? I believe we will be the only government in Australia that will end up with a consolidated approach to this area, a really important area. Everywhere else they are going to end up with health, agriculture and everybody else doing separate things. That is the reason why other governments have not managed to come down with a position in this area. What is happening is that we are having a coordinated policy approach. The policy area is getting together with groups from right across government to determine and to coordinate a whole of government policy area.

I make the point, Mr Temporary Deputy Speaker, that this is not unique. Every single Premier's Department and Chief Minister's Department, as well as the Department of Prime Minister and Cabinet, has a policy area. We were the only ones that did not, and, as Mr Moore said, there were times when it showed. There were times when having lots of different policy areas made it very difficult to get consistent whole of government approaches in important areas like healthy cities. That is an area that does require a consolidated and concerted approach right across government.

The important thing about the policy area, that I have to say is doing an absolutely stunning job, is that it is not new expenditure. It is money that has been brought from the various policy areas that were in the various departments. The departments themselves had these areas. They have now been brought together in a central policy area, something that is very common in governments, to do what we believe is a significantly better job.

I think all of my cabinet colleagues would agree that the cabinet process this year, by being able to have a consolidated approach to a number of things such as social capital, has made our policy direction a whole heap better and more focused on where it should have been, and that is on the consumer, the client. I think that is really what any policy area is about.

Similarly, Mr Temporary Deputy Speaker, it would have been extraordinarily difficult to put together a report such as the *State of the Territory Report* if it was not done centrally. I accept that those opposite would not put together such a thing as the *State of the Territory Report*. They would attempt to keep it all under wraps and not make how we are doing in social areas, particularly, so transparent. I believe really strongly that the policy area has already proven its worth. I know my cabinet colleagues support that approach.

One of the first things that Mr Quinlan said is that somehow I had abrogated my role as Treasurer. No, Mr Temporary Deputy Speaker, I delegated it. That is exactly what leaders do. In fact, it is what Mr Stanhope did. Why is Mr Quinlan the shadow Treasurer? Because Mr Stanhope delegated the position. Again, that is what you do.

Mr Quinlan: He didn't drop it like a hot rock though, did he?

MR TEMPORARY DEPUTY SPEAKER: Order! The shadow Treasurer.

MS CARNELL: It's all right. He just cannot cope with the truth. That is the problem. I am very pleased with the direction that my department has taken over the last 12 months and the plans that they have for the next 12 months. They have done a great

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job. It is wonderful to work with such capable and directional people, and it is wonderful to see our public service go from strength to strength. It is also wonderful to have a central agency that is so focused on service delivery.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Services for Students with Disabilities

MR BERRY (5.22): Today, Mr Temporary Deputy Speaker, we learnt of another budget muck-up and a mistake. I am not sure whether we will get a corrigendum out of it but there was a plan by this government to cut staff at two schools which provide services for students with disabilities. Happily, the government has reversed that plan. Because staff had been told that the proposal was going ahead, they were quite distraught about the extra load that was going to go on to teachers and teachers aids, and about the quality of care that was to be handed out to students with disabilities.

I learnt, first of all, about the plan to cut these staff, and I later learnt of the office of the Chief Minister saying that it would not now go ahead. The minister today has confirmed that. I have to say that that is good news for the families of students with disabilities, for students with disabilities and for the staff who have to provide services to these people.

What this does tell us all, Mr Temporary Deputy Speaker, is how the so-called building social capital slogan is unravelling. At first, while ever the community was quiet about the issue, the government was prepared to cut staff and impact on these students with disabilities. That was the case until there was an outcry about it, until there were complaints received by the Chief Minister and until the warning bells rang.

No government could sustain an argument to reduce staffing in these areas out in the community. The community would have been enraged. At least, as a result of this parliamentary process, the community will learn that it was the government's intention to do it, despite their slogan and their claim to be building a social capital. It is a happy result for people in those schools, but not because of the actions of this government. The government was frightened off by a strong voice from the community.

Healthy Cities

MR SMYTH (Minister for Urban Services) (5.25): I am very pleased that Mr Berry raised the issue of social capital because what we have seen in Canberra over the last three days is a wonderful example of the way this government works across portfolios to make Canberra a better place to live for all of us. Mr Moore has been convening a conference that has seen Canberra proclaimed a healthy city. We had a dinner on Monday night with the delegates and they were very pleased that it was not being left just in the health portfolio, but that the other portfolios, under Mr Humphries, the Chief

Minister and Mr Stefaniak, were also involved. The areas that I get to cover through my department include things like planning, housing, the environment and heritage.

They were very pleased that, however it had come forward, whether it was through the Healthy Cities agenda or through Agenda 21, this is a government that is committed to building a better Canberra. This is a government that is committed to building up the social infrastructure. This is a government that is committed to sustaining and improving education. We have done that. We have seen the mammoth increases in spending on education over the last five years from this government, and this is the government that has put additional funding into health. Those opposite always say that we have cut education and that we have cut health. The truth is that we have not.

We now have recognition from an organisation—no less than the United Nations—that this is a healthy city. Why is it a healthy city? It is a healthy city because it has a government that is absolutely committed to the concept of social capital and building up the social capital, building up the value of where we live because it is where we live. The government this year, Mr Temporary Deputy Speaker, will put a \$60 million refurbishment program in place to look after public housing. It is very important that we put roofs over the heads of citizens. It is very important. Mr Moore, how much additional funding is there for health this year?

Mr Moore: Over the four years, over \$65 million now.

MR SMYTH: Over four years, \$65 million. Why? Because it is important. We understand that there is increasing need out there, and we have made provision to meet it. How have we made provision to meet that? Well, under the leadership of the Chief Minister, we have got control of the finances. We know how much everything costs. We know where we can now spend the money because we have been able to balance our budget. By doing so we are now able to provide more and more social capital infrastructure, more and more services for the people of Canberra. We are focused on delivering services because we understand, firstly, that Canberra must be economically sustainable. Under the leadership of the Chief Minister, we have been able to achieve that.

We know that Canberra must be environmentally sustainable, and under the five years of this government we have been able to show the country that this is the greenest government of any government of any persuasion in the history of this city. We know also that this city must be socially sustainable. How do we do that? We do that by building up the infrastructure, by building up the social capital, by building up the fabric of the city, by building up the community, by building up where we live.

Mr Temporary Deputy Speaker, I am glad Mr Berry raised social capital. The Labor Party does it with some sort of jest—like we have only just found it—but go back to the founding principles of the Liberal Party and the things that Menzies put in place under the principles that he saw as being important. It was about looking after the little man. It was about looking after small business. It was about looking after the aged. It was about looking after the infirm. It was about looking after the returned servicemen. It is those principles that were founded by Menzies that come through so clearly in all the social capital doctrines of today.

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Mr Temporary Deputy Speaker, this is a government that will continue to deliver. Why? Because we have a policy unit in Chief Minister's. Because we work together. Because we can tie these things up and say, "How does one portfolio impact upon another? How is it that we get the return that the people of Canberra deserve on the money that we spend on their behalf?" It is because we understand and we work together. It is because we do the things that those opposite so readily criticise us for so often. But are we dismayed? No, because we know where we are going. We know that we have a plan in place and we have the policies to achieve it.

ACTEW/AGL Joint Venture

MS CARNELL (Chief Minister) (5.29 pm): During yesterday's debate on the interim report of the Standing Committee on Finance and Public Administration on the ACTEW/AGL joint venture, Mr Kaine expressed concern about my decision not to table the status report provided to the committee by ACTEW or the interim report of Mr Marks, the probity auditor engaged to monitor the development of the joint venture. Mr Kaine stated that both the chief executive of ACTEW, Mr McKay, and Mr Marks had agreed that these documents would be tabled.

In the interests of ensuring that the Assembly has full visibility of all of the important aspects of this major initiative, I sought further information on the advice which Mr McKay and Mr Marks provided to the committee. I have been advised that they did not express any view to the committee on the desirability or otherwise of tabling these documents beyond advising that this was a matter for government.

As I indicated yesterday, the government remains of the view that it would be inappropriate to table in the Assembly the interim report of ACTEW to the committee as the matters it addresses are still in progress and it also contains some matters that are commercial-in-confidence. This accords with the advice of Mr Marks to the chief executive of my department.

MR TEMPORARY DEPUTY SPEAKER: Order! Chief Minister, would you resume your seat, please? Under standing order 34, it being 5:30, I ask the minister to rise to extend the time for the debate.

Mr Moore: I move to extend the time for debate in accordance with standing orders, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: I am informed by the Clerk that I am obliged to adjourn the Assembly.

Ms Carnell: Okay. It means I cannot table what I need to table.

MR TEMPORARY DEPUTY SPEAKER: Matters requiring a reply have not been raised in the preceding adjournment debate. The Chief Minister will get an opportunity. I apologise to the Chief Minister and to the house. Under standing order 34, the Assembly stands adjourned.

Assembly adjourned at 5.30 pm