



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 February 2002

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The Assembly met at 11.30 am.

(Quorum not present.)

The bells having been rung and a quorum not being present, the sitting was suspended until the ringing of the bells.

Sitting suspended from 11.34 am to 12.05 pm.

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

Meeting of the Assembly

MR SPEAKER: Members, I wish to make a statement concerning the actions I took this morning in relation to the sitting of the Assembly.

When it became apparent that the meeting of members with the ATSIIC board would not be completed at the time the Assembly was due to meet at 11.30, I directed that the bells not be rung for the full five minutes as required by standing orders. I also directed that, when a quorum was not present at 11.30, the bells not be rung for five minutes, as is required by the standing orders.

I sent members a brief note during that meeting advising them of my intentions in relation to the sitting of the Assembly. I am that sure members will understand that I took these actions so as to not disrupt the late meeting with the ATSIIC board.

May I say this, however: I trust that members will not think that this is a precedent. I hope that, the next time that they are caught in a meeting somewhere, they don't ring me and ask me to delay the Assembly proceedings, because that situation will not be regarded as kindly as was this very important and symbolic meeting with the ATSIIC board. Thank you, members.

Land (Planning and Environment) Amendment Bill 2002

Ms Tucker, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MS TUCKER (12.08): I move:

That this bill be agreed to in principle.

This bill expands the provisions of the land act regarding minor amendments to development approvals.

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At present, a lessee who holds an approval to undertake a development may apply to amend it. If PALM is satisfied that it is a minor amendment, then the approval can be amended without notifying any third party, such as neighbours or people who previously objected to the development. There are also no rights of appeal against such amendments.

This process is much simpler than the normal development approval process, because minor amendments are thought not to warrant as much attention as a new development application. Unfortunately, the lack of transparency in this process means that it could be abused if amendments are approved as minor amendments, but do, in fact, have major impacts on the surrounding neighbourhood.

This issue was brought to my attention a couple of years ago in relation to a redevelopment in Yarralumla, where an application to build a very large house, which took up nearly the whole block, had generated many objections from surrounding residents, because of the overshadowing it would cause.

Without notifying the residents, the landowner applied for a minor amendment to increase the height of the building by about 600 millimetres. PALM approved this, again, without notifying the residents. The next door neighbour only found out about this amendment by chance, after construction work had begun. The 600-millimetre increase in height may sound minor but, for the next-door neighbour, it meant losing all the sunlight in his backyard on mid-winter afternoons. It certainly had a major impact on him, and PALM had taken no account of this.

Since that time, I have heard other stories of minor amendments to residential redevelopments, in particular, where neighbours have been concerned that the minor amendment did not seem to them to be minor, but they had no chance to do anything about it. In fact, in 2001, some 20 per cent of development applications included minor amendments.

I put up a private members bill in the last Assembly, which included an amendment to this provision, but it was lost in the debate over other amendments to the land act that were included in that bill. I am therefore putting up this separate bill today to give this issue more prominence.

My bill maintains the concept of minor amendments, as I recognise that there is a need for a simple means to approved changes to plans that have no impact on the overall form of the building. However, my bill provides that PALM must give notice of an approval of a minor amendment to each person who has demonstrated an interest in the development by objecting to the original approval of the development application. I hope that the public exposure that such minor amendments will receive as a result of this bill will put sufficient pressure on PALM to make responsible decisions about applications for minor amendments.

I have also tightened up the criteria used to assess whether minor amendments can be granted by requiring that the amendment not cause any increase in detriment to any person or the environment.

Minor amendments might seem to be of minor concern in the ACT but, for those people who have to live next door to buildings that overshadow their blocks, or reduce their privacy, it is a major issue. I am aware that the new Labor government is promising to overhaul the ACT's planning system, so I hope that they will support this amendment, which I think will promote better decisions about development applications.

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

Inquiries Amendment Bill 2002

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

Title read by Clerk.

MR HUMPHRIES (Leader of the Opposition) (12.13): I move:

That this bill be agreed to in principle.

As members are well aware, yesterday the report of the Gallop board of inquiry was tabled in this place. Members are also well aware that the report was, in fact, in the hands of the Chief Minister on 18 December. Therefore its publication for the broader community did not occur for more than two months after the report was originally received by the ACT government.

You, Mr Speaker, drew attention yesterday to the legal proceedings—an injunction of the Supreme Court—that, at least temporarily, prevented the release of the report. However, Mr Speaker, even once that issue was resolved, as it was, I understand, earlier this month, an issue arose as to whether the report could be published in the public arena by being tabled by the Chief Minister. This issue revolved around the question of whether parliamentary privilege attached to such a report because it had been published outside the Legislative Assembly.

Mr Speaker, let me read to members the words of section 14A of the Inquiries Act. Section 14A deals with the tabling of reports and making reports public before they are tabled in the Legislative Assembly. Section 14A (1) says that a copy of the report can be laid before the Legislative Assembly. Section 14A (2) provides that a person can make a report, or part of a report, public, whether or not the Assembly is sitting—I would refer this to the Chief Minister—and whether or not it has been laid before the Assembly.

That is the power that one might expect the Chief Minister might evoke in ordinary circumstances, in order to put a report into the public arena during a non-sitting period of this Assembly.

Section 14A (3) goes on to say, where a report or part of a report is made public by the Chief Minister before it is laid before the Legislative Assembly, the report or part, “attracts the same privileges and immunities as if the report or part had been laid before the Assembly”.

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Mr Speaker, I think we are entitled to assume from those words that the intention evinced by the Assembly, back in 1991 when it passed the Inquiries Act, was that it should be able to have a report published outside the sitting period of the Assembly, and that such a report would attract the same immunities and privileges—that is absolute privilege—that it would attract if it had been tabled in the Legislative Assembly.

Yesterday, the Chief Minister made reference in this place to a different view, which is contained most especially in an opinion of the ACT Chief Solicitor, dated 17 January, which the Chief Minister was kind enough to supply to me.

MR SPEAKER: Mr Humphries, would you just resume your seat? Members, it is a bit difficult for Mr Humphries to give his presentation speech. Would you just move back a little? Thanks.

MR HUMPHRIES: Thank you, Mr Speaker. The advice of the Chief Solicitor refers to the words of section 14A of the Inquiries Act, and also makes reference to the operation of section 24 of the self-government act, and its evocation of the Parliamentary Privileges Act 1987 (Commonwealth), which applies in the absence of any overriding provision in the ACT.

He goes on to say, and I quote from the report:

However, the act of tabling the report is not the same thing as publishing the report to the world.

Section 16 (2) (d) of the Parliamentary Privileges Act provides, in effect, that the publication of a document, including a report, “by or pursuant to an order of a house”, and the documents so published, are protected by absolute privilege. For this absolute privilege to apply, it is not sufficient for the document or report to be tabled: it is also necessary for the Assembly to order that it be published.

Mr Speaker, that is the tenor of the advice. The advice is that a mere provision in the Inquiries Act, giving a report published outside the house the same privileges as a report published inside the house, does not facilitate the publication of a report under the Inquiries Act. The reason it does not is that a report published in the house would further require a publication order by the house, and it cannot receive that publication order when the house is not sitting, therefore there can be no publication, at least no publication that attracts absolute privilege.

That advice obviously leaves the clear words of section 14A in some doubt. As I have said, it seems to me that the act evinces the clear intention, on the part of the Legislative Assembly, that there should be publication outside sitting periods. In fact, what is now being read down to me, by virtue of this advice, is that only reports which do not need absolute privilege, because they do not make any comments which might require the protection of privilege, can be published outside the sitting period of the house.

I would submit, Mr Speaker, that this is unacceptable. This place needs and deserves and, in particular, the public of the ACT need and deserve, to be able to see such reports as soon as they are completed. Although, no doubt there will be further debate about this later on, I think that in this case much anguish has occurred in the ACT community by

virtue of the fact that the report has been available for over two months now, but has not yet been published.

I might say, as an aside, that I have some quibble with the advice that has been tabled. I think that the Government Solicitor would probably admit that there is some debate about the subject. I consider that the fact that the Parliamentary Privileges Act of 1987 and the self-government act of 1988 were passed before the Inquiries Act of 1991 should mean that the Assembly expressly meant to override any presumption in favour of privilege not attaching to such reports when it passed the Inquiries Act in 1991.

However, the purpose of this bill is not to enter into a legal debate about the terms of the act. The point of the bill is to fix the act so it is absolutely clear that, when this situation again arises, and it will again arise, that the chief minister of the day has the power to put that document in the public arena at the first available opportunity. That is the intention of this bill, Mr Speaker.

What it does, in order to effect that intention, is to insert additional words into the act that make it clear that tabling a document under section 14A has the effect of tabling it in the Assembly, and of it being published by the Assembly, by virtue of its being released under that section.

I hope that whatever debate occurs in this place about the Gallop inquiry, and its aftermath, will not overshadow the very clear need for the Assembly to be able to ensure that this situation does not arise again. If I depart from the question of whether an injunction ought to have applied to a report of this kind—that is a different and further debate—it is clear to me, and I hope to every member of this place, that reports of this kind should be in the public arena at the earliest opportunity. In that light, Mr Speaker, I hope that this bill will attract support from members of the Assembly when it is debated. I commend the bill to the house.

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

Local and regional news services

MS GALLAGHER (12.23): I move the motion standing in my name on the notice paper, which reads:

- (1) That this Assembly notes with regret the recent closure of the Prime and TEN Capital local news services and the impact that this has had on the local community; and
- (2) Further that this Assembly notes that the Stanhope Government will make a submission to the inquiry into regional news services by the Australian Broadcasting Authority following the closure of these news services.

This motion relates to the closure of two regional broadcasters in the ACT region, and the inquiry by the Australian Broadcasting Authority into the closure of a number of regional commercial television news services. It relates to the obligation businesses have to their communities, particularly when they receive substantial taxpayers' subsidies and protection of their market.

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It relates to the obligation these companies have to the communities from whom they gain their earnings and profits. In November 2001, Canberra experienced the second closure of a local news service that year, with the closure of the Ten Capital news. Five months earlier, in June 2001, Prime Television had also closed their local news service to the region. In total, approximately 36 local jobs were lost in these closures.

The ACT was not the only community affected by these closures. Prime also cut news in Wollongong and Newcastle, while Southern Cross Broadcasting, the owners of Capital Television, cut their news in Cairns, Townsville, Darwin and Central Australia. The impact of such decisions on the communities involved cannot be underestimated, and is felt in a number of ways. Clearly, the employees working in those newsrooms and associated jobs, be they journalists, presenters, news camera operators, graphics staff or others, are made redundant at a personal cost.

In the recent Southern Cross Broadcasting exercise, roughly 60 people were made redundant in the Canberra, Cairns and Townsville stations. While those individuals are forced to take redundancies and look for alternative work, the community is left with reduced services from companies that hold privileged positions. I say privileged, Mr Speaker, because they have licences to broadcast free-to-air television in the community, and are guaranteed no further competition until 2007, under the current federal government deal made in the transition to digital broadcasting.

The ACT government will make a submission to the ABA inquiry, and I am pleased that this is the case. The need to regulate this industry is clear, and any ACT government submission should address the obligations that the industry owes loyal communities such as the ACT in return for government subsidies and the privilege of exercising broadcast licences.

This very privileged position gives these businesses the luxury of limited competition and, it appears, no real obligation to put anything back into the community, such as through the provision of local news or other locally produced programs, be it sport, cultural events or postcard-type programs.

The reality for commercial broadcasting is that cutting local content in this fashion is a highly profitable venture, as major networking programming is re-broadcast with revenue collected from the advertising. This occurs with no corresponding requirement to put something back into the community or respect the needs and rights of employees in the field.

The decision to cut the news broadcasts in all areas late last year was made on a purely commercial basis, by parent companies based in Sydney or Melbourne, with no real understanding of, or regard to, the community in which they operate, or the needs of their workforces. A couple of cents on the share price for a few days appears more important than the community from which they gain their earnings.

In each case, with Prime and Ten Capital, the companies are profitable. It is not the situation that they are in the red, or risking collapse; it is a question merely of how much profit is to be made. The argument raised by Prime and Ten Capital to justify their

decision—that limited resources, a flat economy and the transition to digital television were major costs that had to be offset by these actions—is clearly suspect.

Southern Cross Broadcasting, the parent company of Ten Capital, announced annual profits of \$19 million last year. With the announcement about cutting news services, Southern Cross Shares rose and paid a handsome rise in dividend, reported to be 27c per share.

The conversion to digital will cost Capital \$55 million to \$60 million in outlays but, to offset these costs, Capital will receive \$57 million in taxpayers' funds from the federal government. Revenue in regional Australia remains strong, refuting the claims of broadcasters. As the Prime Television annual report for 2000-2001 states:

Prime earns some 30% of its revenue base from regional advertisers. Their spending remains solid because of the underlying strength of the regional economies.

Communities such as the ACT, and other regions, have invested funds and displayed consumer loyalty to ACT broadcasters. Where is the obligation attached to these benefits to ensure that community standards and local content are protected? At some stage the question has to be asked: when do the obligations of these privileged operators to the local communities begin? It is the responsibility of this government to take the lead in ensuring community needs are not abrogated by the commercial imperative of broadcasters.

The Australian Broadcasting Authority has recognised the substantial community concern, not only in Canberra, but also around the country, and has called an inquiry into the news closures.

Specifically, the ABA has decided to conduct an investigation pursuant to part 13, division 2, of the Broadcasting Services Act 1992 into:

- (a) the adequacy of the contribution by commercial television broadcasting licensees in regional and rural Australia to cover matters of local significance;
- (b) community concerns about whether coverage of local news and information by commercial television services is responsive to audience needs in regional and rural Australia; and
- (c) the adequacy of the current regulatory framework to meet the objectives of the Act.

The investigation is being conducted by the ABA, in accordance with its functions and powers under the act. The objects of the act relevant to this investigation are:

- (a) to promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information;
- (b) to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs; and
- (c) to encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest and for an appropriate coverage of matters of local significance.

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The ABA has substantial power, and whether or not it chooses to use that power to require a greater level of local coverage and production will depend largely on this inquiry, and the level of community concern demonstrated. For this reason, it is appropriate that the ACT government send a detailed submission. As part of this submission, I want the Assembly to call on the ABA to specifically require each licence holder to provide a local news service or an equivalent level of coverage of local events of importance.

There are a number of key reasons for this. The broadcasters are in a unique and a privileged position, as they are guaranteed no new entrants or competition until 2007. We are faced with the fact that the broadcasters will take the cheap option of becoming little more than re-broadcast stations, and maybe commercial production houses, while other broadcasters, such as WIN Television, continue to provide the only local news in much of Australia.

Under the current arrangements, there would be nothing stopping WIN from making a similar commercial decision to Southern Cross Broadcasting and Prime, and also cutting its news. While this may be hard to imagine, it could be a real possibility. The ABA should ensure that there is a relatively level playing field, so that all operators are providing a level of local news service, or local production in the communities within their licence areas.

As taxpayers, we are providing a substantial subsidy to these commercial broadcasters in their move to digital transmission. The previous government reached a deal providing a figure of over \$1 million to Prime Television, yet this did not require of Prime any real commitment to the community beyond establishing its broadcast centre in Canberra, now without a news service.

The federal government is contributing over eight years \$13.6 million per broadcaster for southern New South Wales, \$13.6 million per broadcaster in northern New South Wales, and \$13.6 million per broadcaster in regional Queensland, and more in other areas. Added to the subsidies in other markets for the same companies, it effectively means that the federal government is handing out roughly \$56.9 million to Prime and \$61 million to Southern Cross Broadcasting over eight years.

In addition to taxpayer subsidies for running their businesses, and the guarantee of no new competition until 2007, the companies are also currently receiving free access to the digital spectrum. When Prime Television closed their news service in June, they stated that “we are planning other local information segments and we intend to expand our weather service,” adding, “New local information programs will be introduced in the months ahead.” I am not aware that this has actually happened in the months that have passed since the closure of Prime local news. Clearly a stronger hand from the regulator is required.

While it would be easy for a company to take the cheap option and solely pump out other networks’ programs, and other cities’ news, a community is more than just about making money for the shareholders. A community is also more than just *The Simpsons*, *Seinfeld* or *Big Brother*: it is a mixture of people, events, news, tragedy, change, sport, cultures, places and life. News or locally produced programming can reflect and help develop, stimulate and encourage our community.

Any company that has the privilege of holding a licence, and receiving the community support in dollar terms, also should be obliged to provide good coverage of local events through local news or its equivalent, and adequate coverage of other significant events. I believe there is a strong need for some mutual obligation in these business handouts.

I will conclude by noting the Canberra survey commissioned by Grey Worldwide and reported in the *Canberra Times* on 8 January this year. While a relatively small sample was surveyed, 68 per cent of the respondents believed that a local news service should be part of a television station's licensing agreement. It is probably also worthy of note that the ABA investigation will be holding a public hearing in Canberra on 25 February, at Olims Hotel from 4.00 to 7.00 pm.

The loss of our diversity in local news and local content has been felt widely across the Canberra community, not only by those workers who lost their jobs and their families, but also by the average punter who sat down each night faithfully to watch our local news. Mr Speaker, I commend the motion to the Assembly.

MR PRATT (12.34): I support the thrust of Ms Gallagher's motion, but I will go on to support an amendment that may be put forward shortly. I would like to add my voice to that of Ms Gallagher's with respect to the closure of local TV programs.

We must, I think, be grateful that ABC TV news now has local content, allowing at least some diversity for Canberra viewers. However, taking this one step further, I also seek to raise a media issue closely linked to the one referred to by Ms Gallagher, which is the closure of an independent newspaper, the *Valley View*, in my electorate of Brindabella.

The *Valley View* was a good little professional community paper, which reported a diverse range of public and political opinion. We can now be grateful that the Tuggeranong valley rugby club decided to launch the *Valley Voice* which, as I understand, has now been taken over and re-launched, still as the *Valley Voice*, but by Heartland Publications. I think it is, in fact, a lone voice against what appears to be becoming a concentrated print media empire.

It is sobering to reflect that in Canberra, the national capital, we are in effect a one-newspaper town. Here lies a very serious concern—the great bulk of print media in the ACT is now concentrated in the hands of one publisher. Diversity goes to the heart of democracy and balanced reporting. While we in the Assembly perhaps do not have the power to influence diversity in our print and electronic media, we must strive to achieve diversity here, for the sake of democracy, by applying pressure to federal authorities. I think there will be more said about that by my colleagues later.

MS DUNDAS (12.36): The ACT Democrats rise to support this motion. Not only have the closures of the local newsrooms cost jobs, but they have also limited the amount of news and points of view freely available in the ACT community. The ability to access information, and these different ways of accessing information, are an important part of our democracy. The cost of information and the price of democracy should be something that we, as a community, are not only willing to pay for, but demand.

Ms Gallagher's motion goes to the heart of the problem that is crossing not only this territory, but Australia, as local news services are shut down. I hope the government's submission to the inquiry will be strong, and demand that we do have access to different points of view, and a broad range of local news services. Thank you.

MR HUMPHRIES (Leader of the Opposition) (12.37): I also rise to support the thrust of the motion that has been brought by Ms Gallagher. We were all, no doubt, distressed to see the closure of the Prime Television newsroom in the middle of last year. I can recall when aggregation of television markets occurred, back in 1989. I recall it very well because it took place just a few weeks after the first Legislative Assembly was sworn in. Suddenly, what had been more or less a one or two-horse town—in fact it was a one-horse town, because I think only Channel 10 broadcast news at that time—became a three-horse town with both Prime and WIN also broadcasting. By that time, as I recall, ABC TV news had already shut up shop.

That was a very significant expansion of television news services to the ACT, and I suppose I imagined, as many other people would have, that that new regime was here to stay. I imagined that, having allowed these new broadcasters entry into the market under the new arrangements, the ACT would remain a well-serviced market. I think we were aware that even communities much smaller than the ACT, places such as Darwin, enjoyed a level of service which, at that time at least, was better than our own, so we felt that this was a likely permanent feature on the media landscape.

The last 12 months have been a very rude reminder to all of us that these things are subject to market forces, and they do not stay the same indefinitely. We then had the situation in which Prime closed its newsroom in about the middle of the year, and the Ten newsroom was closed later in the year, I think in November. That was shocking, Mr Speaker, because Channel 10 was the longstanding commercial broadcaster in the ACT. It had been here decades before the other commercial stations. Its newsroom was the only one, at one stage, broadcasting TV news to the ACT, and it was regarded, for a long period of time, as the leading broadcaster of television news.

Mr Speaker, shock is one thing: action is quite another. We need to make sure that action is taken to prevent these markets, the ACT market in particular, being treated in this way in the future. I believe that when a broadcaster is given the very considerable privilege of broadcasting into a particular community, certain obligations to the local community should be attached to that privilege, subject to certain conditions. In particular, in the case of a TV broadcaster, these obligations should be to broadcast television news, and perhaps even, in certain circumstances, current affairs programs and other programs reflecting local content.

I do not need to mention the concerns that many have expressed about the increasing globalisation of the media, the fact that, in so many countries of the world, the digest of broadcasting is a digest of American-made programs, and that there is a strong need to make sure that diversity, in particular local content, is preserved to a certain degree in all of our mediums.

I believe that here is an example of where we can draw a line in the sand. There is no doubt whatever that the ACT should have at least two TV news broadcasters, and in my view it should have a news broadcast for each television station that broadcasts here. We

can debate whether SBS should be included in that, but certainly those larger commercial stations should have that obligation attached to their licences.

As I have said, the opposition fully supports the motion moved by Ms Gallagher, and hopes that this will add to a fairly large amount of community concern expressed to the Australian Broadcasting Authority's inquiry about the loss of those services, and the actions that followed from that.

I have moved an amendment to the motion in order to dispel the impression that it is only the ACT government that has taken any tangible steps to date—or at least has foreshadowed any tangible steps to date—to push this issue very hard in a way that will see change actually occur.

A couple of weeks ago, I went to see the federal Minister for Communications. I wrote to him as soon as the Channel 10 announcement was made last year, and I asked to speak to him about the problem with the local broadcasting market. That meeting took place a couple of weeks ago, and I made the point to him very strongly—the same point that I have made here today—that there ought to be local obligations on broadcasters broadcasting in significant marketplaces.

I am pleased to report to the Assembly that he had some sympathy for that point of view, wished to see, of course, the findings of the Broadcasting Authority's inquiry, but felt sympathetically disposed towards that viewpoint. I feel that, if there is a finding of that kind from the ABA inquiry, there is a very good chance that action will follow at the federal level, with respect to broadcasting, which will see this kind of mechanism placed into the legislation. I think we would all agree that this would be a very positive step.

My motion adds reference to my meeting with the federal minister, to ensure completeness. I note that, the day after my meeting, the news carried a report that the ACT government had sought an extension to allow it to make a submission. I am not sure if I am being excessively uncharitable if I suggest that, because I had the public meeting with the minister, or advertised the fact that I had a meeting with the minister, the very next day the government sought an extension of time to make a submission to the inquiry. Did one follow from the other?

In any case, the motion should not just reflect the fact that a proposal has been made, in that a proposal for a submission has been put on the table by the ACT government—we have not seen the submission yet, but we understand that it is coming—but that actual actions should follow, in the form referred to in my amendment. I ask members to support the amendment, as well as the motion.

I formally move:

Add to the end of paragraph (2):

“and notes that the Leader of the Opposition has made representations to the Federal Minister for Communications in support of the inclusion in broadcasting licences of an obligation to broadcast local news services”.

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Debate interrupted in accordance with standing order 75 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.45 to 2.30 pm.

Questions without notice

Gallop report

MR HUMPHRIES: My question to the Minister for Health relates to the Gallop report which he tabled yesterday. Since you received the Gallop report on 18 December last year you have stated that the report is critical of the actions of the former government—in fact, “damning” is the word that you used. You have to some extent staked your credibility on its criticisms of the former Liberal government.

With the one minor exception of a mention of the former health minister and the administration of the COOOL homes contract, can you point to any part of the report which names any former minister in any way, let alone critically, or for that matter, the former government? Isn't it true that you have misled the community and the families of the residents of the COOOL homes by stating that the Gallop report is critical of the former government?

MR STANHOPE: I thank the member for his question. Of course, the question goes to the heart of the Leader of the Opposition's understanding of issues around governments and ministerial responsibility. The report is a critical report. It opens with a statement by the board of inquiry to the effect that services to people with disability in this community have not been well delivered.

The Leader of the Opposition makes the assumption that, because the report does name a number of individuals who were involved in the delivery of services to people with disability, thereby the government of the day is completely exonerated. This is a fanciful notion that there are two levels of responsibility. There is a government responsible for governance of the territory and, pursuant to the achievement of those responsibilities, there is a public service that is charged with the responsibility for executing the government's policy position and its agenda.

The Leader of the Opposition supposes that there is some sort of division between the government of the day and the execution of its policies, and the administration that is actually put in place and executed as a consequence of the government's attitude, policies and legislation. Of course, this is the very issue that went to the heart of the debate we had in this place about the implosion of the hospital and the resultant consequences of that. It is relevant to the debate we had in this place about Bruce stadium. It goes, of course, to the very issue of ministerial responsibility.

The Auditor-General in his final report on enhancing professionalism and accountability goes to this issue and makes a finding on the previous government's attitude to ministerial responsibility. He actually refers specifically to extracts of debates involving the then Deputy Chief Minister and Attorney-General. This is the Auditor-General's conclusion in relation to this party's attitude and this particular Leader of the Opposition's attitude to ministerial responsibility. This is what the Auditor-General said:

The above discussion shows that the concept of ministerial responsibility ...

Mr Humphries: Mr Speaker, I take a point of order. I accept that Mr Stanhope might want to talk about other things than the Gallop report. But the question was actually about the Gallop report. I would ask that he answer the question about the Gallop report.

MR SPEAKER: I think the question went to the issue of ministerial responsibility and I am going to allow the answer.

MR STANHOPE: On the point of order, Mr Speaker: the question went directly to the issue of ministerial responsibility. The question went directly to why it was I said that the previous government was responsible for issues in relation to the delivery of disability services. That was the very question that was asked of me and I am explaining the very notion of ministerial responsibility that the Leader of the Opposition does not seem to grasp.

Mr Humphries: Mr Speaker, it was not actually about that. It was about whether the government was prepared to accept it misled the community by stating that the report is critical of the former government.

MR SPEAKER: If you like, I will go back to the *Hansard* and examine what you said. But my memory of it was that you were trying to draw attention to some notion that the government was not responsible—it was only certain individuals. I think the Chief Minister is trying to draw attention to that area of ministerial responsibility that goes with executive government. I am going to allow the response.

MR STANHOPE: Certainly it is pertinent. Thank you, Mr Speaker. It goes to the very issue of the previous government's responsibility for the findings of the board of inquiry into the delivery of disability services. It goes to the heart of it—that the government of the day must accept responsibility.

Because the current Leader of the Opposition was part of the government of the day—he was the Chief Minister and a minister for health in that government—he was responsible for the delivery of disability services in this territory for the last seven years. Now he is seeking to create a fiction that he is not responsible. “We were in government and I was the Chief Minister but we are not responsible. Let's blame somebody else. Let's point the finger at some public servants because we like to put the boot into public servants.” This is an art form that the Liberals have developed over the last seven years.

You ran this territory for the last seven years. You ran disability services in this territory for the last seven years. You, Gary Humphries, ex-Chief Minister and Deputy Chief Minister, and collectively the Liberal Party, are responsible. Accept your responsibility.

We go to the issue of the capacity of this party to accept responsibility. It was in that context that I quoted from the Auditor-General in relation to his report on the Bruce stadium. This is what the Auditor-General found in relation to the party's capacity, this Leader of the Opposition's capacity, to understand and accept ministerial responsibility. This is what the Auditor-General said about the now Leader of the Opposition.

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Mrs Dunne: On a point of order, Mr Speaker: I refer to standing order 118 (a), which goes to relevance of the answer to a question. What we are hearing is outside the purview of the question.

MR SPEAKER: I have already commented on the issue of ministerial responsibility and I am not going to change my mind in relation to that. But what I am going to say to the Chief Minister is that I think we are starting to get to the point where the interpretation of “concise” might be argued and it might be a good idea to come to the crunch.

MR STANHOPE: I accept the point, Mr Speaker. Let us listen then, as I conclude my answer, to what the Auditor-General says about the now Leader of the Opposition. He said:

The above discussion shows that the concept of ministerial responsibility contained in legislation is broader than that held by ministers. Those ministers quoted above—

and “quoted above” included the now Leader of the Opposition—

have made it clear that they are unwilling to be held accountable to the public for the detailed operation of public sector administrative units. Indeed, some of the views expressed above suggested an unwillingness to be held accountable for anything other than improper conduct.

“An unwillingness to be held accountable for anything,” and I think that sums it up.

MR HUMPHRIES: Mr Speaker, I am happy to repeat my question. Can you point to any part—

MR SPEAKER: You can ask a supplementary question.

MR HUMPHRIES: I ask a supplementary question. Can you point to any part of this report which critically refers to any minister in the former government, except, as I mentioned, a passing reference to the former minister for health in respect of the COOL houses? Won't you admit that your pre-empting of the public debate in this matter by talking misleadingly about what was in this report before it was on the public table has had the effect of misleading the community of this territory?

MR STANHOPE: I repeat the answer I gave. It is pertinent that we have here a party that just recently lost the favour of this community because of this community's perceptions of its failing—in fact, the community delivered to this party and to this government the largest vote since self-government. It is quite obvious why the community passed that judgment. We are seeing it in operation here again. The Liberal Party failed conspicuously and repeatedly to accept any responsibility for any of its decisions or actions in government.

We have a report which, as I said yesterday, is the third part of the trilogy. We now have a trilogy. That government, of course, will be marked by the coroner's report on the hospital implosion, by the Auditor-General's report on Bruce stadium and by Justice Gallop's report into disability services. That is the trilogy. We have to see what it is that connects these three reports.

We have to see what it is that connects these three examples of mismanagement and incompetence. The connection, the thread that runs through them all, is that in relation to each of those the current Leader of the Opposition was either the Chief Minister or the Deputy Chief Minister and Attorney-General, and at the time of the events that are depicted, portrayed or reported on in these three reports, the Liberal Party was in government.

Housing

MS GALLAGHER: My question is to the minister for housing. The ACT is currently experiencing one of the lowest vacancy rates in the private rental market in recent history. Minister, are you aware that housing affordability has become an issue, with the price of housing in the ACT being amongst the most expensive in the country? Are you aware of the pressures that these combined factors are putting on the provision of public and community housing in the ACT?

MR WOOD: I am only too aware. I am sure that other members are, too. ACT Housing has been swamped with applications for housing. My office receives innumerable phone calls on the issue. I am sure the offices of other members do as well. The market out there is very tight. That is causing great stress to far too many people. This week, a woman with two children is, beyond question, sleeping in a car, and two quite large families are bedded down in a two-bedroom unit. People are unable to gain housing. There are people in SAAP accommodation who have been there for far too long because they have not been able to exit into public housing.

The world out there is very tough if you are looking for housing. That is why, in our election policy, we promised to stop the planned and deliberate downsizing of public housing, knowing that sales do need to continue in certain circumstances. We aim to maintain a stock as best we can.

I suppose the news out there for those who own property is good. Most Canberrans do and many Canberrans own more than one house. Their capital has grown and their income is up through increased rents, but there has been an adverse effect at the lower end of the market. Rents have gone up to such an extent that a three-bedroom house can be rented for between \$220 and \$270 a week. A great number of people cannot afford to do that. Two-bedroom units cost a little less.

People are being squeezed out of the private rental market because it is too expensive and are looking for public housing, but it is simply not there. There are not enough vacancies in public housing to accommodate that demand. For example, for what are termed early allocations—a priority area for people who are homeless, about to be homeless, about to be evicted or in SAAP accommodation, people who need fairly ready access to public housing—the waiting list is 7 ½ months long. That is for people with an immediate need and they will still have to wait 7 ½ months. At the end of January, there were 416 people on that early allocation list. The problem is very difficult to solve. It has been building up over some period.

A further problem is that it cannot be quickly solved. You just cannot turn around and provide options and alternatives in anything under two or three years, if you can find those options. That is why the government has established a task force to look at

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affordable housing. It will report before the end of the year. I know that that has been tried before, but we have to do so. I am pleased with the very high calibre of the people who have taken up a role in that task force under the chair of Chris Purdon. I am looking for some good answers. We can use the particular circumstances of the ACT to come up with some solutions. But that is a time away.

I saw in a newspaper today that house prices might be on the way down. That might result in a marginal easing of the situation, but the simple fact is that there is not enough affordable accommodation in the ACT. We will try to overcome that, but I am afraid that it will not be a short-term project.

Gallop report

MRS CROSS: My question is to the health minister. Mr Stanhope, you stated on radio this morning that you refuse to endorse the report of former Supreme Court judge Justice Gallop. Do you have confidence in the report that you tabled yesterday? Isn't it a fact that you have undermined the integrity of the report and sought to pre-empt the outcomes? Are you now denying natural justice to Mr Gallop?

MR STANHOPE: I am not exactly sure what aspects of Justice Gallop's legal rights may have been infringed by me this morning. If I have infringed his rights to natural justice, I apologise to him. I will mull that over, Mrs Cross. I cannot imagine a single circumstance in which I have done or said anything that impacts in any way on Justice Gallop and his lawful rights to natural justice. I will think about that; I might even take advice from the department of justice on the prospect that I have in some way infringed Justice Gallop's rights. I will be most concerned if I have, of course.

I have not in any way undermined the report. I have not in any way pre-empted it. In picking up the responsibility for disability services in the ACT, I am determined to find a way ahead. I am determined that we will have within this community the best possible services that we can manage. That is what I am determined to achieve. That is my absolute determination. I have put in place a framework that will achieve that.

Mrs Cross : Mr Speaker, on a point of order: could I ask the Health Minister to answer my question?

MR STANHOPE: I am answering it.

Mrs Cross : No, you did not. I have asked you: will you endorse this report? You refused this morning on radio to endorse this report. I am asking you a very simple question. I will say it slowly, if you prefer. Will you endorse the report?

MR STANHOPE: What I am doing and what I have done I have explained in detail. I will explain it again, but the opposition do not seem to be particularly interested in how we are going to ensure that people with a disability in this community have the best possible services we can render to them.

In order to achieve that and in order to respond appropriately to that Gallop report, I have created an Office of Disability within the department of health. I have employed, pursuant to a recommendation of Justice Gallop, Ms Anne Cross, who is a noted national

expert in the delivery of disability services in Australia and is acknowledged to be so by Justice Gallop. I am accepting his recommendation. I have engaged her—despite the opposition of the Liberal Party, proposed through a question from Mrs Dunne yesterday, who for some reason seemed opposed to my engagement of Ms Cross.

I have established the Disability Task Group and have tasked them with responsibility for developing a concerted and detailed response to all of the Gallop report. That is what I have asked this group of people to do. The thrust of the questions the Liberal Party is asking really does undermine the authority and the integrity of the disability reform group—11 significant, senior, respected members of the disability sector in the ACT, each of whom has willingly entered into partnership with the government to ensure that we take everything that is appropriate to take from the Gallop report and that we implement that in the ACT to ensure that we do get the best service delivery for people with a disability. It is a pity that you are undermining the integrity of that group of people in this way. You seem not to respect Ms Cross, and you seem not to respect the new Office of Disability that I have created to take these issues forward.

Mrs Cross: Mr Speaker, on a point of order: can I just get an answer?

MR SPEAKER: Mrs Cross will resume her seat. I think the Chief Minister has finished.

MRS CROSS: I have a supplementary question. Mr Stanhope, will the consultants in the disability reform group have the scope to revisit the Gallop recommendations relating to staff issues, or will they be barred from examining those first four recommendations? Will you now table the terms of reference to the consultants and the disability reform group?

MR STANHOPE: The terms of reference for both the consultants and the disability reform group have been issued publicly. They were attached to my press releases in relation to these matters. They are out there. It is a pity that everybody in Canberra has seen them except for the Liberal Party. I am more than happy to table them and more than happy to provide them directly to you. But they have been publicly distributed and distributed widely. It is a real pity that you have not bothered until now to get hold of them.

The terms of reference are untrammelled. They are not circumscribed in any way. My attitude to the disability reform group and to the Office of Disability is one of complete openness. I expect this community to look rigorously at every aspect and every page of the Gallop report and have every expectation that, with the framework that I have put in place, with the employment of Ms Cross and with the engagement of 11 senior, experienced and respected members of the disability community, the response I get will be rigorous and will go to every aspect of the Gallop report which those people choose to go to. I cannot see why they would not give me advice on every single aspect of the report.

Mrs Cross: Mr Speaker, I am sorry to keep doing this, but I just want a simple answer to my question. I would expect someone who has been here for so long to understand how to answer one. Give me an answer to my question, will you?

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MR SPEAKER: The Chief Minister has given you your answer, Mrs Cross. Do you wish to add anything further, Chief Minister?

Mrs Cross: Does that sound like an answer to you?

MR SPEAKER: I draw members' attention to standing order 117 (f):

Questions may be asked to elicit information regarding business pending on the Notice Paper but discussion must not be anticipated.

I think we went close with that question. I am sorry.

Gallop report

MR PRATT: My question is for the health minister. Minister, do you accept or reject the Gallop report, or are you just hoping—

MR SPEAKER: Order! I just drew you attention, Mr Pratt, to standing order 117. There is a motion on the notice paper that the report be noted. The government is still to respond to the report. I think you ought to take note of the standing order to which I drew your attention and be careful about how you address the issue.

MR PRATT: Mr Speaker, I will be extremely careful, in accordance with standing orders. My question is for the health minister. Minister, do you accept or reject the Gallop report, or are you just hoping that, as Maureen Turland, a representative of the Allied Health Employees Union, said on 2CN this morning, "This is just another report to be swept under the carpet"?

MR STANHOPE: I did answer this. I will explain it again. The government has put in place a detailed process, a process which has been applauded by the disability sector. One of the aspects of this I do regret is the extent to which you wish to play politics with this, the extent to which you put yourselves out of step with the disability sector in the ACT. The disability sector, in responses to my department and in responses to my office, is generally very satisfied with the framework that has been established for responding to the Gallop report.

Mrs Cross: Not that I heard.

MR STANHOPE: They are. There are some people—and I say this with great advice—who will never be satisfied, just as there are some people who will never understand notions of ministerial responsibility or accept responsibility for their own actions. We have been through that. As I have said—

Mr Humphries: That is an interesting notion.

MR STANHOPE: We might just go to that. We might just go to the issue of something Mr Humphries said this morning on the ABC in his determination to distance his government and, in doing that, to trample on the rights and the position of anybody else who might get in the way of protecting the sacred cow of the Liberal Party and its reputation.

This was the previous government's attitude to accepting its responsibilities for its administration of the disability program. This is the Liberal Party defence: "How can it be that the people who were there at the coalface doing these things which are so heavily criticised by Gallop should not be disciplined in any way for what took place, yet those who were one step behind them, the ministers and the government"—and this is where it gets really interesting—"who incidentally had no knowledge—I did not really mean to say no; I really meant to say, 'Oh, well, had little knowledge of much of what was referred to in this'—should be blamed?"

Here is the then Chief Minister standing up and saying, "We did not know what was going on in the disability program. How can we be blamed? We left that to the public servants so that we could never be blamed." This is the new view of ministerial responsibility. These are the words of the Leader of the Opposition: "We did not know what was going on." What an admission!

Mr Pratt: Mr Speaker, I take a point of order. Standing order 118 says that these matters ought not to be debated and that the question ought to be answered concisely. I just wanted to know whether the Chief Minister accepted the Gallop report. I am not getting an answer on that.

MR STANHOPE: It is interesting. "We did not know what was going on." It is the John Howard defence. "Don't ask and you can't get into strife." It is the same thing. "We did not know what was going on in the disability program. How can you blame us? Blame the public servants. They knew what was going on. We didn't know what was going on. We have taken our lessons from Howard. Don't ever ask and you won't ever get into strife and you never have to accept responsibility. If you don't know, if you don't ask, you are not responsible." How interesting.

Mr Humphries: Can you answer the question?

MR STANHOPE: I have explained in detail. I regret that you have not taken the point. I have explained in detail the framework and the process that this government has put in place in responding to the Gallop report. I am not going to pre-empt that by saying that I accept this recommendation and I do not accept that recommendation. I have no doubt that amongst the 50 recommendations and 93 findings in the Gallop report there will be some about which there will be from within the disability sector, from some of the organisations and a range of the individuals, a wide range of views about their good sense. There will be a range of views about whether or not one or all of the recommendations should be—

Mr Humphries: You said they were supportive.

MR STANHOPE: No. I said they were supportive of the process. I have no doubt that over the next six months, particularly because of the very open and collaborative framework and process I have put in place, we will see—and I hope to see—a vigorous debate about how we are going to implement and how we are going to respond to the individual recommendations. To expect that there is going to be unanimity on the 50 recommendations and the 93 findings is just absurd. To expect the government to stand up today and say, "I have put in progress a rigorous process for assessing and

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preparing a response to this report” and then say, “I want to know today whether or not you accept the report,” is just bunkum, and you know it is bunkum.

You expect me to stand up today and say, “Yes, I accept all 50 recommendations and I accept all 93 findings.” I have put this process in place. I have appointed an 11-person committee. I have engaged the leading Australian expert on disability services delivery. I have established an office of disability. But you want me to stand up here and say, “Yes, it is all done. Don’t worry about it.” What bunkum!

MR PRATT: Mr Speaker, I have a supplementary question. Perhaps I can get closer to the target on this. Chief Minister, the previous government normally tried to respond to reports within three months. How strong is your commitment, given that you will take nine months to respond to this report?

Mr Hargreaves: Thirty seconds ago you wanted it today.

MR STANHOPE: That is right. That is a very interesting point. The question asked me to respond today. It wanted the response now, this minute. I was being impliedly criticised because I would not stand up here and declare my absolute support for every recommendation and finding, and now I am too slow. Now that there is acceptance that I am engaging the community because I want a response that deals consistently and rigorously with the issues that are raised in the Gallop report, all of a sudden I am taking too long and we are dragging our feet.

What I promised yesterday was that in the September sitting we would provide a detailed response to each of the recommendations. That is what I will do. I also promised that I will bring to this place an annual report of progress with implementation of the recommendations of the report as per the response which the government eventually delivers as a result of the collaborative approach which we have constructed through the framework I have announced. That is what we are doing. That is what we are concentrating on.

I am concerned to ensure that we do this properly. I am concerned to ensure that we develop for the disabled people in this community a service delivery framework that ensures that this community, to the extent that this community can do it, will deliver the best possible services to the people with a disability that live within this community and are of this community. That is what I am determined to do, and I am determined to do it right. I am not going to be stampeded into it, and I am not going to be intimidated out of the processes we have put in place, which have been generally applauded and which you seem to take such serious objection to.

Strategic transport plan

MS DUNDAS: My question is to the Minister for Planning. I remind the minister of the motion that the Assembly passed in December calling upon the government to develop a territory-wide integrated transport plan. I now seek a proposed format and time line. When do you see this plan being completed and will the process include genuine community consultation and debate?

MR CORBELL: It is the government's intention to develop an integrated strategic plan for the city. As part of that process, a transport planning component is essential. The first step in that process is the establishment of a consultancy into the investigation of future public transport options for the city, including light rail. I have already flagged that the terms of reference for this study are currently being completed and will be forwarded to me shortly for consideration. I anticipate that that study will form the first step in the development of a strategic transport plan for the city.

In relation to having a broader strategic plan for Canberra in which transport planning would be a key component, I anticipate making an announcement in March on the process and the timetable for the implementation of that plan. I can assure members of the Assembly that the government believes that the success of this project is entirely contingent on engaging with all Canberra citizens in making it work well.

Gallop report

MR SMYTH: My question is to the Health Minister. Yesterday, in response to a question in the Assembly, you said:

... indeed, that one of the Gallop recommendations is that the government look at employing Ms Cross in the very role in which she has been employed. It is actually a recommendation of the Gallop report ...

Minister, the report actually says:

It may assist the ACT to approach or engage local and interstate experts (such as Professor Shaddock, Ms Anne Cross and Mr Jeff Chan) to provide advice on directions and options that might be pursued during the early years. Professor Shaddock is a local, highly qualified world expert. On its interstate visits the Inquiry was most impressed with the breadth of knowledge and practical experience demonstrated by Ms Cross and Mr Chan.

Given that three experts were recommended, will you please explain to the Assembly the process by which Ms Cross was selected?

MR STANHOPE: As with the issues around the selection or appointment of anybody to any position, we faced the same issues in relation to appointments to the disability reform group. At some stage of the process a judgment needs to be made. A number of people are concerned and, to some extent, upset that they were not appointed to the disability reform group. That is an incident of a judgment that I made. I regret that they are disappointed. I regret that they did not get the opportunity to serve in the capacity that they would have liked in relation to the disability reform group, but that is a part of any decision-making process. At the end of the day a judgment is made and I made a judgment on the disability reform group.

Mr Smyth: Not the reform group; the adviser.

MR STANHOPE: I am just explaining the process for you. You asked about the process. That was the process. Similarly, in relation to Justice Gallop's suggestions or recommendations in relation to the appointment of a noted expert, he did suggest the names of three people. I made a judgment and my judgment was to employ Ms Cross.

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MR SMYTH: I have a supplementary question, Mr Speaker. Given that Professor Shaddock is recognised as a world expert in the field of disability services and does reside in Canberra, why was he not even asked to be the ACT's independent adviser on disability services?

MR STANHOPE: Because I made a judgment not to ask him.

Latham shops

MR HARGREAVES: My question is to the Minister for Planning. It relates to measures the government is taking to deal with the Latham shops issue. Can the minister inform the Assembly what action the government is taking to ensure that the Latham shops no longer pose a threat to the safety of people in the area and an eyesore to the general public?

MR CORBELL: I thank Mr Hargreaves for the question. This is an important issue in terms of the government's preparedness to resolve some of the outstanding mess-ups that were left by the previous minister for planning but is also important in the context of ensuring that the concerns of the local residents of Latham are properly addressed.

As members may or may not be aware, a majority of the previous Assembly's Planning and Urban Services Committee supported redevelopment of this site in the way that was proposed by the current owners and subsequently endorsed by the then minister for planning, My Smyth, on 10 April last year, through the exercise of his call-in power.

At the time of the exercising of that call-in power, Mr Smyth made it clear that one of the reasons he was exercising his call-in power was that it was time to get on with it. Subsequent to the exercise of the call-in power, did we see any immediate action in relation to the development of the shops by the then Liberal government? No, we did not. Between April and October no action resulted in any further development activity or redevelopment activity occurring at the Latham shops. In fact, the Latham shops continued to deteriorate.

As members may be aware, the Latham shops are currently unused. It is a derelict building. Part of it is burnt out. It is vandalised in a number of areas, and it is poorly secured.

Mr Humphries: When will you fix the problem?

MR CORBELL: I am coming to that, Mr Humphries. When coming to office, the new government immediately asked that this issue be investigated, and I am pleased to inform members that Planning and Land Management wrote to the lessee on 8 January requesting that the lessee submit a separate approval for demolition of the buildings by mid-February 2002. We have also asked the lessee to take all necessary steps to properly secure the building, as the fencing around the building has proved to be inadequate in keeping people out of the derelict and unsafe structure.

Planning and Land Management has advised the lessee, following that letter, that the territory will now commence steps for the immediate demolition of the building. This course of action is now being actively pursued, and I anticipate early next week that the provisions of the land act will be exercised to require the building to be demolished.

MR HARGREAVES: My supplementary question is: can the government therefore commit to the shops being demolished in the near future?

MR CORBELL: Yes, the government can commit to that course of action. The lessee has been cooperative in some respects in undertaking remedial work in relation to the existing safety measures around the building—the fencing and hoarding around the building. However, we are not satisfied with the progress of this issue to date. Unlike the previous government, which took between April and October to do absolutely nothing in relation to this site, this government has moved promptly to ensure the demolition of an unsightly eyesore in the Latham community and resolution of redevelopment of the site.

Strategic transport plan

MS DUNDAS: Mr Speaker—

MR SPEAKER: I remind you, Ms Dundas, that you have asked a question and some other members have not yet.

MS DUNDAS: I recognise that, Mr Speaker. Unfortunately, I was not to my feet quickly enough to ask a supplementary question before Mr Smyth rose and I am wondering whether I can do so now. I have had a quick flick through the standing orders and have found nothing to stop me asking a second question. If necessary, I will seek leave of the chamber to do so.

MR SPEAKER: It is really subject to the wish of the Chief Minister. You can ask as many questions as you like until the Chief Ministers asks for further questions to be placed on the notice paper. I am perfectly happy to take another question from you.

MS DUNDAS: Thank you very much, Mr Speaker. My question is, of course, to the minister for transport. I welcome your comments about the success of the integrated transport plan being dependent upon community consultation. However, you have said at other forums that you expect the process to take six months. In such a short timeframe under the proposed consultancy that you have mentioned today, what form will the community consultation take?

MR CORBELL: I do not think that I have indicated that the strategic planning process will take six months. I am happy to stand corrected on that, but I do not believe that that is the timeframe I had previously outlined. The exact process of community consultation is not one that has been determined yet in relation to the strategic planning process. As I indicated in my previous answer, I anticipate making an announcement some time in March around the exact processes surrounding the development of a strategic plan for the city, including a strategic transport plan as a component of the overall plan, as well as outlining the consultation process that will be undertaken. I can assure Ms Dundas that the process will be a rigorous one and there will be significant opportunity for community comment throughout the process as it is undertaken.

Gallop report

MR STEFANIAK: My question is to the Minister for Health. Minister, by waiting till September to respond to the Gallop inquiry you will not be able to include specific funding in next year's budget for initiatives in Justice Gallop's report. Is this the start of the Stanhope government's whitewash?

MR STANHOPE: I thank Mr Stefaniak for the question because it does allow me to draw attention to the fact that in the election campaign last year the Labor Party, in recognition of the neglect that the then government was responsible for in relation to disability services, the provision of appropriate respite and the provision of appropriate mental health services for the people of the ACT and in recognition of the enormous gaps in service delivery within the community—particularly, as I say, in relation to disabilities, respite and mental health—promised an additional \$1 million a year in each of those service categories, commencing next year.

From next financial year we will be providing, as a first step, an additional \$3 million a year—that is, an additional \$9 million over the next three years—for disability services, mental health services and respite services. We did that from our position in opposition in recognition of the enormous gap in service delivery that was a feature of your government. It was quite obvious to everybody that the gaps in services in mental health, disability and respite are so obvious and if you don't think they are obvious then you don't get around the community, you don't know what is going on.

Of course, I guess this is reflective of the comment which the Leader of the Opposition made on ABC radio this morning, that they deliberately did not know what was going on in relation to disability services because if they did not know they could not be held responsible for it. The Leader of the Opposition actually said that this morning. First of all he said that they didn't know anything. He quickly changed that and said, "Well we didn't know much."

Mr Stefaniak, we acknowledge the very significant gaps in relation to disability, mental health and respite and we have already moved, in advance of delivery of the Gallop report, in advance of consideration of its recommendations, to provide an additional \$9 million over the next three years just in relation to those three issues.

MR STEFANIAK: I thank the Chief Minister for that answer and I ask a supplementary question. I am pleased to see that at least you are doing that. Given that the Gallop report states that I think \$45 million was spent—

MR SPEAKER: Order! Mr Stefaniak, I am sure the government wants to know how pleased you are about what it is doing, but would you come to your supplementary question without preamble.

MR STEFANIAK: Given that the previous Liberal administration over the last four budgets increased funding by 42 per cent, and whilst I am pleased to see that you are providing \$9 million over three years, when will we find out how strong your financial commitment is to disability issues in terms of your waiting until September? Does that

mean that you will spend some more or are you just going to leave it at \$3 million a year and ignore the recommendations of the Gallop report?

MR STANHOPE: I am interested in the claim you make in relation to increased funding for disability services, particularly in an environment where, as Mr Humphries said this morning, he knew nothing about disability services—or as he corrected himself, “We knew a little bit.” One wonders about the basis from which you chose to increase the funding, Mr Stefaniak. One wonders—

Mr Quinlan: A public servant.

MR STANHOPE: Oh, it was a public servant that did it. That is a good point, Mr Stefaniak: did the government increase the funding by 42 per cent or did the public service increase the funding by 42 per cent? And if it was the public service that increased the funding by 42 per cent, what role did the government have in relation to that? If it was the government that increased it by 42 per cent, why did you leave it at 42 per cent?

One of the interesting aspects and one of the issues which the Office of Disability—

MR SPEAKER: Chief Minister, you should not provoke them too much.

MR STANHOPE: It doesn't take too much to provoke them, Mr Speaker.

Mr Smyth: Mr Speaker, perhaps you should remind the Chief Minister of standing order 42.

MR STANHOPE: I will conclude on this point, Mr Speaker. One of the difficult issues that the disability reform group, the Office of Disability, the government and this parliament will have to deal with is the issue around resources. As you would be aware, one of the issues that are not covered in the Gallop report is the issue around resources or costings. None of the suggestions or proposals propounded by the board of inquiry have been costed. There is no suggestion in relation to any of the recommendations that have been made as to how much they would—

Mr Smyth: Ah, so we are only giving qualified support.

MR STANHOPE: So the approach that Mr Smyth, the shadow Minister for Health, and the Liberal Party would adopt is: “We will adopt the lot and we will pay for the lot,” without even knowing the implications of any of that. They don't want to know.

Mr Wood: That's their history.

MR STANHOPE: That is their history. I guess Bruce stadium is the prime example. It was going to cost us \$12 million for a stadium. What did it cost us? It has cost us \$100 million and growing. It is costing us five million bucks a year. When I think about it, Mr Smyth, that approach would be consistent with your previous approach. That is the approach that you adopted in government. The approach that you adopted in government was to say, “It is only money and, then again, it is not really our money.” If I remember rightly, there were those little issues too of whether or not it needed to be appropriated.

Gallop report

MRS DUNNE: My question is to the Minister for Health. Minister, during question time yesterday, you admitted that there had been discussions and negotiations, which was the word that you used on ABC radio on 14 January, with officers of the Department of Health and Community Care and the Community Advocate. At what time during the negotiations that you admit to having conducted was a decision reached to abandon Ms Grayson and what were the terms of the agreement that you reached with her?

MR STANHOPE: Mr Speaker, I am not sure whether I have just been Gary-ed.

Mr Humphries: You actually said it. We have the transcript and you have been faithfully quoted.

MR STANHOPE: Is it sexist to suggest that I have been Gary-ed by Mrs Dunne? Perhaps I am being picky.

Mr Speaker, we did have this question yesterday and we did have an exchange or a discussion, which I did not provoke in any way, about whether I had engaged in consultations or I had engaged in negotiations. To the extent that the question suggests or supposes that I in any way engaged in any “negotiations” with any member of the public service or any official named adversely in the report with a view to doing some sort of deal with them, that is not true.

In terms of when I met or did not meet with Ms Grayson and what I may or may not have said, I would have to refer to records. I have met twice with Ms Grayson. I do not believe that I met at any stage with Ms Grayson before she made the very significant decision that she made to seek to stand aside from the duties that she was performing in the disability program. I will check that. I will check the time of the meeting and I would be more than happy to give the member an answer to that issue.

Whilst we are talking about those members of the public service or public officials that were named adversely in the report and the ensuing public debate which consumes them, I do need to put on the record a correction in relation to particularly the heading with which the *Canberra Times* led its story today. A suggestion that the board of inquiry had recommended that there was a connection between its recommendations and the deaths of people within the care of the disability program is not, I believe, in any way a reflection of what, indeed, the board of inquiry did recommend.

The board of inquiry did not seek to pre-empt the coronial inquest. In fact, the inquest is proceeding in relation to two of the people who did die in the care of the disability program. For the *Canberra Times* to lead today with a suggestion that public servants were to be sacked over the deaths is, I think, probably a serious defamation of those public servants. I think that it is probably actionable. I have to say that I think it is regrettable that those public servants have been caught up in that sort of sensationalist treatment of the issue.

MRS DUNNE: I have a supplementary question, Mr Speaker. Is it not correct, Minister, that, as a relatively junior employee, Ms Grayson has been designated as the one to take the fall for all of this problem?

MR STANHOPE: No, that is not correct. It is, indeed, a most insulting suggestion. It is to be regretted that this is what it comes to—that it comes to finger pointing, that it comes to the apportioning of blame, that it comes to the singling out of individuals to accept sole responsibility for what were, in effect, systemic failings. It really is to be regretted that the debate has been reduced to saying that we have picked out a number of people that we think it is appropriate for us to scapegoat. That is what you are doing. I think it is regrettable that we cannot focus on the issue here, namely, the determination to ensure that the systemic issues are dealt with, that we actually take the issues forward and focus on how to ensure that we in this community do deliver the disability services that should be delivered.

Hennessy House

MS TUCKER: My question is to Jon Stanhope as Minister for Health. It is in relation to Hennessy House and the secure unit there. What progress has been made towards ensuring that there are enough staff for this facility to open and accept clients?

MR STANHOPE: I thank Ms Tucker for the question. The construction of the secure unit at Hennessy House was completed just after the middle of last year. The then minister for health, now Adjunct Professor Michael Moore, opened the facility on 28 September. It is ironic that the secure unit at Hennessy House has been formally open since 28 September but has as yet to take any clients.

The department of health has worked seriously to staff the secure unit. It was hoped that the unit would be able to take its first clients around 8 February. Regrettably, there is a dispute with the Australian Nursing Federation and the Health Services Union of Australia about some industrial issues—staffing issues—and concerns about safety.

Mr Humphries: Can you fix that, Jon?

MR STANHOPE: Yes, I will fix that, just as I fixed the issue of the Canberra Hospital, which you, after 14 months, could not fix—another indictment of your government. Yes, we will resolve the issue; we will find a way through. We won't do what you did. We won't leave a festering sore and boil at the Canberra Hospital for 14 months in the way that you did. I am particularly hopeful that the first clients will be able to be housed at the secure unit at Hennessy House without much further delay.

Ms Tucker: I did not hear that last bit. When?

MR STANHOPE: We are working actively to resolve the issues of staffing levels and safety. I am hopeful that we can resolve those as quickly as possible so that the unit is able to take its first clients.

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MS TUCKER: I have a supplementary question. Meanwhile, what arrangements have been put in place for people who should be at Hennessy House? This question is important because one person was in the Belconnen Remand Centre. What arrangements have you in place now?

MR STANHOPE: It is a significant issue, Ms Tucker. We are all aware that a person who had been designated for residence in the secure unit was resident at Belconnen Remand Centre for almost a year. That was plainly an undesirable circumstance. In the course of his residence there I sought and received assurances from the department that his clinical circumstances and treatment were not being compromised in any way as a result of the fact that he was resident at Belconnen Remand Centre.

I accept and acknowledge the undesirability of the arrangement, but he was on remand for a fairly serious offence. It would have been in everybody's interests were he housed in a secure unit. We will accept that. As a result of the effluxion of time and as a result of his treatment and the improvement in his clinical condition—I do not want to say too much about this—it has been suggested that it is no longer necessary that he be housed in the Hennessy House secure unit. There has been progress but, as I admit, just a result of the effluxion of time, not as a result of our capacity in respect of housing him in a secure unit. We are very hopeful that the secure unit in Hennessy House will be open very shortly.

Economy

MS MacDONALD: My question is directed to the Treasurer, Mr Quinlan. Treasurer, Standard and Poor's announced this morning confirmation of the ACT government's AAA credit rating. What was the reason given for Standard and Poor's' confidence in the Labor government administration?

MR QUINLAN: Thank you, Ms MacDonald; a good question. It is good news. The Standard and Poor's press release stated:

“Standard & Poor's expects that the new Stanhope Labor government will adopt a prudent set of fiscal goals and that its first budget will be fiscally conservative. Any further deterioration in the territory's finances is, therefore, unlikely.”

Standard and Poor's also gave credit to the fiscal restraint shown by Labor during the ACT election. Labor released a full set of costings, as opposed to the Liberals, who declined to show the same transparency.

MS MacDONALD: My supplementary is: following on from that press release, how does Standard and Poor's regard the outlook for the ACT? What is the basis for the agency's opinion?

MR QUINLAN: Thank you again, Ms MacDonald, for that question and thank you, members on the other side of the house, for the interjections, because I want to go a bit further and quote from Standard and Poor's:

“ACT's net financial liabilities are projected to increase, based largely on the previous government's pre-election budget projections,” ...

For example, the estimate of general government operating surplus for fiscal 2004 is now about A\$100 million (or about 5% of projected operating revenue) less than originally projected.

The reason for this opinion is the fiscal approach of the Liberal government:

... the previous government had already significantly loosened the purse strings in the May 2001 budget.

Which is what we inherited.

In the lead-up to the election last year the Liberal government had little choice, in the face of the multitude of mishaps and fiascos, such as the implosion, the inquiry into disability services, the Bruce stadium—now the Canberra Stadium—except to try to drum the mantra that it had a steady hand on the tiller. I frequently repudiated that claim and do again, as evidenced by their handling of the ACT budget, with its shopping list for the election.

Standard and Poor's have endorsed the future government direction while simultaneously identifying the failing of the former Liberal government, with their not so steady and shaky hand on the tiller.

Litter

MR CORNWELL: Time to get down and dirty. My question is to the Minister for Urban Services. The roundabout at Parkes Way and Coranderrk Street looks like a rubbish tip at the moment, with plastic glass bottles, papers, other rubbish. The pond obviously suffered from last week's storm. Don't you think it's about time that your department got into a gallop rather than a trot and started clearing it up? This, after all, is an important area of the ACT. We have had a lot of trouble in the past, with complaints about litter. It seems to me that you and your department are remiss in not acting upon it already. May I have an answer, please?

MR WOOD: Indeed, I observed that yesterday. Mr Quinlan is giving me an option for what caused it, which is not what you are asking. I had put it down to the very heavy rain a few days before, washing the litter down. There was another suggestion.

I did not contact Urban Services to say I had seen this mess—perhaps I should have—because I would have expected the services they operate to have cleaned it up yesterday. If that has not happened, it is an omission. I will see it is done as rapidly as possible.

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

Temporary Deputy Speakers

MR SPEAKER: I wish to inform the Assembly that, pursuant to standing order 8, I have nominated Mrs Cross, Ms Tucker and Mr Hargreaves as Temporary Deputy Speakers. They will take the chair when requested by either me or the Deputy Speaker. I present my warrant nominating Mrs Cross, Ms Tucker and Mr Hargreaves.

Sub judice—ruling by Mr Speaker

MR SPEAKER: Members, I wish to make a statement concerning the application of the sub judice convention. The sub judice convention, as described in the third edition of *House of Representatives Practice*, is:

... subject to the right of the house to legislate on any matter, matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions.

Members will be aware that on Tuesday, 19 February the Chief Minister tabled, pursuant to the Inquiries Act, two reports into disability services, together with statements by various public servants. Members may also be aware that those public servants are pursuing in the Supreme Court further matters in relation to the conduct of the inquiry. In addition, there are two coronial inquiries yet to be completed concerning the deaths of two persons in the care of Disability Services.

In deciding whether to invoke the convention for debate, questions and motions concerning proceedings in both the Supreme Court and the Coroners Court, I intend to follow the principles that are set out in the 10th edition of *Odgers' Australian Senate Practice*, namely: there should be an assessment of whether there is a real danger of prejudice in the sense that it would cause real prejudice to the outcome of the trial or inquest; the danger of the prejudice must be weighed against the public interest in the matters under discussion; and the danger of prejudice is greater when a matter is actually before a magistrate or a jury.

It should be noted that magistrates undertake the duties of a coroner in the ACT. I therefore ask members to be mindful of this issue when making comments in the Assembly on these matters. My ruling is that, in relation to the two matters still before the coroner, members should restrain their comments about the cause of death of the two persons involved. In relation to the matter before the Supreme Court, I ask that members refrain from addressing issues in relation to the procedural fairness of the conduct of the Gallop inquiry.

State control of planning and land development in the territory **Discussion of matter of public importance**

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

The deleterious effect of the moves by the Minister for Planning to resume state control of planning and land development in the Territory.

MRS DUNNE (3.37): Mr Speaker, in rising to speak to my matter of public importance about the deleterious effects of the moves by the Minister for Planning to resume state control of planning and land development in this territory, I do so with deep concern, as we are seeing the beginning of a process that threatens to turn back the clock in the ACT.

Those of us who are privileged to call Canberra home cherish this place in a way that those from elsewhere cannot fully understand. There is a sense of pride and ownership which is truly profound. It is a truism that this is a most planning-conscious city. Indeed, it has been said that town planning is harder to practise here than anywhere else because it is home to some 300,000 town planners, each with a view and an argument to expound, often at length.

Indeed, it is one of the irrefutable strengths of our community and stands as a robust pillar of the remarkably high level of civil society and social cohesion that we enjoy here that each of us can partake in the discussions on town planning. Yet what I hear from Mr Corbell makes me very concerned. In an age characterised by governments almost everywhere recognising that some of the things that governments have done in the past have not all been appropriate to governance, Mr Corbell appears to be swimming against the tide of history by seeking to reintroduce state planning on a large scale.

Many people in the ACT still remember the days when state planning ruled here. We had, I thought, moved on. In the guise of advocating a strategic whole-of-government approach, Mr Corbell sounds fairly Whitlamesque, especially when he says, as he did in this place in December, that “no aspect of long-term planning direction will be left untouched”. No aspect will be left untouched; those were his words. I ask honourable members to think about that and be very afraid. This is the Labor Party’s brave new world, a socially engineered world, revisited. The heavy, stultifying hand of state planning which Mr Corbell appears to favour strikes me as more than a little anachronistic for a Canberra whose private sector engine room is vibrant and dynamic, a legacy of the former government.

I do not stand here to claim that the former government got everything right in terms of planning or anything else, but it did create in planning a decision-making process that included the most consultative and open approach taken by any jurisdiction in Australia. The government worked to overhaul planning legislation by streamlining processes and making it more accessible and equitable. These were very real achievements and were driven by a vision that urban and land use planning should make the greatest possible contribution to a high-quality lifestyle in Canberra and provide reference points against which proposals for land use could be assessed.

As I said, our approach was not perfect, but it was responsive and it was progressive. Mr Corbell, as the Minister for Planning, is seeking to return the ACT government to the role of land developer, which flies in the face of this approach and blatantly ignores the lessons and the losses of the Labor Party’s sorry foray into land development in 1994.

Having said that, and I do not want Mr Corbell to be too surprised by what I am about to say, there are some elements of what he has foreshadowed that I welcome. I certainly agree with him when he argues, as he did in December, that we should all think strategically about planning. I think we should all think strategically about everything we do. I also agree that it is time to challenge the community, the professions and MLAs about contemporary planning practices and the way the Assembly plays a role in that regard.

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Mr Speaker, I welcome that opportunity to participate, as I am sure all members on this side of the chamber do. But I am less sanguine about what is happening when I listen to Mr Corbell's exposition of state planning revisited. A strategic planning framework—with which, I am sure, we all agree—does not necessarily equate with the archaic paternalism of big brother that he is advocating. There are some very worrying signs emerging.

I readily acknowledge that there are problems with redevelopment and, more specifically, with dual occupancies. But what does Mr Corbell propose as a solution? In the grand Labor tradition of government by numbers—that is, when in doubt devise a formula—he has concocted an arbitrary figure of 5 per cent. He has a one-size-fits-all mentality, a dehumanising approach to planning. Clearly, in some places 5 per cent for dual occupancies is not enough, and in others it would be too much. Why is it 5 per cent? Perhaps, like the Chief Minister has said, he exercised his judgment—Simon says 5 per cent. It is not an idea that appeals to me, or many other members of the community, as workable. It smacks of rigidity and is part of the familiar and dreary side of state planning.

That is what Hugh Stretton warned about 30 years ago when he spoke about the danger of what he accurately termed “planned monotony”. If we follow Mr Corbell's path, that is where we will end. A more appropriate option would be a strategic holistic approach that takes account of demographic projections of the way people want to live their lives and of the way buildings are designed in the 21st century.

Not many years ago we had a very staid inner city, back in the days when eating outdoor was verboten. Thanks to great buckers of the system like Gus Petersilka, we managed to get past those days and now have a vibrant inner city, with inner city life on the weekends, a cosmopolitan lifestyle, innovation and excitement. Those things have been brought about by a concerted effort to bring life into the CBD, to change the way we live, and most of them are a reflection of the policies and encouragement of the former Carnell/Humphries government.

Those changes would not have happened under state planning. Big brother in his state planning guise simply would not have allowed them to happen. The city changes, the people change, demographics change and expectations change. We deny this dynamic character when, as Mr Corbell proposes, we cast everything Moses-like in stone.

Let me give an example of what Mr Corbell proposes to do. On 14 February, Mr Corbell announced the establishment of a new planning task force to suggest operational designs for a range of government election initiatives. One might well ask what the Minister for Planning was doing in his last 3 ½ years in opposition and why he is still coming up with the notion that he has to plan to implement his policies. That gives credence to the widespread notion in the community that this government is a bit like a dog which chased and caught a car: “I've got it, but how do I deal with it now that I've got it?”

Mr Corbell has stated in here that he was going to outline plans for establishing an independent planning authority. No-one has a particular problem with that. He has a mandate for that and he has the right to implement such a proposal if he can. I have a problem with its independence. Would it really be independent? In the same media statement the minister boasted that the task force to put forward the new planning

authority would, in his words, “drive the Stanhope government’s planning reform agenda”.

That, to my mind, is not independence. It gives a whole new meaning to the word “independence” and there is a clear conflict in hitching the government’s agenda to the role of an independent planning authority. I fear that the term “independence” is being used in the same grimly ironic way that soviet state supremoes used to style their governments as democratic. It is just another example of this government’s Orwellian newspeak.

The minister, I fear, has lapsed into epistemological nihilism—the doctrine that one statement is as good as any other or, as Lewis Carroll’s Humpty Dumpty said, “Words can mean whatever I want them to mean.” In this case, it is all about PALM and “PALM believes what I believe.” Those were the words that Mr Corbell uttered at the meeting of the Gungahlin Community Council on 13 February. Mrs Cross will remember them being said as she was there.

Doesn’t that indicate a bit of a penchant for control? Could you possibly have an independent planning authority which believes what the minister believes? Could an independent planning authority ever go to the minister and say, “Minister, I really don’t think that is a good way to go. I think that is a really dumb idea, Minister.” They would not be able to, because they have already been told what to do, they have already been given their riding instructions. PALM believes what Mr Corbell believes.

Mr Stefaniak: Otherwise it is incompatible with socialist reality.

MRS DUNNE: That is right. If you think that, they will go and white you out. Mr Corbell told anyone who cared to listen that no-one from PALM would be turning up to the meeting of the Gungahlin Community Council to talk about light rail because they thought exactly what he did—more Orwellian groupthink. Is it any wonder that those of us on this side of the chamber have difficulty in accepting readily that the new planning task force will be encouraged to tell Mr Corbell anything he does not want to hear? Is there any scope for it to tell the minister that it believes that the agenda he is intent on driving is flawed? I doubt it. I doubt it very much.

The brief for the proposed new authority has it operating “at arms length from government”, but that is unlikely on present indications. There is too much of a tired old world rather than a brave new world here. Mr Corbell has a lot to learn about planning. As raised by Ms Dundas during question time today, he has lots of aspirations about becoming the planning supremo, as evidenced by his crash or crash through approach to most of the issues that he has brought forward.

I take, for instance, the Gungahlin Drive extension. He made many commitments, both before and after the election, that he would meet the former government’s timetable for the building of the road and, at the same time, he will change the route and he will conduct an EIS. Somewhere along the line, something has to give; either that deadline has to give or the processes that he undertakes have to give.

The same can be said for suburban plans. Mr Corbell said in December after coming to government that the suburban plans would take six months. Three months have gone by and nothing has happened, but he still says that they will take six months. Officers of PALM will tell anyone who cares to listen that they expect to see the first drafts come Christmas. An example of Mr Corbell's crash and crash through approach can be seen in Saturday's *Canberra Times*, where Mr Corbell was quoted as saying in relation to the neighbourhood plans that they would be accomplished in an intense period of six to seven months, blowing out the deadline a bit, with authorities in place by the end of the year. He said that that is important because we need to convince ourselves that it does not automatically take 18 months to complete a planning exercise. Really, Mr Corbell just wants to crash and crash through and I fear that he does not want to hear any criticism of anything that he has to say.

That is just old-fashioned state planning on a grand scale. Mr Corbell has a series of five-year plans that he proposes to impose upon the people of Canberra. Enough people in Canberra remember the bad old days well enough. They remember the flawed Harcourt Hill joint venture. One wonders whether this government will be any better at joint ventures than the previous one. They remember the mad grab for cash of the 1994 land sales.

There is a great minefield to traverse in becoming a land developer. That will be especially the case in the early months of the proposal when there will still be active developers in the field. We eagerly await details of the considerable amount of working capital that will be required to fund such a proposal, possibly as much as \$150 million.

Mr Speaker, I am concerned at this savagely retrograde approach of a return to very unstable state planning. It will not only throw a spanner in the planning process, but also send precisely the wrong message to potential investors in the territory. The government stands condemned and this minister stands condemned for turning back the clock on planning in the ACT.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (3.52): Mr Speaker, anyone who listened to Mrs Dunne's speech would think that we were reliving a cold war debate. State planning, Orwellian, soviet style, big brother, socialist reality—that was chipped in by Mr Stefaniak—groupthink, supremo, and five-year plans are all words from this debate. They are words suited to a cold war debate, not to a contemporary debate about planning in this city. I think that this reflects the very sad reality that members of the opposition are trapped in when it comes to critiquing any alternative approach to planning in this city.

That they have to withdraw to the cold war rhetoric, that they have to resort to language which is so outdated, so irrelevant to the contemporary debates that our city faces, demonstrates their irrelevance as an opposition when it comes to putting forward alternative approaches to planning in our city. The last seven years of the Liberal government demonstrated their complete failure to respond to the planning challenges that our city faces, demonstrated their incapacity to recognise that planning is a public function that needs to be performed in the public interest. In contrast to the approach adopted by the previous government, this government is putting in place mechanisms

that respond to the fundamental need to present planning and to ensure that planning is in the public interest.

Mr Humphries: What does Jacqui Rees think of this?

MR CORBELL: Mr Humphries, I know what you think of Ms Rees. We might share the same view on one or two occasions.

Mrs Dunne makes the comment that this is all about state planning. Let us go to the other extreme, Mr Speaker. I commend to Mrs Dunne a book called *Expectations of a better world—planning Australian communities*, a 50th anniversary publication of the Royal Australian Planning Institute, now the Planning Institute of Australia. It talks about how town planning in Australia came about. It says:

As cities grew, land within walking or riding distances of the places of employment and commerce was at a premium. On tiny allotments tiny houses jostled each other and factories—factories which poisoned the earth, the air and the water. In the absence of sewerage or even nightcart, minuscule back yards became flooded cesspits. Disease was rife, infant mortality appalling, life expectancy brief.

The coming of rail allowed those of means to move to the suburbs, to live away from the stench of the inner city. But the inner cities remained the commercial and industrial centres, the places where money was to be made. Even the rich could not escape the disease.

And so a profession was born: town planning. Planning to overcome the worst impacts of the collection of large groups of people into towns and cities to work and live and play. Planning to improve the quality of life for all. Planning to bring efficiency to city operations, health to residents, rewarding lifestyles, social dignity, and sustainable development.

I am not for a moment attempting to suggest that the conditions of Canberra this year are anywhere near the conditions of the original cities of Australia in the 19th century. But I am seeking to draw to the attention of members that that quote from that book highlights fundamentally why the state, why governments, why the public, because that is what governments are, need to assert a primary role in the planning of our cities, for the benefit of all, for a healthy city, for an efficient city, for a sustainable city, and for a just city. Those are exactly the components that underpin this government's commitment to planning and this government's commitment to the extensive planning reform agenda that we have undertaken.

Moving to some of the specific points raised by Mrs Dunne in her speech, she raised first of all the point that we are resuming state control of planning and land management. I do not know whether Mrs Dunne ever noticed, but the territory has always been responsible for planning in the city. Town planning is a government responsibility and we are not resuming anything. We are doing what we have always done. It is just that we happen to believe that it can be done in a way which is more focused on sustainable and just outcomes than that which was produced by the Liberal Party in government.

Secondly, she referred to the resumption of land management in the territory. Again, the territory has always been responsible for land management. The territory, unlike other jurisdictions, has always been the landowner, albeit on behalf of the Commonwealth. So, unlike other jurisdictions, we have always been in control. Again, we are not resuming anything. Yes, land development has been outsourced, effectively, to the private sector. But this government believes, and made very clear and explicit in its election commitments, that land development responsibility should be resumed by the territory.

Why should it be resumed by the territory? It should be resumed for two key and compelling reasons. The first is that resuming land development responsibility will ensure a higher standard of residential subdivision for people living in new suburbs, a standard that we believe can be best achieved through that resumption by government of land development. Secondly, and just as importantly, it is about ensuring the territory's return on its asset. Anyone would know that by selling a raw product you get less and that by selling a refined product, retailing instead of wholesaling, you get a better return. Mr Speaker, we believe that resumption of government responsibility for land development will ensure a better return to the territory and a better return on the community's asset.

Mrs Dunne also raised the issue of dual occupancy. The sad fact is that under the previous administration dual occupancy development was ad hoc, unstrategic and unfocused. It resulted in a proliferation of development which in some instances did nothing to contribute to sustainability and did nothing to contribute to affordability, but did a lot to substantially and adversely impact on the landscape of our garden city suburbs. In fact, so significantly did it do that that a national trust was moved to list nine Canberra inner suburbs on its endangered places list. That was directly because of the planning policies of those people who now sit opposite. What an indictment of their planning policies!

Mr Humphries: Will they take it off over you?

MR CORBELL: That is the challenge for us, Mr Humphries. If we put in place the policies we are proposing, I am confident that they will, because our policies are designed to protect the garden city suburbs of our city.

Mrs Dunne: Because PALM believes what you believe.

MR SPEAKER: Order, members! Mr Corbell sat there as a stoic example to us all during the debate and I would just like other people to listen to him and perhaps repeat his example in this important debate.

MR CORBELL: Thank you, Mr Speaker. They do not like the national trust reference in particular, but the reality is still there.

Mrs Dunne comes out and says that, when the Labor Party has a problem and they do not know how to fix it, they just go for a straight one-size-fits-all formula. Mr Speaker, how wrong she is. The reason she is wrong, first of all, is that the 5 per cent limit on dual and triple occupancy development is an interim measure. It is an interim measure designed to ensure that neighbourhoods, communities, people who live in our suburbs and

stakeholders in our suburbs have breathing space while the development of neighbourhood plans is put in place.

Once neighbourhood plans are in place, once the revised residential land use policy is in place, that limit will no longer apply, because, for the first time in our suburbs, we will not be relying on a one-size-fits-all approach. The Territory Plan, as administered by the previous government, said that dual occupancy could happen anywhere as long as the blocks were of a certain size. That is a one-size-fits-all approach, that is a formula that is applied in a dehumanising manner, and that was the policy of the previous government. But we are saying that we will have an approach that reflects the individual characteristics of a suburb. There will be a need for uniformity, there will be a need for an underlying and consistent set of values, principles, guidelines and requirements that apply across the city, but there will also be the capacity for area specific policies that reflect the individual characteristics of our garden city suburbs. That is what the neighbourhood planning approach is all about.

Mrs Dunne also criticised the government's commitment to establishing an independent statutory planning and land management authority. She said, "How can it be independent when the minister can tell it what to do?" Most of the statutory authorities which are independent, such as the Gungahlin Development Authority and the Kingston Foreshore Development Authority, both of which were established under the previous administration, can be subject to direction.

I have spelt out very clearly and the Labor Party has spelt out very clearly in its planning policy that, where we believe it appropriate, the proposed planning authority will be subject to directions, directions which will be tabled in this place. They will not be hidden away. It will not be a case of a phone call, like it was with Brendan Smyth or Gary Humphries, to say, "This is the government's policy; just do it." There will be written directions tabled in this place, transparent, open and accountable, which is the approach we want to adopt to planning in our city.

Mrs Dunne was very critical of the fact that I have announced a task force to implement this policy. First of all, is Mrs Dunne suggesting that I should not be implementing my election commitments? That would be a very interesting approach from the opposition. Mrs Dunne pretends not to understand, but I am sure she does, that the establishment of a newer agency, such as this one, is a complex piece of work. It requires changes to legislation, it requires an analysis of the existing land act, which is probably one of the most complex acts that this territory administers, and it requires the development of a new model in terms of implementation of a role previously not undertaken by government, land development, and these things require detailed working through. The policy is clear.

I do not think anyone would expect an opposition to prepare every single amendment for the complete changes to the land act and the complete operation of land development so that it can just happen on day one. What an unrealistic and absurd expectation! The task force is doing the work on the implementation plan and on the legislation needed to put our policy into effect. I have signalled very clearly the timeframe in which that will happen and I have signalled the intention of the government in that regard.

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Finally, I turn to Mrs Dunne's very unfair and very misleading comment about a remark I made at the Gungahlin Community Council meeting a week ago that PALM believes what I believe. Mrs Dunne failed to mention that about 10 or 15 minutes after I had made that comment, I stood up again in front of that meeting and said, "I am sure that everyone in this meeting understands that that was a tongue-in-cheek comment," and everyone laughed. I do not know whether Mrs Dunne laughed, but everyone else laughed. They understood what I was trying to say.

What I was trying to say and what I made clear at that meeting was that PALM, when it came to making a presentation on light rail, would have made a presentation on the government's policy in relation to light rail. I am the minister responsible for that area. I was there at that meeting and I gave that presentation and outlined the government's position. But the people opposite do not seem to understand that. It is true that, under the existing arrangements, PALM is responsible to the minister and PALM is responsible for implementing government policy. That is, in fact, the arrangement that we are seeking to clarify through the establishment of an authority. Clearly, Mrs Dunne, apart from anything else, does not have a sense of humour. She has, in fact, sought deliberately to misrepresent my comments in an attempt to strengthen her argument, an argument which is very weak.

MR SPEAKER: The minister's time has expired.

MS DUNDAS (4.07): The Democrats believe in careful and considered planning for Canberra, not the seemingly arbitrary decisions that often go through this place. I would like to see a planning process that creates certainty for both the community and business and that involves genuine consultation and community input. The Democrats also believe that the planning process should consider social and environmental values as well as economic ones and should establish planning as a public sector responsibility for the public interest. We also believe that the ACT should have a planning system that is more transparent and accountable, and that our planning authority should be independent.

The present government so far has not lived up to its promise. After spending an election campaign talking extensively about community involvement, the minister has not been doing his best to involve the community and a number of community groups are currently feeling completely in the dark about the government's next move.

Whilst I understand that you have ruled this matter in order as a matter of public importance, Mr Speaker, I am not completely convinced that this matter, phrased in the way that Mrs Dunne has put it, is of real public importance. The matter has been deliberately phrased in a blatantly provocative manner and seems to be more about providing Mrs Dunne with an opportunity to take Mr Corbell to task in the chamber than about a sensible discussion of the real planning issues in Canberra.

It is true that Mr Corbell has not adequately involved the community in the area of planning and the environment. However, I am not sure that this is the best way to bring it to his attention. Whilst some important issues have been raised in this debate by both sides of the chamber, it is important that members not use the Assembly for petty bickering and arguing in such a way, but instead use their time in this place to move forward with the community.

We as an Assembly need to engage the local community, have pride in the Assembly and treat the Assembly with the respect it deserves, especially if we plan to go to the community asking for their support and input on any number of issues, including planning, as is our role.

MR HUMPHRIES (Leader of the Opposition) (4.10): Mr Speaker, I note that Mr Corbell began his remarks by criticising the use of cold war language by Mrs Dunne—there was a lack of a sense of humour, I would have thought, in those comments, frankly—but then proceeded to quote the conditions in the 19th century as some sort of more authoritative basis on which to proceed with this debate.

Mr Speaker, members on this side of the house are actually interested in how we can have an effective and contemporary system of planning in the ACT and, more importantly, a system of land development which is going to meet our broad social objectives in this territory. I would ask members who are interested in this debate and are wondering which is the better model to look at how the two models have been used in this territory, and both have been used in the territory in recent years and actually worked, and ask themselves which has actually worked better for the ACT. Is it the model which involves the government in being a land developer or the model which has the ACT leaving it, as is done in most other places in Australia and probably the world, to the private sector? I will come back to that in a moment, Mr Speaker.

The argument put by Mr Corbell is that government's need to assert a primary role in planning for the benefit of all. Obviously, that is true, and we do not dispute that fact. Obviously, no-one else but the ACT government and its various authorities need to plan for the future shape of this city and have ultimate responsibility for the way in which that vision, the way the city develops, turns out. But suggesting that there should be a primary role in developing the territory's land is another matter altogether. That was implied by Mr Corbell; but, clearly, it is not an effective model for the ACT.

We have had, as I have said, previous examples of state development of land. I was fed a reasonably recent example in the development of the Harcourt Hill precinct in Gungahlin just a few years ago. In that situation, the then Follett government decided that it would enter into some sort of partnership with a private sector company, but involve itself in such a way that there would be extensive involvement by the government, and then the government would end up being a guarantor of the company which operated the redevelopment.

It provided a loan facility of \$25 million to a Harcourt Hill company in October 1993. That provided an unconditional and irrevocable undertaking by the territory to the Commonwealth Bank to pay any amount outstanding to the ACT in respect of Harcourt Hill by the fifth anniversary of that agreement, that is, October 1998. By November 1997, \$16 million of the original facility remained outstanding and Harcourt Hill had other debts and financial requirements for an additional \$4 million. There was \$20 million of debt in respect of the development of that place which was the responsibility of government to pick up. Every last cent had to be picked up.

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There was no prospect of repayment of these amounts prior to the time the government's guarantee was to take effect. That, of course, considerably exposed the ACT community and the ACT taxpayer. The Carnell government had to prop up the agreement with a \$20 million loan to make sure that it stayed afloat and development continued of that precinct. Mr Speaker, it was a mess, an absolute mess. It took two years and a bevy of law firms to work out how the whole arrangement worked and it was subject to a scathing report by the Auditor-General.

We do not know exactly what kind of model Mr Corbell might be proposing for the ACT, but that is the kind of model of debt and loss that we get into potentially when the ACT becomes involved in planning development. There is a good reason that, generally speaking, governments do not get involved in land development, here or most other places in the world, that is, because it is an inherently risky enterprise. The government is out in the marketplace and cannot control all the aspects of the market, and where it cannot control the market it is exposed to risk.

Mr Speaker, one of the major themes of many public reports in the ACT in recent years has been the minimisation of risk. Mr Corbell points out that there is a better return for a refined product than an unrefined product, referring to the government investing in land development as a way of getting a better return at the end of the day. Yes, that is true. If you put in \$X and can guarantee that the product will be worth \$XX at the end of the day, you are going to get some sort of profit or return. But you cannot guarantee that you will get \$XX or any other particular amount. For places like Harcourt Hill, the territory got minus \$X, minus \$XX and minus \$XXX in some cases. That was quite disastrous and not a good example of state involvement in development processes.

I would echo the concerns that Mrs Dunne has put on the table in this debate about the plans of the Labor government. The establishment of an independent planning authority, in particular, needs to be looked at very carefully. We are told that the independent planning authority will be independent because giving directions to the planning authority will need to take place on the floor of this Assembly. Mr Speaker, that depends very much on whom you employ in the authority, how they are employed, their tenure there, and the ongoing relationship they have with the rest of the public service. If the members of the planning authority are ordinary public servants who require continuing employment within the public service, are we guaranteeing that they will not accept a tacit nod and a wink direction from government on an ongoing basis?

Will the public servants in the new independent planning authority have tenure of any sort? It is usually accepted that in setting up an independent decision-making body, such as a tribunal, a court or, for that matter, the really independent planning decision-maker, the Land and Planning Commissioner, set up by the Carnell government, you give them a certain amount of tenure. You cannot revoke their position on the basis that you do not like the decisions that they make. Is that going to be part of this planned independent planning authority? We have not heard that. I can only assume that it will not.

Mr Corbell said that area specific policies will be developed in the ACT. Mr Corbell made a prediction about the national trust's view about endangered suburbs in the ACT. I will make a prediction as well. These area specific plans will be nowhere near being developed in the timeframe provided by the government in the recent election campaign. We will find enormous slippage in that timetable simply because we have had the

experience of doing community-based land planning in consultation with local residents and it is a very long, slow process, and it will not be achievable in the timeframe that the government has proposed.

Mr Corbell says that he was making a flippant remark when he said that PALM believes what he believes. All I can say is that there is a sense in which we need to be able to exert appropriate control over what goes on in planning outcomes in this territory—by “we” I mean this Assembly and the government—because that is one of the fundamental indicators of the quality of life in this territory. People look to this Assembly and the government of the day to make sure that planning outcomes are good outcomes.

Frankly, even if we did succeed somehow in this structure of creating a really independent planning authority, where would that leave this place in respect of its role to make sure that outcomes are appropriate? I am not sure and, frankly, I am not sure that the minister is, either. I echo the concerns raised by Mrs Dunne here. I think we have a most unclear picture and I confidently predict that a great deal of what the Labor Party is promising here simply cannot be delivered, just as they have promised to build the Gungahlin Drive extension to the old government’s timetable but have an environmental impact statement, but have consultation, but move the route, et cetera, saying that all those things can take place at the same time. They cannot, they will not, and we will see that in due course.

MR SPEAKER: The member’s time has expired.

MS TUCKER (4.20): I wish to speak briefly to this matter. We are having a good discussion about the general approach to planning. I will pick up Mr Humphries’ comments and then go to the slightly confusing arguments of Mrs Dunne. I agree with the concern of Mr Humphries about the proposed independent planning authority. Obviously, there would be concerns, if the planning authority were independent, about where that leaves the role of the parliament or of the government, for that matter. Policy has to rest with this place. I am hoping that that is understood by Mr Corbell. I am assuming that it is.

Mr Humphries made much of the Harcourt Hill project. There is an important distinction that has to be made in talking about Harcourt Hill, that is, that it was not just a residential development. From my understanding, it was to have a hotel, country club, golf course and so on, so it was a commercial development. It was a situation in which government took on an entrepreneurial role, as the government did with Bruce stadium. It is slightly ironic that Mr Humphries speaks in such a condemning manner about Harcourt Hill, but does not point out that the role of government as an entrepreneur was a significant aspect of that failure. Of course, they were responsible for an horrendous failure of a similar kind.

The Greens are not supportive of government taking on that entrepreneurial role; it is very high risk. However, we are supportive of this government’s proposal to take a greater role in land development. Getting to the point that I think Mrs Dunne is trying to make, I have to agree with Mr Corbell that there was a curious use of the notion of state planning. There was an inference that somehow there was a soviet or big brother kind of approach. That seemed to be a theme of what she was saying. On the other hand,

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she was saying, "However, thanks to the Liberal Party's approach to planning, we have done very well."

Obviously, the Liberals had an approach to planning and it was something that they thought they were managing in the territory, so they had a notion of their role and a state planning notion was there for the Liberals. They did things like encourage development in the city by providing incentives and so on, so they did take a role in state planning. They were part of that notion, as was, interestingly enough, Mr Menzies in 1957 when the NCDC was first set up. Mr Menzies was able to see that Canberra was languishing in the way that it was and he took a role which saw coordination and strategy in terms of the development of Canberra as the nation's capital, so Mrs Dunne has taken a quite contradictory position in her matter of public importance today.

What we did see with the Liberal government was a tendency to let developers lead development. There was a lack of strategy and there was a lack of long-term planning which, basically, has resulted in their not being in government now. The community, having an understanding of the value of Canberra as a city which has been fortunate to have been carefully planned, became increasingly alarmed at the ad hoc, laissez-faire approach of the Liberals. The electoral result was quite clear in terms of what the community thought of their approach.

I am hoping to see from Mr Corbell and the Labor Party a long-term approach being taken to planning. Of course it has to involve community participation. It may, if handled properly, result in better standards. Mr Humphries was saying that we need to focus on the results of the two approaches. He focused on the Harcourt Hill project, which he saw as a failure of Labor. I have already explained that he was not quite fair in terms of how he described that venture, not that I think it was good what Labor did then, but I have explained the reasons for that already.

The results of the Liberal Party's approach to planning in Canberra and the developments that have occurred under them have been quite disappointing. We are still having buildings and houses being constructed in this city which are basically primitive in terms of the climate that we live in. We are still seeing developments where the actual sites and plots are not being used to take advantage of solar access or to take account of privacy issues. We have had developments where developers have jammed as many houses as they can on particular locations and issues are now coming out of that for the people who live there.

I do not think Mr Humphries should be inviting people to look too closely at the results of the two approaches, because the Liberal Party's approach produced a failure in terms of providing for any kind of sophisticated, modern built form in Canberra. That is why I am glad that we have had a change of government and have a minister who is interested in taking a longer-term approach. As I said, I am concerned about exactly what is meant by saying that we will have an independent planning authority. Policy stays with this place, as I have made quite clear. We will be watching that very carefully.

Mr Corbell: Yes, it does.

MS TUCKER: Mr Corbell says that it does. That has to be understood quite clearly; apparently it is. We will be watching to ensure that that will be the way in which this authority works. The community has to be continually involved in the discussions. Any long-term view must take into account social and environmental considerations in the condition of the built form. That includes, as raised in this place today, the question of affordable housing. A residential development is taking place in the city, Bunda Street, on which I have asked the developers, Queensland Investment Corporation, about the amount of affordable housing that will be provided. The answer was of concern; it was extremely vague. I am hoping that Mr Corbell will show leadership here and find a way to pin down any development there so that it does provide affordable housing and that we have development that does take into account environmental pressures as well as social pressures.

I welcome the fact that this government is going to take a more proactive role in land development. I think that what the Liberals did was a disaster. It has produced mediocre development, which is not acceptable in 2002 when we know so much more about how to design developments to take into account the environment and have environmental benefits as well as social benefits. I am talking there about energy in particular, whereby we will see environmental and social benefits through lower charges and costs for people living in houses, as well as a reduction in greenhouse emissions.

We also have to take into account the natural environment in terms of the trees of this city and we have to take into account the density of development related to public transport and facilities, et cetera, so that we can then get down to having an integrated approach to transport, planning, and land use as well, which is long overdue. I am glad that the government is taking a more proactive role. The principles that this Labor Party ran on, which are that they will take serious account of the environmental and social aspects, as well as participation of the community, are good principles on which we can move forward.

MR WOOD (Minister for Urban Services and Minister for the Arts) (4.29): Mr Speaker, I am well on record in this place for supporting government land development. When I was the relevant minister some time in the past, I set out in that direction and I remain fully committed to that staged development. Mr Humphries referred a short time ago to one of the ventures that the Follett government initiated. There is a message always, and we took it at the time in moving into land development, that this is an area in which there is a lot of money to be made. It is also an area in which there is a lot of money to be lost if you are not very careful

Mr Smyth: You lost lots.

MR WOOD: No, we did not. One of the benefits of this proposal emerging again is that it will give me the opportunity to go back into the books and check out all those joint ventures that we undertook at the time. I certainly acknowledge that Harcourt Hill was the most problematic of them, but I happened to see an advertisement on television just recently about the last four blocks or something like that being sold.

I drive around Harcourt Hill often enough as I pass through to a relative's spot in Nicholls. It is upper class, whatever you would like to call it, but it is looking okay, if you like that sort of thing. It would seem to me to have been quite successful. Every

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block of land has been sold, unless there are some more batches somewhere to be released, and it would appear to have been very successful.

There were difficulties and the project needed to be restructured, as we were told by the now opposition, when they were in the government. I would like to look at all that and just see what worked out. The basic premise of the joint ventures, and there were another 10, I think, or getting up to that number beyond Harcourt Hill, was that we provided the land component, for which we got about the same amount of money as we would if we had just sold it at auction, and then we got a very significant amount for every block that was sold after that, and we did not do the development work. On paper, and I believe in the reality of things, it worked quite well for the government. It certainly worked slower than was originally planned. I think that that is where some of the difficulties emerged, particularly with Harcourt Hill. Just as we started there, the caution that we exercised in getting things going was proved to be very sensible because the federal government of the day, the Howard government, came in and slashed growth in Canberra and things stopped for quite a time.

Mr Smyth: No, you had already flooded the market You forget about the flooding of the market.

MR WOOD: No, you misunderstand it, Mr Smyth. The government at the federal level slashed growth in Canberra. We still have not recovered from that. If you look at the population figures today, you will find that we are growing at about one per cent, which is unique in our history. We have been growing at less than that in recent times. In fact, there was a period when our growth rate was sustained only by the excess of births over deaths. We actually had a net loss with people moving out; more of them were moving out than were moving in.

That difficulty was a very significant block in the quick success of those joint ventures, but they worked through and we will now be able to get a closer look at the profit and loss sheet. I think that it is going to show a profit there and look pretty good and it will encourage us in future efforts.

There is no reason why the asset of the ACT in its land ownership should be spread to anybody else but the people of the ACT. There is an absolute logic in that. There are long-term, continuing, successful land developers in the ACT. They have done well and they have been of benefit in many circumstances to the territory. They have done well, but why shouldn't we gain that profit? Why shouldn't we do that well? I do not believe for a minute that we have any lack of skills and ability to do just that, so I totally applaud Mr Corbell's venture here. I look forward to my participation in the government as he brings his proposals forward. I hope that we will look at those joint ventures and, if there is anything to be learned from them, let us learn it. I think the major lesson is to learn that we can do quite well, thank you, out of developing our own land.

As to the planning side of things, Mr Corbell's proposals are very good. Some of the rhetoric, and let us take it lightly, was about state development. Mr Corbell's proposals go a long way to putting development or the inputting of development in the hands of people, the people broadly around Canberra but also those people making suggestions to experts.

From day one, from my time as planning minister, planning has been underresourced. If you look back at what the National Capital Development Commission could do all those years ago—the extensive and very sound documents they put out, the consideration they were able to give to their planning proposals, to work them through, to see that they were carefully developed—you will see that from day one our resources have not been able to match up to that and probably never will.

Mr Corbell: We put in additional resources—\$950,000.

MR WOOD: Yes, there is more money, but I do not think that we will ever match what the NCDC had in terms of those resources, because they could really turn it out, but it is important that we resource the planning authority with a large number of highly competent people to support those who are already there. I am most impressed with the quality of the people we do have, but I imagine—Mr Corbell is closer to it than I—that they are pretty well stretched to do all that has to be done. I think the future for planning and for land development in this territory only looks good, and the territory will find in the next three or four years that that is so.

MR SMYTH (4.36): I am not sure that there is a whole lot of time left for the debate. Mr Wood should have filibustered a little longer. There are some important points to put on the table. Mr Wood is a little bit forgetful in that the Labor Party flooded the market when they controlled the land release program from 1991 through to 1995, doing so to such an extent that no stocks were released between 1995 and 1997.

MR SPEAKER: Order! It being 4.37 pm, the time for this debate has expired.

Local and regional news services

Debate resumed.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.37): Mr Speaker, some months ago the government expressed its strong disappointment at the sudden closure of the Ten Capital newsroom. On hearing of the closure in November last year, the government was dismayed that Canberra was losing a second commercial television newsroom within six months of the closure of Prime's local news service in June. Not only were 27 workers and their families affected by the Ten Capital closure but the broader community has suffered because it has lost another vital part of its communications network.

Canberra is the national capital with a population of 314,000, yet two of our three commercial stations cannot or will not maintain a local news presence. Local news services keep the Canberra community vibrant and informed. A news service from Sydney does not satisfy our community's need for local information. Canberra is not a suburb of Sydney, and we need the diversity of television news which reflects the complex make-up of our community.

These closures are a disappointing indication of the lack of support by these television stations to the people of Canberra. Excuses provided at the time of closure about the cost of upgrading to digital technology just do not wash. The Commonwealth government has provided significant subsidies to help commercial stations upgrade.

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Commercial television stations have access to an exclusive part of the broadcasting spectrum, which is public property. Those stations receive large incomes from advertising, some of which comes from Canberra businesses. The community has a right to expect that it should receive a community benefit in return—that is, licensees should return something to the audiences from which they get their advertising revenue.

Exactly what these stations are now providing to the Canberra community by way of community support is a moot question. I think it has always been understood that when the Commonwealth introduced aggregation the licensees had to demonstrate support for the local community. The clearest demonstration of community support is a local newsroom that tells us what is happening in our city.

The aim of aggregation is to give regional audiences access to the full range of commercial programs enjoyed in the major cities, while retaining local news coverage. This obviously has not worked. Clearly, some of the commercial television stations are not meeting their community obligations, and this needs to be addressed by the Commonwealth government as a matter of priority.

These closures have not just happened in Canberra. Services have been cut in several other regional areas in Queensland and the Northern Territory, including Cairns, Darwin, Townsville and central Australian local services. If the Commonwealth government means what it says about supporting regional Australia then it should ensure that commercial television licensees provide news services that meet the needs of the area they are serving.

Mr Speaker, the government is currently drafting a submission to the inquiry by the Australian Broadcasting Authority into regional news services. We have been granted an extension of time to 1 March to make a submission. In our submission we will raise our deep concern about the loss of two of our three local news services and what this means to the Canberra community. We will raise the serious issue of commercial television stations not meeting their community obligations. We will represent the serious concerns of all Canberrans about the loss of diversity in news sources, and the lack of local issues in the news services offered by Sydney news providers. We will make the point that not only Canberra but the rest of the Australian capital region is missing out on desperately needed services. I fully support the motion moved today and look forward to its unanimous support.

MS TUCKER (4.41): Mr Speaker, I do not have a problem with Mr Humphries' amendment, although I was considering putting one myself. I must say that I think it is a slightly unnecessary amendment, but I would not die in a ditch over it. I do not think we need to note in the motion what everyone else has done. However, it is all right if Mr Humphries wants to do that.

Katie Gallagher has raised a good issue today. It is of grave concern that we have lost two of our local news services. In July last year I responded to the closure of the Prime local news service by writing to Mr Chris O'Connell and raising my concerns about the possible effects on the coverage of local events, and in particular the close scrutiny of local government and business activity.

We received a letter in October, and it was a strange response. Basically, the letter from Prime attempted to validate the closure of the news service with a reminder of their sponsorship of the SouthCare rescue helicopter and the Brumbies. I think providing advertising for corporate sponsors is in no way enough in terms of justifying the community service obligations of a media outlet whose primary function obviously is to provide information to the community about what is going on in the community. Local news is clearly very important. So I was very disappointed in that letter from Prime.

We all know that Capital's news service has closed since then. Basically, Prime and Capital seem to have taken the same approach as the banks do to their community service obligations—"It's not profitable. We need to look after our shareholders."

The media is an important part of democracy because it gives people an opportunity to understand what is going on and hopefully engage and participate. This is a very fundamental and important part of democracy. It is important that free-to-air broadcasters be required to meet a minimum standard of this community service by providing us with local news and current affairs programs.

I am glad that the government is making a submission to the Australian Broadcasting Authority. I hope it is a very strong submission that goes to the heart of the value and power of media in this country. It is important to ensure that we have a media which gives a diverse range of views about what is happening in our society.

Obviously there is a problem in Australia with media ownership. Although the situation is worse in other countries, it is not acceptable here. Right around the world very powerful men in the corporate sector have lobbying power and incredible influence on governments of various persuasions, and this is a very dangerous thing for democracy. I would like to see this government's submission go to those deeper questions.

MR CORNWELL (4.45): I am interested in the second part of the motion and, whilst I support it, I must say the inquiry into regional news services seems to indicate more of an interest by politicians to get their message across than perhaps providing to people the service that is required. Nevertheless, I accept the point. However, I would like to see the submission to the inquiry extended to include regional services, and I would like to identify those services.

Some years ago a gentleman, who I regret is now dead, living in Merimbula on the far south coast pointed out to me that the commercial television stations all advertised companies that operated out of Wollongong. Wollongong is a long way from Merimbula, Pambula, Eden and Bega. Indeed, the people of the south-east region of Australia look to Canberra for the services that they cannot obtain in their own towns. They might need specialist doctors, et cetera.

I thought this was a reasonable argument. I wrote to the then Chief Minister and she in turn thought it was a reasonable argument. I wrote to the people concerned, the television networks, and can you imagine what happened? These people, who continually talk about service, knocked us back out of hand. Anybody from Bega or Merimbula who travels to Wollongong to do their shopping must be some sort of a masochist. Indeed, one could argue that the southern limit of the Wollongong service area would probably be about Nowra.

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That means that the commercial television stations that are beaming their advertisements out of Wollongong are in fact doing their advertisers a gross disservice insofar as 50 per cent of the area they are broadcasting to is not prepared to take up the advertisements. I think this is a poor result. I think it is a criticism of the television stations. In the event that the motion goes through along the lines that Ms Gallagher has suggested, I would hope that that aspect of the so-called services of commercial television stations, both to the advertisers and to their viewers, could be taken account of.

Amendment agreed to.

MS GALLAGHER (4.49): Just to wrap up this debate, I would like to thank other members for their contributions on this issue. I note Mr Cornwell's comments, and I remind him that it would be appropriate for him to put forward his views at a public hearing which will be held on 25 February.

The single issue here is that the ACT region has suffered as a result of the withdrawal of news services by two of the region's broadcasters. The granting of broadcasting licences is a privilege, not a right, and community concern should be a factor in the issuing and maintenance of licences. The fact that this is currently not the case demonstrates a lack of regulation or a regulatory framework.

Clearly, self-regulation has failed in this instance to meet the needs of our local community. I am glad that the ACT government will communicate these concerns to the ABA inquiry and make a case for regional content. Local news and other forms of local content should be mandatory requirements in the issuing of licences. The law on this issue must be broadened to give the ABA powers to demand that licensees maintain regional content.

Federal money and ACT budget priorities have been given in the past to sustain this industry in a time of transition. It is time for members of that industry to address their obligations to a loyal base of viewers in the ACT. The transition to digital television is not cause enough for the removal of news bulletins and a failure to replace them with any form of local content. Nor is it a sufficient reason to justify the job losses suffered by employees in the industry.

I look forward to seeing the government's submission and I am confident it will reflect the concerns that I have raised today in this motion.

Motion, as amended, agreed to.

Implementation of committee recommendations in annual reports

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

Gungahlin Drive

Upon notice No 5, private members business, relating to Gungahlin Drive and the Australian Institute of Sport, being called on and the member failing to move the motion, the Speaker advised that it would be withdrawn from the notice paper, pursuant to standing order 128.

Health and community services—complaints system

MS DUNDAS (4.53): I move:

That this Assembly:

- (1) recognises the importance of an independent, fair and efficient complaints system for health and community services;
- (2) believes that the accountability of the Community and Health Services Complaints Commissioner should be enhanced in order to ensure that the methods used in the processing of complaints are of the highest quality;
- (3) believes that the Community and Health Rights Advisory Council should have the power to review the Commissioner's actions in cases where the providers or users of services believe that complaints have not been managed properly; and
- (4) requests that the Government work in a timely manner with the Community and Health Rights Advisory Council and the Community and Health Services Complaints Commissioner to achieve these aims.

The intention of this motion is to urge the government to move forward on the very important issue of community and health complaint systems. Specifically, the motion puts forward the view that the Community and Health Rights Advisory Council should have the power to review the actions of the Community and Health Services Complaints Commissioner and directs the government to work with both of these bodies to bring this about.

I understand that a fair amount of work has already been done on this issue and that all relevant bodies are supportive of the idea of greater accountability for the commissioner. It is therefore important not to lose momentum, especially as the need for a review function has been recognised and discussed for many years. I am sure that other members here share my belief that the commissioner's role is important and that the work he does is incredibly valuable.

This motion is not about criticising the commissioner but about introducing measures to help the commissioner improve the processes used in investigating complaints. Over the last three months my office has received representations about problems in the investigation of complaints by the commissioner. I understand that the offices of other members have also received such representations. I am concerned that under the current regime there is no clearly identifiable process for people who have experienced such problems to achieve recognition of their grievances.

A particularly important area for accountability and review is the processes used by the commissioner in investigating complaints. Where complainants or service providers believe that complaints have not been investigated fairly and thoroughly, there should be mechanisms for them to pursue these concerns.

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From the perspective of complainants, it is easy to understand how frustrating and disturbing it would be to receive an unsatisfactory service and complain about that service only then to find that your complaint is dealt with in a way that you experience as unfair. The problem currently is that there is no way for concerns about the processing of complaints to be investigated and addressed.

Equally importantly, a review mechanism would help to improve the quality of the commissioner's methods of investigation, a fact that the commissioner himself has emphasised. The commissioner has indicated that he approves of the idea of an independent review of his functions. Two consecutive annual reports of the commissioner state the need for such a review system, and, as I noted earlier, this has been discussed for some time, at least since 1999.

The commissioner should be commended for his extremely constructive and non-defensive attitude towards the review of his own functions. This is all the more reason for the government to act quickly to bring in these changes and to adopt a proactive approach.

I am aware that there are legitimate concerns about creating another level of appeals and reviews. However, both the commissioner and the council have indicated their support for the accountability measures described in my motion. In addition, a number of the submissions made to the disability services inquiry raised the need for the commissioner to be properly accountable for the management of complaints. The purpose of the motion is not to encourage provisions for endless "appeals" regarding health complaints but rather to ensure that any problems that come to light about the systems are addressed.

I am aware that there are also broader concerns about the various roles and functions of many statutory bodies that deal with complaints of various types. This motion does not attempt to deal with all of these areas but merely takes one step that has already been identified as an area of need.

This motion is an opportunity to take a small but incredibly important step towards empowering the users of community health services in the territory. At this time, when there is so much contention and acrimony about the delivery of services in the ACT, here is a chance to support a change that is not difficult or radical but which, nevertheless, has the potential to significantly improve people's experience of the ACT health and community services system.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.58): Mr Speaker, the government is generally supportive of the motion that Ms Dundas has moved. However, I foreshadow that I propose to move an amendment to delete paragraph (3) of the motion.

Ms Dundas has made some good points in relation to the role and responsibilities of the Community and Health Services Complaints Commissioner. The government is aware of the recommendations that are contained in his annual reports. Indeed, I have discussed with the commissioner the issue of appeals from his decisions. I have had discussions and consultations with Mr Patterson and others about the anomalous situation where a person aggrieved by a decision of the commissioner has no avenue of appeal. As Ms Dundas says, the commissioner himself is supportive of the establishment of an

appeals process for people who feel a sense of genuine grievance over the outcome of a complaint which they make to him.

Indeed, there are some circumstances—and I have received representations in relation to these from time to time—in which the complaint is not so much with the outcome of the commissioner's dealing with the matter but with the way in which he has handled it. So it is a slightly different issue.

I commend Ms Dundas for raising this issue. As I say, it is an issue that the government is aware of and has sought to respond to. The preferred position of the government, however, is to refer the issue to the Community and Health Rights Advisory Council.

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

MR STANHOPE: As I was saying, the preferred approach of the government—and this is proposed by Ms Dundas—is to involve the Community and Health Rights Advisory Council. But we would rather refer to that council a reference to investigate appropriate appeal mechanisms and processes that should perhaps apply to the commissioner and his office.

The Health Complaints Unit is reasonably busy. I receives on average 300 written complaints a year and it also receives well in excess of that number in verbal complaints. The commissioner has contributed quite significantly to debate and discussions on the review of ACT health legislation. I think the unit and the commissioner serve a very useful purpose, and I am very supportive of that role. The government does accept and acknowledge, however, that there should be an investigation of appropriate appeal mechanisms from his decisions and actions. We prefer that that review be undertaken by the Community and Health Rights Advisory Council, to allow them to come up with an appeals mechanism. Maybe, rather than the council being part of that appeals mechanism they would prefer, for instance, that the ombudsman be involved in appeals relating to the commissioner. We would want the council to review all those possibilities.

The government is supportive of the intent and the intention set out in Ms Dundas' motion. As I have said, I have circulated an amendment that clause (3) of the motion be deleted so that we do not constrain the appeal mechanisms that are put in place. I move:

That clause 3 be deleted.

MR SMYTH (5.03): Mr Speaker, I think the motion proposed by Ms Dundas is something that in principle we all agree with. We would all agree with the importance of having an independent, fair and efficient complaints system for all services, not just for health and community services. But I think it is important that we have this particularly for health and community services because at times of great stress or great need I believe we all want complaints to be dealt with a fair and efficient manner. So the opposition will be supporting the general thrust of the motion.

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The second part of the motion is that the Assembly “believes that the accountability of the Community and Health Services Complaints Commissioner should be enhanced”. The opposition will always be in favour of anything that would do that. But we want to make sure, though, that this does not place unnecessary burdens either on the commissioner or perhaps on the Community and Health Rights Advisory Council.

Point (4) of the motion talks about the Assembly requesting that the government work in a timely manner with the advisory council and the commissioner. I think we all agree with that.

The Chief Minister has just referred to point (3) of the motion and I ask Ms Dundas to clarify in her closing remarks how the advisory council would review the commissioner’s actions, and what powers they would have to enforce that review. Informally, of course, we can review any decision that is handed down by a commissioner, and we are all free to make comment in that regard. What are the powers that Ms Dundas would envisage the Community and Health Rights Advisory Council should have to review? Is it review and revise? Is it review and condemn? Is it review and send back? I think what we need is some clarity. Perhaps I may have missed an explanation when Ms Dundas spoke earlier, but I do not believe I heard her talk about how she saw that working.

I think it is important when we give powers of review that we make sure they are appropriate. The commissioner is established in law and we entrust to him the power to review actions in the health system. It may be necessary to review the reviewer but I would be very interested in how Ms Dundas sees that that should work.

We would be supportive of the general thrust of the motion but we will determine whether or not we will support the motion subject to clarification of how Ms Dundas sees that working.

MS TUCKER (5.05): I will speak to the motion and the amendment. I support the amendment. For quite a number of years there have obviously been concerns about complaints processes, not only in relation to disabilities and health but in a number of other areas. There are jurisdictional issues between some of the complaints bodies. We have a plethora of complaints bodies in the ACT, and as a result there is confusion in the community in terms of which is the right body to go to. I think we need to have a shake up of the whole question. This motion is directed particularly at the specific question of the Community and Health Services Complaints Commissioner, and I am well aware of concerns from his office as well as from the community.

I am also aware that the Gallop report has made a recommendation regarding the complaints mechanisms and this particular office. I am aware that the Community and Health Rights Advisory Council also has made statements. I am aware that the health commissioner himself has requested that there be changes made, and for that reason this is a sensible step which I think should and would happen anyway. So there is no problem in that regard.

I think it is important to delete clause (3) of the motion because, even though it may well be the case that it would be useful to increase the responsibilities of this advisory council, I do not think we should be pre-empting the discussion to that degree at this

point. It would be sensible not to do that and therefore the clause should be removed. However, I think it is very important that there be a thorough process.

Complaints mechanisms provide one of the fundamental ways in which we can ensure consumer protection. This matter has come up in every committee inquiry that I have been involved with, whether it be health, education, consumer protection, the environment or whatever. If you do not have a complaints system which works then consumers are very vulnerable. In this case we are talking about people who are vulnerable to begin with, because they are people with disabilities. So I am happy to support this motion as amended by Mr Stanhope.

Amendment agreed to.

MS DUNDAS (5.09): I would like to close the debate and clarify some of the points that have been raised. I will respond quickly to the amendment that has been adopted. I believe that the review panel mentioned in clause (3) of my motion would be appropriate and useful. I reiterate the point I made earlier that the idea of establishing such a review function within the advisory council has been discussed and developed by the commissioner for a number of years now.

As I said earlier, the purpose of the motion is not to encourage endless appeals regarding health complaints, but rather to ensure that any problems that come to light about the systems used to investigate complaints are addressed.

Specifically, Mr Smyth, I would assume that the review would look at cases to ascertain if the processes used are fair and efficient. The details of the powers would need to be looked at by the government commissioner and the council, as is suggested in clause (4) of my motion.

The motion now reads in a way that still works and it will address the concerns that I have raised. I would regret any unnecessary delays in finally implementing these very useful improvements to the complaints system and, in order to meet the government's concerns, I am prepared to accept the amendment. I only hope that the processes undertaken by the government will proceed in a timely manner, as required by the final clause of my motion.

In closing, I would like to thank other members for their brief contributions to this debate. I am very pleased that there is so much support generally for the approach advocated in my motion. It is good to see that we are of the same mind in our focus on improving the complaints mechanism in the territory. I believe it is extremely important that we, as members of the Assembly, use our time here to help empower people in the community.

The complaints commissioner provides a vital mechanism for people who want to have their grievances addressed and their complaints heard. This motion encourages the government to play a proactive role in strengthening the complaints mechanism. By supporting this motion, the Assembly can, and will, make a valuable contribution to ensuring that the methods used in the processing of complaints are of the highest quality.

Motion, as amended, agreed to.

Papers

Mr Wood presented the following papers:

Subordinate Laws Act, pursuant to section 6—
Legislative Assembly (Members' Staff) Act—Arrangements for employment of staff and engagement of consultants and contractors by Members of the Legislative Assembly—Disallowable Instrument No DI 335/2001 (LR, 2 November 2001).

Orders of the day

Ordered that notices 7 and 8 be postponed to a later hour.

Light rail services—proposed feasibility study

MRS CROSS (5.12): Mr Speaker, I move:

That the responsible Minister present to the Assembly by 4 pm, Thursday, 21 February 2002 the draft terms of reference of the Government's proposed feasibility study into the provision of light rail services in Canberra.

I do not think this needs to be a long debate. This motion simply requires the minister to table the terms of reference of the feasibility study into light rail that he announced last week. If the terms of reference are yet to be written, I am happy to amend the motion to suit the minister, on the proviso that they are tabled before the study begins.

The feasibility study will be an expensive exercise and carry with it high community interest and expectations. This is an important matter to get right. The questions being asked in the study need to be right and in this instance warrant some scrutiny. Light rail is becoming increasingly important to the residents of North Canberra as an additional form of transport. In recent years its advantages as a transport option have become more apparent and cost effective.

The Canberra Liberals support the establishment of a light rail system in the north and look forward to the results of this study with great interest. However, I did note the minister's reluctance last week at a special meeting of the Gungahlin Community Council to give any commitment to light rail, even if the study provided an overwhelming case for its introduction. I think this is an important point, because I pressed Mr Corbell on this point, and he would not give any commitment. I and many of those who attended the Gungahlin meeting were concerned to hear the minister so lukewarm on light rail and consequently wish to be assured that the government's study has appropriate terms of reference.

This study is critical to the future of Gungahlin. This area needs, and expects, a comprehensive and complementary transport network that caters for bicycles, private cars and various forms of public transport. The Canberra Liberals recognise this and seek to ensure this comes to fruition. We see light rail playing a central role in the North Canberra network. To this end, it would be disappointing to see proposals for light rail in

Gungahlin swamped in a much wider debate. Obviously there is merit in having a much wider debate, but localised attention to specific options is also required.

Consideration must be given to ideas such as using the Gungahlin Drive extension transport corridor to add a light rail option between Gungahlin and Belconnen and between Belconnen and Civic. In this light it is concerning to me to hear again today of the government's blinkered approach to building the western alignment for Gungahlin Drive. Adding a light rail option to this alignment could totally change the equation for this roadway and prove a defining factor against this alignment. On the one hand, the minister is saying, "Our mind is open about light rail, although we give it no commitment," while on the other hand he could be shutting out its options, and that could sound its death knell.

The Canberra community needs an assurance that the minister is asking the right questions, an assurance that can be provided only by tabling the terms of reference of this inquiry before the study begins.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.18): Mr Speaker, unlike the Liberal Party, this government has an interest in public transport options for Canberra's future. Unlike the Liberal Party, this government is interested in exploring issues around light rail. Members could be forgiven for thinking that the Liberal Party was really keen on light rail and always had been keen on light rail. But the history is very different.

Members may or may not be aware that the Follett Labor government established an investigation into light rail options for Canberra. That investigation was cancelled by the previous Carnell/Humphries government.

Mr Humphries: No, it was not.

MR CORBELL: It was cancelled. No further work was done, and Kate Carnell, the then Chief Minister, is on the record as saying that it was an unnecessary project and no longer needed to continue.

Mr Humphries: Not so.

MR CORBELL: Mr Humphries says, "Not so." I think you need to be careful, Mr Humphries. Mrs Cross' sudden enthusiasm for light rail is indeed welcome, but it smacks somewhat of hypocrisy.

The government is committed to the examination of future public transport options for Canberra. To that end, the government made a commitment during the election that it would examine the feasibility of light rail in Canberra. Since its election, the government has decided that this examination will take place in conjunction with a broad examination of all public transport options for our city. It includes light rail, but we are also looking at issues such as dedicated busways, bus-only lanes and other forms of mass and rapid public transport.

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Terms of reference for the study are currently being developed by PALM. I should stress to members that I have not been advised of the terms of reference of this study to date, and I am awaiting the advice of Planning and Land Management before proceeding further on this issue.

But it is quite clear that there is a need to look closely at public transport options for the city. That is why we indicated our preparedness to commence this study. The proposal is that the study run for about six months from the time it commences, which should be reasonably shortly.

I should indicate to members that I have not received any advice on the exact terms of reference of this study. The study will be conducted by consultants, and it is therefore intended that the study will go through a tender process.

There has been discussion between PALM and other interested stakeholders such as the Conservation Council of the South East Region and Canberra on issues that need to be looked at in the context of this study.

The proposition by Mrs Cross this afternoon is a concerning one, because it is through a standard process of government that a consultancy will be let for a study, the study will commence, there will be extensive consultation as part of the study process, and there will then be a report to government. For Mrs Cross to suggest that the Assembly, as a committee, should try to write the terms of reference for this study is really blurring the lines between the responsibilities of the government and the responsibilities of the Assembly.

That said, I note that Mrs Cross in her speech said that she wants the terms of reference before the study commences. I am happy to make the terms of reference available to members before the study commences. Clearly, government has not yet seen those terms of reference, but once we see them and we are in a position to release them, I am prepared to do that. I am concerned, though, that Mrs Cross' motion means that I have to wait for a sitting of the Assembly and table the terms of reference in the Assembly before the study commences. Depending on when the terms of reference are finalised, that could involve a wait of weeks or indeed months before the study into public transport options could commence.

Therefore, I foreshadow that I will be moving an amendment to Mrs Cross' motion to provide that I provide all members of the Assembly, not necessarily during the sitting of the Assembly, the terms of reference of the government's proposed study into future public transport options, including light rail for Canberra, before the study commences. I am very happy to do that, but I think it would unnecessarily delay the introduction of the study and the commencement of this very important work if the government needed to wait until a sitting of this place to formally table the terms of reference. The alternative, as I set out in my foreshadowed amendment, is that the government provide the detail of the terms of reference to all members of the Assembly prior to the study commencing.

This is an important debate for Canberra. It is not just about light rail. It is about public transport, it is about providing better public transport for Canberrans, it is about building a more sustainable Canberra, and it is about addressing the inequities that exist in our

current public transport system. That is what the study is about. That is the forward-thinking approach we are seeking to bring to this debate. I would welcome members' involvement in this debate, and indeed in the study once it gets under way.

I need to stress that this is only part of the government's solution to public transport. We are already committed to removing the unfair and inequitable zonal fare system introduced by the Liberal Party. That system made it cheaper for someone in Gungahlin to drive their car to Civic and pay for parking than it did to catch a bus. What a grossly unfair and inequitable system. What a grossly inadequate and contradictory way to encourage the use of public transport. That is why we are moving to abolish the zonal fare system and replace it with a single fare across the city in a way that will encourage people, at least in economic terms, to consider public transport as a viable alternative.

The government will not be supporting the motion moved by Mrs Cross, and I urge members to consider the amendment I have foreshadowed. I now move the following amendment:

Omit all words after "Minister" and substitute the following words:
"provide to all Members of the Assembly the terms of reference of the Governments proposed study into future public transport options, including light rail, for Canberra, before the study commences."

MRS DUNNE (5.26): Mr Speaker, I seek your guidance. An amendment has already been circulated in my name.

MR SPEAKER: I have to deal with Mr Corbell's amendment first.

MRS DUNNE: While speaking to that amendment, can I foreshadow mine?

MR SPEAKER: You can foreshadow it.

MRS DUNNE: I rise to oppose Mr Corbell's amendment, because it does not go to the heart of what Mrs Cross' motion is about. Mrs Cross' motion is about consulting this Assembly, not individual members of the Assembly. In question time today, Mr Minister, when answering Ms Dundas' question, you said that you expected to receive draft terms of reference soon. I would think the sitting pattern would be such that you should be, as you said today, open, consultative and transparent—you ticked them off—and should be prepared to consult this Assembly on this matter. I propose that we oppose Mr Corbell's amendment and support the amendment I have circulated.

Question put:

That **Mr Corbell's** amendment be agreed to.

The bells being rung—

Ms Tucker: Mr Speaker, am I able to ask for clarification on process?

MR SPEAKER: Yes. We are just about to count the votes in favour of and against Mr Corbell's amendment.

Ms Tucker: I understand that, but I have a procedural question. I understand that this is probably not the appropriate place to ask, but I am going to try. If Mr Corbell's amendment is supported, can I then amend it?

MR SPEAKER: If the Assembly resolves to support the amendment, you can move a further amendment to add words to the motion if that is your wish, but Mr Corbell's amendment will stand on its own if it is supported by the Assembly.

Ms Tucker: But I can amend it, and if my amendment was supported by the majority the amendment would be altered?

MR SPEAKER: I think you misunderstood me. Mr Corbell's amendment, if supported, stands on its own. If you wish to put another amendment before the Assembly, it can only add words to Mr Corbell's already approved amendment.

The Assembly voted—

Ayes 7		Noes 8	
Mr Berry	Ms MacDonald	Mr Cornwell	Mr Humphries
Mr Corbell	Mr Quinlan	Mrs Cross	Mr Pratt
Ms Gallagher	Mr Stanhope	Ms Dundas	Mr Stefaniak
Mr Hargreaves		Mrs Dunne	Ms Tucker

Question so resolved in the negative.

Amendment negatived.

MS TUCKER (5.33): I am supporting Mrs Cross' motion, because, as I see it, it asks Mr Corbell, as minister, to allow the full Assembly and the community to have some input into the terms of reference of the feasibility study into light rail. I am surprised that Mr Corbell is reluctant to do that.

I understand that this Assembly cannot force the government to do that, and I am not suggesting that the Assembly should attempt to force the government. It is the government's job to take on this sort of work. However, this is a government that has told us that they are interested in consulting with the community and the broader parliament. I am surprised that there is a reluctance on Mr Corbell's part to involve us and the community in determining the terms of reference.

Mr Corbell explained that it is normal process for government to put these sorts of feasibility studies out to a consultant and for the consultant to work with the community. I accept and agree with that. But that is not what we are talking about. We are talking about the work that the consultant will do. This is such an important issue for the ACT community. Members in this place know how long the Greens have been asking for an integrated transport planning approach. Light rail or whatever we end up with is critical to moving into this period of life on earth in a way that is suitable and appropriate. It is incredibly important for this city. For that reason, I think the terms of reference are very important. We are going to do this work. It is going to cost public money. We are going to involve the community, so the work is important.

I am sorry that I was not quick enough to get to the Clerk to move an amendment to Mr Corbell's amendment. I had sympathy with the fact that he did not want to be restricted to sitting weeks. I was going to change his amendment so that we could have draft terms of reference. I would have done that if I had had time.

There is perhaps the potential for Mr Corbell to change the motion again so that we take into account his concerns about restricting the motion to sitting weeks. I do not know whether there is a way to do that. If someone else talks, I will talk to the Clerk.

I thought Mr Corbell said in answer to Ms Dundas' question that he thought the terms of reference would be available by March. Mr Corbell, in this debate, said it could take extra months because of the requirement to table the draft terms of reference in a sitting period. If he is talking of months, I think he is talking of the middle of the year. From memory, that is the only time we are going to have such a large distance of time between sitting weeks.

I am hoping that what Mr Corbell said to Ms Dundas is correct and that it is going to be sooner than that. I think we should get on with that. I am hoping that the requirement that the draft terms of reference be tabled in the Assembly will not hold the process up. I am also genuinely asking Mr Corbell, who is not listening, to consider consulting and to be cooperative with the notion of this motion. We acknowledge that it is his role ultimately to develop the terms of reference, but I am very disappointed that he is not prepared to have a little broader debate about it. It should not be just up to PALM and him if he is genuine in the statements he made during the election campaign about wanting to work with the community.

MRS DUNNE (5.37): I seek leave to move the amendment circulated in my name.

Leave granted.

MRS DUNNE: I move:

Omit all words after "Assembly" and substitute the following words:
"the draft terms of reference of the Government's proposed feasibility study into the provision of light rail services in Canberra and directs the Minister to not proceed with the study until he has done so."

I will not speak to the amendment, because I already have.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.38): Mr Speaker, I need to make it very clear that the government is committed to ensuring that there is a very broad-ranging public debate about public transport in this city. But the government is concerned, and I am concerned, if we are embarking on a process where every consultancy this government undertakes has to be ticked off by the Assembly before the consultancy commences. That is what this motion is proposing today. It is saying, "You cannot commence this consultancy into this very important issue until the Assembly has had its say."

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I accept that the Assembly can assert its right to have a say or its feeling that it should have a say, but I am concerned that we are blurring the responsibilities here. There are officers within Planning and Land Management who are preparing draft terms of reference for consideration by government. That consideration by the government has not yet occurred, and no draft terms of reference have been provided to me as the responsible minister. It is concerning that people who are expert in these areas of transport policy have to have their proposals revisited by the Assembly before the government can proceed.

I would be happy for the Assembly to be critical of the terms of reference once they were released, if the Assembly thought they were inadequate. I would be happy to broaden the terms of reference if the Assembly thought that they were inadequate and if the arguments stacked up. But I do not think it is appropriate for the Assembly to effectively get involved in the writing of draft terms of reference, which is really a job for the officers this territory employs within Planning and Land Management. That is my argument and that is my reason for not being happy with the approach proposed.

It is not, as Ms Tucker suggests, an unwillingness to be open and accountable. The government is entirely willing to be open, accountable and transparent in its processes. Indeed, the government already has been transparent in its processes, as we have outlined that this study is commencing and that draft terms of reference are under way. There are potentially hundreds of other consultancies and other terms of reference and studies being commissioned by any government at any stage. Is it appropriate for the Assembly to get involved in the draft terms of reference of each of those potential studies? It is nonsensical. There was not any requirement or compulsion on government to advise of this study. But I thought it was important to advise of this study because of the interest in the issue and the public debate around the issue. That is why I indicated that this study was going to commence.

It is inappropriate for the Assembly to get involved, effectively as a committee, in writing draft terms of reference, which is essentially the responsibility of professionals we employ within Planning and Land Management. The decision for such terms of reference is the responsibility of the elected government. I am happy to accept criticism on the terms of reference, I am happy to consider broadening them if that criticism is warranted and there is a belief that the terms of reference are not adequate, but I do not think as a matter of process and as a matter of administration it is acceptable for the Assembly to get involved as a committee in writing draft terms of reference for a government study, which is essentially the proposition that is being put forward by the Liberal Party today.

As I indicated earlier, I am quite happy, regardless of the outcome of today's motion, to make available to members the terms of reference once they have been finalised, and I am certainly open to comment by members in relation to the appropriateness or otherwise of those terms of reference. But I do not think the Assembly should confuse the role of the Assembly with that of the administration in developing draft terms of reference for what is a government consultancy, one among many other consultancies that occur every year.

MR SPEAKER: I draw members' attention to standing order 142:

An amendment may not be moved to any part of a question after a later part has been amended, or after a question has been proposed on an amendment thereto, unless the proposed amendment has, by leave, been withdrawn.

So if Mrs Dunne's amendment is carried, no further amendments will be entertained by the chair.

MS TUCKER (5.44): I seek leave to move an amendment that has been circulated in my name.

Leave granted.

MS TUCKER: I move:

Before "the" (first occurring) insert "members".

This amendment to Mrs Dunne's amendment clarifies that we will be asking the minister to circulate to members of the Assembly the draft terms of reference. I am adding "members" after "Assembly". The motion will read that the terms of reference be circulated to Assembly members. That will avoid the problem of having to wait for a sitting week.

To reassure Mr Corbell, I do not believe people in this place are saying that they think we have the role of writing the terms of reference and usurping the responsibilities of government in that way. Mr Corbell has said that he is prepared to consider broadening the terms of reference if people are concerned. This is going to enable such broadening if people are concerned. This amendment, if supported, will mean that it can happen as soon as the minister is ready for it to happen and we can all have a look at it. I hope he recognises the spirit with which this amendment has been put.

MS DUNDAS (5.46): I rise in support of Ms Tucker's amendment. I believe it alleviates the concerns that are floating around the Assembly. However, I am a bit concerned about some comments that have been made. We have only 39 days of sitting in this calendar year. As is evidenced by today, we have a lot of issues we want to discuss in this chamber. This has raised a number of concerns about whether or not we will be able to see terms of reference in the Assembly or as members. I suggest we need to be very aware of the issues we are bringing to the floor for debate and speak to them in a concise way so that the number of issues we wish to deal with can be dealt with.

However, to get to the crux of the motion before us, does the need for consultation result in unnecessary delay? Only if the consultation is unnecessary. How do we know what we are looking at in any of these studies that are being proposed by the government if we do not see the terms of reference? I welcome the comments by the minister that he will broaden the terms of reference if there is valid criticism of them. However, I do not want this to happen after the terms of reference have already been put out and the study has already started, because we would then put a greater imposition on all those people who, in good faith, have undertaken to participate in the study. Getting the terms of reference in a draft form before the study starts will mean that we are able to comment, contribute

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and, if necessary, broaden or amend the terms of reference before the community, in good faith, becomes part of this process.

I welcome Ms Tucker's amendment to Mrs Dunne's amendment, and I will be supporting the motion, if these amendments are carried.

Ms Tucker's amendment agreed to.

Mrs Dunne's amendment, as amended, agreed to.

Motion, as amended, agreed to.

Proposed charcoal production facility at Mogo

MS TUCKER (5.49): I move:

That this Assembly:

- (1) expresses its disappointment at the quality of the ACT government submission on the proposed charcoal production facility at Mogo, NSW; and
- (2) calls on the government to:
 - (a) rewrite the submission with more detailed analysis of the environmental and social impact of the proposal on the settlements and the native forests in the South East NSW region and in accordance with the principles of ecological sustainability; and
 - (b) forward the new submission to the Premier of NSW as soon as practicable.

This motion had its genesis in a question I asked the Chief Minister on 13 December. I asked him whether the ACT government would put in a submission to the New South Wales government on the proposed charcoal production facility at Mogo, given the ACT is an integral part in the Australian capital region and the interest of many Canberrans in the South Coast through owning property there, using the area for recreational activity or generally having a sense of our region.

Mr Stanhope agreed to put in a submission and said:

What happens within the region is of great interest to us here in Canberra, for a whole range of reasons. Indeed, I proposed a holiday for a week over Christmas to Broulee myself, just a quartz stone's throw away from Mogo. I would be happy to represent the views of Canberra, as the regional centre, on the issues of regional industry development.

I also asked him whether, given that he had expressed a desire to pursue an ecologically sustainable approach to development in the region, he would ensure that in assessing this proposal he would balance the short-term economic gains with the long-term environmental and social costs to the South Coast. Mr Stanhope again said that he would be happy to take those issues into account.

Given this positive response, I was looking forward to seeing the new Labor government's submission and seeing a demonstration of the government's promised fresh approach to major development issues in the region. I was therefore extremely

disappointed to receive a copy of the 1½page submission on the 686-page environmental impact statement regarding the proposed plant.

I was also extremely disappointed that the submission did not once include the word “forests”, even though probably the major concern with this proposal is that it will consume 200,000 tonnes of native forest from the south-east region annually for the next 20 years. In fact, I wonder whether anyone in the Chief Minister’s Department looked through the EIS. The submission seems to be just a very short summary of the executive summary of the EIS and the letters that the ACT government has received about the proposal. There is no analysis at all of the information contained in the EIS and its implications for the national capital region. There is no expression of opinion by the government of whether it supports the proposal or not or of particular concerns it might have. It just asks the New South Wales government to undertake a comprehensive assessment of the EIS.

The whole submission is just so bland that it is almost worthless. So much for our new government showing regional leadership and promoting ecologically sustainable development.

The reason I asked the Chief Minister to put in a submission is that this proposal will have a major impact on our region. The charcoal plant at Mogo is an essential component of an integrated silicon metals project which also includes a quartz mine located near Cowra and a silicon smelter plant near Lithgow. The plant site is about four kilometres south of Mogo, just off the Princes Highway. The proposed site is surrounded by rural residences and less than three kilometres from Broulee.

The area of the site is 73 hectares. The plant will have five chimneys about 33 metres or 11 storeys high. The plant will operate 24 hours a day for 350 days of the year. There will need to be about 70 semitrailer movements per day into and out of the plant. Around 30,000 tonnes per annum of charcoal will be produced, which will be transported by about 10 semitrailers per day from the plant over the Clyde Mountain and through Braidwood and Taralga to join the Hume Highway at Goulburn.

The company says that between 20,000 and 25,000 tonnes of sawdust will have to be disposed of each year, possibly burned to generate electricity. The factory requires a substantial water supply, about one megalitre a week. Some of this may come from the Tomakin treatment works, the rest probably coming from the local water supply and water collected on site. The plant site will contain ponds and will be surrounded by bunding to retain run-off from the site and leachates from the wood. Any overflow or seepage would run into adjoining wetlands, which feed into Candalagan Creek.

With the disruption to the local catchment area and the closeness of this location to the sea, there is a potential for increased salinisation of the local water table.

On the economic side, some 50 new jobs will be created by the plant, but this has to be balanced against the economic losses to the local tourism industry, which has traded on the image of the nature coast, and the reduction in land values in the area.

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As I said before, some 200,000 tonnes per annum of native forest will be consumed by this plant. The company says that all of the timber required will come from existing logging residue and that no trees will be felled for the sole purpose of charcoal production. However, this statement is extremely dubious. There are many reasons why a tree could be cut down where most or all of the tree would remain for use in the charcoal plant—for example, thinning operations. State Forests have introduced a puzzling tree category called “standing waste”—which would be used in the charcoal plant—that they apply to particular species or to trees that are not shaped well. Most people would consider standing waste to be perfectly good trees.

The amount of waste supposedly generated in the region from the cutting of quality sawlogs is extremely large. The regional forests agreement provides for some 45,000 square metres of quality sawlogs a year from the South Coast, which is equivalent to about 50,000 tonnes. This means that 200,000 tonnes a year of residue will supposedly be generated from 51,000 tonnes of sawlogs.

Of course, this is all additional to the 90,000 tonnes of so-called wood waste that was already going to be at Eden woodchip plant. This is a lot of so-called wood waste that is being taken out of the forest ecology. What this all means is that even more intensive industrial forestry and woodchipping operations will occur from Nowra to Narooma and out to Braidwood, Captains Flat and points south on Canberra’s doorstep.

The forests to be strip mined include Monga, Buckenboursa, Tallaganda, the unprotected Badja and Deua wilderness areas and the Clyde River catchment. The outcome of such operations is to turn the native forests in our region into de facto plantations, with huge damage to biodiversity and water catchments.

This destruction to our local forests can be avoided. There are potentially alternative methods of producing charcoal, most notably the use of low-ash coal. The CSIRO has developed technology to produce such coal from Australian coal deposits, and I understand that such coal could be imported from New Zealand.

However, the main driver of this proposal seems to be the need to find a new commercial use for the native forests on the South Coast now that the market for woodchips is declining with the increase in plantations in other countries. Yet again Australia is not acting like the clever country but treating our land like a quarry.

So there are many worrying aspects to this proposal, and I am very surprised that the government could not find any of these aspects of the proposal worthy of investigation and comment in its submission. I am therefore asking the government to go back and do a thorough analysis of this proposal and show some leadership on the issue of what is an appropriate form of sustainable economic development in this region, regardless of what their Labor friends in New South Wales want.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.57): Mr Speaker, the submission to the New South Wales government regarding the proposed charcoal production facility at Mogo on the South Coast clearly outlined the significant concerns raised by residents and representative groups within the ACT community.

At the last sitting, as Ms Tucker says, she asked whether the government would be putting in a submission to the New South Wales government regarding the proposed charcoal plant at Mogo. I wrote to the Premier on 16 January 2002 enclosing the submission.

I am very much aware that there are many residents in Canberra who are residents and holiday makers at the South Coast as well. I would fully expect that many of these citizens have made submissions on the EIS too.

The ACT government's submission detailed concerns raised by a range of people in the ACT community who visit the South Coast or own properties in the area. It indicated that the environmental impact statement released in November had raised significant community discussion and debate about the environmental, economic and social impacts associated with the development of such a facility on the proposed site.

The submission on the proposed charcoal facility outlined concerns raised by residents regarding environmental quality, particularly with regard to water allocation and air emissions, increased log traffic from Mogo to Lithgow via Braidwood and the Clyde Mountain, road safety issues associated with increased truck traffic near the plant along the Princes Highway and adverse effects on the local tourism industry.

The submission recognised the issue of job creation at the proposed charcoal plant at Mogo, the associated silicon smelter at Lithgow and a quartz mine at Cowra. It did challenge statements made in the EIS which indicated the proposed site would have no economic or social cost to the tourism industry in the Eurobodalla shire or the New South Wales coast region.

As you can see, I have requested that the Premier ensure that the environmental, economic and social impacts of the proposal be comprehensively assessed. The Premier wrote back to me on Wednesday, 6 February, and indicated that the matters raised by me and the ACT government are being given due consideration.

As I understand it, the original development proposal, the EIS and the submissions resulting from their public exhibition are currently under evaluation. The New South Wales planning department has said it recognises transport issues and concerns raised by the public and will consult with the Roads and Traffic Authority.

The New South Wales Deputy Premier, Mr Andrew Refshauge, as the planning minister will announce the decision once the project assessment is complete. The government is an active participant in regional planning, working closely with neighbouring communities, not only to promote the economic and business development of the region but also to sustain and enhance the environmental and community development within our region.

As you all know, we have good relations in the surrounding region. Indeed, like my predecessor, we have maintained the regional leaders forum, and we discuss issues of relevance to us all. But this is not a cross-border issue. It is not an issue that we should be instructing the New South Wales government on, just as if we had an issue specific to the ACT we would not be impressed if the New South Wales government lectured us or told us what to do.

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As members know, under the ACT self-government act we are empowered to make laws for the peace, order and good government of the territory. Issues relating to the proposed charcoal production facility at Mogo are clearly and unambiguously the responsibility of the New South Wales government. At the end of the day this is an issue for the New South Wales government, not for the ACT government. What is entirely proper and what we have done is to raise and pass on the concerns that our residents have had with the environmental impact statement's findings for the proposed site at Mogo.

I acknowledged in my letter to Mr Carr that this is an issue for the New South Wales government. However, I do believe that change can occur following discussions between governments on issues of concern. The New South Wales government extended the deadline for submissions from 21 December 2001 to 16 January 2002. I see no benefit in providing another submission well after the closing date. I do not consider this would benefit the decision, and it would certainly not assist our relationship with New South Wales.

The government does not support this motion. I find it rather coincidental that in the previous motion discussed in the Assembly it seemed to me, Ms Tucker and Ms Dundas, that you were seeking to be part of the government from your position on the crossbench, and in this particular motion you are seeking or wish to be part of the New South Wales government. I can recommend to both of them that you abandon the minority politics you are addicted to, join a significant and major party and aspire to government in your own right.

MRS DUNNE (6.02): Mr Speaker, I rise in support of Ms Tucker's motion. The scant 1 ½ pages of comment on the EIS, a nearly 700-page EIS, on the metallurgical carbon facility proposed for Mogo is a disgrace. It says that Mr Stanhope is not a major player in this region and is not interested in regional development. He could not come up with a submission on a 700-page EIS that was even half the length of the submission of a voluntary body, the conservation council. It speaks volumes about the commitment of this government to regional development and the issues that affect the region.

The carbon plant at Mogo is a contentious issue, but it should be placed in the context of what it does for development in New South Wales and across Australia. We should be interested in the big picture. This is a big picture project. Irrespective of the merits or demerits of siting this facility at Mogo, this is part of an integrated approach that will have big long-term downstream benefits for all of Australia.

If we in Australia were in a position to economically produce silicon of the quality that is proposed for the Lithgow plant, we would see a plummeting price in photovoltaic cells and a whole range of instruments used in the photonics industry which would be to the benefit of our community in the long-term reduction in greenhouse emissions by coming up with better renewable resources.

The Chief Minister has been delinquent in his responsibilities. He gave an undertaking to Ms Tucker in this place to put in a submission, and what he has put in is an embarrassment. We should be looking at whether Mogo is the right place. There is a great deal of debate about that. Other places have been considered, including Bombala.

At the same time the Chief Minister should be looking at the long-term benefits of the ACT region and the Australian community at large. I commend the motion to the house.

MS DUNDAS (6.04): I rise to support this motion on behalf of the Australian Democrats. In doing so, I acknowledge the work already done on this issue by my New South Wales parliamentary colleague Dr Arthur Chesterfield-Evans MLC, and the Democrats member Linda Chapman, who has worked tirelessly on stopping the Mogo charcoal plant since initial proposals. I wish them both well at the rally outside New South Wales parliament that is taking place next Wednesday.

I am truly disappointed at the quality of the submissions sent by our Chief Minister to the Premier of New South Wales. In fact, if I was a teacher I would give him a C minus, not only for his submission but also for his actions in the chamber today and yesterday. The Chief Minister acknowledges that many concerns are being raised through community groups and debates through the press and goes on to point out potential problems in regard to tourism and traffic congestion, with passing mention of the environmental problems. It is true that there will be effects on both tourism and traffic congestion. However, the effect on the forests is worth more than a passing mention in the submission.

The community outrage by residents of both the South Coast and the Canberra region needs to be most strongly expressed by this government's submission. The Chief Minister will recall that in late November the Wilderness Society organised the first of a series of public events, and more than 150 Canberra people voiced their unanimous opposition against the proposed charcoal plant. Yesterday, in the *Sydney Morning Herald*, James Woodward wrote, "Attendance at protest marches has been unprecedented" and noted that residents new to the South Coast, lifelong South Coast residents and the Chamber of Commerce were all radical opponents of this project.

A record number of submissions have been sent to the New South Wales Department of Urban Affairs and Planning on this proposed plant. Over 1,400 oppose the establishment of the plant. I believe that only nine favour the plant.

Some of the effects that the Chief Minister may look at in his revised submission would be the effects on the biodiversity of logging. Australian Silicon, the company involved, is looking at using species such as bloodwood and ironbark that are generally not logged in this area.

The Chief Minister could also look at the harmful effects on native habitat of using timber waste. This timber waste would consist of hollows and all that remains from logging in state forests. As we should all be aware, animals like to use these hollows and all the organic material as it decomposes as nutrients into the soil. However, this would all just be scooped up and taken to the smelter.

This motion before the Assembly arose out of a question to the Chief Minister. Part of his answer at the time was:

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I did have a brief discussion at the just-completed regional leaders forum meeting with the shire clerk of the Eurobodalla Shire Council. He told me that his council is very determined to see the charcoal plant located within the shire, entirely as a response to the potential employment opportunities.

This is an interesting quote, as the council at first opposed the plant, and the mayor of Eurobodalla was a strong opponent. There seem to be shenanigans going on in the Eurobodalla Shire Council, extending out to other areas of government.

At the council meeting on 28 August, the minutes record that the plan is to double the facility in five years time. This is something that the current environmental impact statement has not looked into and that is not widely known within the community. What it does provide is more fear that the approval of this plant is just the thin edge of the wedge. It would be interesting to know whether the Chief Minister's conversation with the clerk of the Eurobodalla Shire Council shed some more light on the plan to double the facility in five years time.

It would seem that Premier Carr is also determined to see this project go forward, but I hope the Chief Minister's reluctance to express more strongly this community's objection to this plant is not linked to Labor Party allegiance and was merely an oversight. The Chief Minister would be wise to remember that the environment does not stop at the borders and that a one-party state does not make a democracy.

I hope that this motion is successful and that the Chief Minister submits a stronger, more detailed analysis of the environmental and social impact of the proposal and forward that to the Premier of New South Wales and the New South Wales Department of Urban Affairs and Planning forthwith.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (6.08): I have to express my personal amazement at a motion that says, "We are going to now do a more detailed analysis of the environmental and social impact of the proposal on the settlements and native forests of south-east New South Wales." That is a little bit intrusive, I would have thought—just a tad.

We might be instructed by this house to write a submission, having reviewed some literature, particular cases made or whatever, but "with more detailed analysis of the environmental and social impact of the proposal on the settlements and the native forests in the South East New South Wales region"? Do you know what you are doing? Do you know what you are asking for?

This is one of the less sane moments I have been associated with in this house. I have a personal suggestion. If anybody has any good ideas for the submission, drop Jon a note based on your analysis or research in south-east New South Wales.

MS TUCKER (6.10), in reply: Mr Quinlan, you can look at the speech I have just made in this place if you want some help with the submission. But I thought you might have the capacity to do some work yourself.

I am very glad to get the support of the Liberal Party and Ms Dundas for this motion. But it did remind me of the motion we moved on the regular forests agreement. The arguments were the same but the other way round. I remember the Liberal Party saying that it was none of our business and the Labor Party saying, "What a good motion, Ms Tucker."

MR SPEAKER: Order! Ms Tucker, don't provoke them.

MS TUCKER: I can't resist it. That is why you need people like the Greens and Democrats. At least we are consistent.

Mr Stanhope is now saying he does not think we have a role in making comment, although he seemed to be suggesting I was telling the New South Wales government what to do, which is what Mrs Carnell argued too. She said I was right out of line because I was trying to take over the role of the New South Wales government. That is not what I am doing.

I am sorry to tell you that you are using the same argument. It was brought up again today. I need to make it clear, because I would not like people to be misled. I do not want to be part of the New South Wales government, but I hear these claims from both sides of the house at different times that we have a commitment to, and an understanding of, the impact of these kinds of activities on the broader environment, because we understand now that lines on the map do not mean that what we do in one place does not have an impact on another. We understand that the biodiversity of a region is connected in the whole sense. We have environmental problems which are not just regional; we have global environmental issues. We have that understanding in this place, don't we?

For that reason I understood that Mr Stanhope did say he would put in a submission. He seems to have changed that position. Mr Stanhope said in this place that he would put in a submission. I seek leave to table what is called a submission.

Leave granted.

MS TUCKER: I present the following paper:

Proposed Charcoal Reduction and Wood Facility at Mogo, NSW—Submission to the New South Wales Government by Jon Stanhope, Chief Minister, dated 16 January 2002.

I am criticising that submission, and a majority of members of this house have criticised it as well. It is an absolute insult that a government could produce 1 ½ pages and claim that that was a thoughtful input into a very important environmental issue in our region. It needs to be done again. If it is not done again, then I am afraid it shows that the Labor Party and the government here are not taking the environment seriously. All the rhetoric from the Labor Party in the time I have been in this place is that they do understand. Now they are in government they have to show that understanding and act in good faith.

Mr Stanhope: We are in government in the ACT, Kerrie.

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MS TUCKER: Mr Stanhope interjects, “We are in government in the ACT.” I thought I had just explained that we have a responsibility, as every citizen does, and if we have an understanding of environmentally or socially destructive activities we make our voice heard.

We have intergovernmental discussion on many subjects in this country. We are a nation of states that talk to each other because we think that is appropriate. All I have asked is that this government talk to their Labor colleagues, the government in New South Wales, and put in a strong and informed submission to express concern—which is what any submission would do if anyone looked at the facts—to the New South Wales government, asking them to take seriously the environmental implications of this particular policy.

This policy is based on a political imperative of the Carr government. That is the reality. I was hoping that this government would put in a submission based on the facts and that, as a government that claims to be committed to ecologically sustainable development in the ACT, they would have an understanding that they cannot separate themselves from what is happening on the South Coast. There is no credibility in that position.

Question resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Economy

MR HUMPHRIES (Leader of the Opposition) (6.16): Mr Speaker, I want to briefly comment on a question asked in question time today by Ms Macdonald of the Treasurer about the latest report of Standard and Poor’s. Mr Quinlan has put out a media release about this, and I want to comment on that question.

There is some evidence in the press release of a desire—a craving almost—by Mr Quinlan for financial recognition or rectitude. A man whose costing program in the ACT election campaign recently was fairly suspect now seeks someone to say, “Yes, it was a great idea.”

The test of the financial plan which they put out in October, in the dying days of the election, is not whether it has been ticked off by Standard and Poor’s but whether it is the same kind of program which is reflected in the budget to be brought down in June of this year. As I have said before in this place, I think that what Mr Gerritsen suggested was that the costing of Labor’s promises is going to be vastly out of proportion to the costing Labor put forward.

When Mr Quinlan gave his answer, it was very hard to tell just where the quotes of Standard and Poor’s ended and Mr Quinlan’s commentary began. In perusing *Hansard* it will be very interesting to see whether everything that seemed to be said by Standard and Poor’s ends up in quote marks attributed to them.

In terms of what he quotes in his press release Standard and Poor's as saying, I want to put my hands up and plead guilty. First of all, he says the Standard and Poor's said:

... the previous government had already significantly loosened the purse strings in the May 2001 budget.

He went on to say that as a consequence the territory's liabilities appeared to increase and—here is the quote from Standard and Poor's:

the general government operating surplus for fiscal 2004 is now about A\$100 million ... less than originally projected.

On both those matters I plead guilty, because it was quite deliberate government policy at that time not to have massive surpluses piling up in the ACT and not to have the territory deprived of the benefits of what was for the first time in the ACT's history real accrual accounting-based surpluses.

We had money. We worked hard to make that money happen. It was there, and we were determined that it should be spent for the benefit of the ACT community. So our budget in 2001 did spend significantly in that year and projected further spending in future years, because we believed that was the entitlement of the ACT community, whose sacrifices had contributed to the fact that we now had a budget surplus.

Yes, we were going to have a surplus of \$100 million less in 2004, but the surplus would still have been a surplus. A surplus in excess of \$100 million, in my view, in a place the size of the ACT would have been unconscionable. We have heard today about gaps in services in the ACT. Mr Quinlan, as Treasurer, will find lots more gaps in lots more surpluses before his time is up. It is plugging those gaps in services which is much more important than piling up surpluses in excess of \$100 million.

The real test of Mr Quinlan's criticisms here is, first of all: will he have surpluses larger than the ones that we had forecast, deliberately planning those sorts of surpluses? I think he is going to find it very hard to maintain the surpluses at all, given the pressure on him and his colleagues to spend, spend, spend. Secondly, if he believes the things we did in office in that budget were irresponsible, will he undo them? Will he cancel the programs he criticised and, by implication, Standard and Poor's criticised—the things that concentrate on issues like better Aboriginal health, more money in schools for lower class sizes, a roads program, et cetera? Will he cancel them? No, he will not. That is the best test of whether this criticism is fair or is not and whether the program of the previous government was a fair and appropriate response to the change in financial fortunes of the ACT.

Question resolved in the affirmative.

The Assembly adjourned at 6.21 pm.