



# **DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

19 FEBRUARY 1997

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

### **DEATH OF MS EDNA RYAN**

**MR WHITECROSS** (Leader of the Opposition): Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of Ms Edna Ryan, who made a significant contribution to the community of the Territory, especially to the campaign for equal pay and equal rights for women, and tenders its profound sympathy to her family in their bereavement.

Mr Speaker, Edna Minna Ryan was a feminist, an author and a socialist. She died in Canberra on 10 February 1997. This is the first opportunity we have had to officially farewell Edna and to remember her achievements, not only for the Australian Labor Party but also for Australian society and for women's place in Australian society. Edna Ryan was an integral part of what the ALP is today - a party of conscience, ideals and achievements; a party that places people above monetary values and women above stereotypes.

It is difficult, Mr Speaker, for my generation to understand the world in which Edna grew up and the workplace which she entered at the age of 14. There was no parental leave, no maternity leave, and no child care or superannuation. Women in the public service were sacked upon marriage and there was no concept of equal pay for equal work. It was a world where women were expected to be homemakers first and paid workers second. Those women who needed to or wanted to enter the work force did so without any pay equity. Women's wages were set at a percentage of the male rate by a male establishment that believed that no woman needed to be financially independent. It was people like Edna Ryan who advanced the cause of women in the workplace and tirelessly pursued the cause of equal pay for equal work.

Edna was a woman who had to be the sole breadwinner for her family. What she lacked in formal education she made up for in tenacity and independence. I understand that she joined the first International Women's Day demonstration held in Sydney in 1928. Edna was involved in the early equal pay cases before the Australian Industrial Relations Commission in 1969 and 1972 and was an early member of the Women's Electoral Lobby. She intervened for WEL in the national wage case in 1974. Being one of only four advocates arguing on behalf of women workers, Edna presented information never before published on the number of women heading households, as part of a successful

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argument to extend minimum pay rates to women. Ever tireless, she was active even this past year, attempting to stem the tide of conservatism that is trying to pull back the achievements women have made over the past two decades. Edna was an author and was still writing up to her death. She is reported to have moved from her home to a nursing hostel so that she had more time to pursue her writing.

Edna was also a Labor Party stalwart. She was made a life member of the Australian Labor Party in 1987, and recognised in the same way by the ACT branch last year. Edna was an example of what the conservative parties in Australia will never experience - people who have sacrificed and struggled for a cause; people who have striven through hardship, discrimination and difficulties to advance the position of their fellow citizens. I am proud that Edna Ryan was a member of the Labor Party. Edna was a driving light for many women and men in the Australian Labor Party, and I do not exaggerate when I say she was a driving light for many people outside the labour movement who, like her, refuse to accept inequality in our society.

The legacy Edna leaves is very great. The achievements that she owns are many. If there ever is a women's history of Australia written, someone like Edna Ryan will take up several chapters. The legacy Edna leaves someone like me is the fact that, whatever achievements people like Edna have made in the past, those achievements and advances can so easily be ripped away by a concerted conservative attack. Equity in the workplace is more than just equal pay. Equity means access to training and superannuation, recognition of women's work in the home and in the community, access to affordable and quality child care - and the list goes on. Our legacy is to defend what has been achieved, to never be satisfied and to always be vigilant. I am proud to have known Edna Ryan, and I express my condolences to her family.

**MRS CARNELL** (Chief Minister): Edna Ryan was born in 1904 in very humble circumstances. Her farewell, following her death in Canberra on 10 February this year, attracted politicians, judges, academics and activists - achievers, all touched by this remarkable woman. Edna Ryan was a lifelong campaigner for women's rights and social justice. She worked through the union movement and, in the 1970s, the Women's Electoral Lobby, along with people such as Senator Jocelyn Newman and many other women from all sides of politics who felt very strongly that women's rights in politics had not been seen by the establishment.

She was a lifelong member of the Australian Labor Party. She led the push for women into politics. She stood unsuccessfully for a State seat in Mosman in 1953; so she was really up there giving it a go in the very early days, which is great to see. She served in local government as an alderman and as deputy mayor of the Fairfield Council between 1956 and 1965.

The women of Australia must thank Edna Ryan for equal pay. She pursued this ideal through the Australian Industrial Relations Commission in the 1970s, as Mr Whitecross has already told us. Her scholarship on the pay issue and working women is well demonstrated in her many articles and her books, such as *Gentle Invaders*, published in 1975, and *Two-Thirds of a Man*, published in 1984, which I suggest members read. Her efforts were further recognised by an honorary doctorate from the University of Sydney conferred a decade ago.

In recent years Edna Ryan lived in Canberra. Her daughter, Julia Ryan, served the ACT as the convenor of the second Women's Consultative Council appointed by the Follett Government. I extend the ACT Government's sympathy to Julia and Lyndall and Patrick and their families. Edna Ryan was certainly a great woman and somebody who will be sadly missed.

**MS REILLY:** On 10 February 1997 Australia lost a great woman. I think all women in Australia have benefited from the work of Edna Ryan. Through her commitment to women, and to equal wages and working conditions for women, we have all benefited. Her attitude to life, however, can be seen from her arrangements for her own funeral. Not everybody is as organised as she was to ensure that the funeral went the way that she wanted. I think all of us who were gathered there last Friday would benefit from the fact that it was not called a funeral; it was called a "Celebration and Farewell". I would like to quote her words, her message to all of us as her farewell gift:

I would like to thank all the men and women, people in all walks of life who gave me help and information. I found the formerly unknown circles of academia and the very much maligned bureaucracy and government institutions very responsive. I consider myself lucky to have worked with excellent colleagues, particularly in the Women's Electoral Lobby who put so much trust in me. Don't mourn but rejoice as I've had a good innings as my mother would say. Not able to work any more, I prefer to leave. Thank you all for brightening my life, especially my children, and Margaret. I love you all very much.

She also left bequests to many organisations which fit with her lifelong work. There are several things arising from what was said last Friday and her work that I would like to mention. One of the things mentioned by one of the women I spoke to was Edna's gift of friendship. She was not just interested in doing dry work and working to ensure equal wages for women but she was friends with a whole range of people, in all walks of life and of all ages. She did not work just for herself; she worked for all women and encouraged women to take up work, to take up public life and a commitment to improving the lot of the community. One of the women who spoke last Friday, Susan Ryan, who was a senator for the ACT for a number of years and also one of the first Federal Labor Cabinet Ministers, spoke about her friendship with Edna over the years and the encouragement she received from Edna to get involved in public life. I am sure there are a number of other examples of how Edna encouraged other women. She worked hard to ensure that all women became more committed. There are comments in Eva Cox's book *Leading Women* on her relationship and friendship with Edna Ryan.

Edna Ryan was a family person and at the funeral last week her son Patrick spoke of her large family of sisters and their relationship and the family life that all the children were able to experience although Edna went to work, because she had to, at a very early age in the life of her son Patrick. In fact, Patrick was only three when she went to work and they put his age up to five and put him into school. Patrick said there was not a problem with this, but when he turned up at Sydney Boys High School at nine they did question how old he was.

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There is another story about age in relation to Edna. When she was working for one of the Sydney municipal councils she put her age down because it was going to be easier to get a job. Of course, when she came close to retirement age it was rather difficult then to try to prove how old she was so that she could retire at 65. There was a quite amusing story about how she organised to get access to her pension. Age has obviously been quite a factor in her life. There is one further thing about her age. She was born in 1904, which saw the setting up of the Arbitration Commission in Australia. Australia has been one of the world leaders in industrial relations and working conditions for all working people. It was quite a portent that she was born in the year that we started important matters in regard to industrial relations in Australia and she had a strong commitment to that all of her life.

I think anyone who knew Edna knew what a wonderful, committed person she was. Her energy was amazing. When she appeared before the Industrial Relations Commission in 1973 she was already well past retirement age. She was still working, still advising governments, in the 1990s. She was looking at enterprise bargaining and looking at what the impact would be on working people, particularly women. She was talking to Laurie Brereton when he was working through the setting up of enterprise bargaining. Here was a woman in her eighties, still vigorously working, outlasting a number of much younger people.

I think we will see the benefits of Edna Ryan's work for many years to come. I think we all can be very glad that she was in Australia working so hard for all of us who were working, and particularly women in Australia. I offer my condolences to her family and to the whole of the community.

**MS TUCKER:** I would like to speak briefly to this condolence motion on Edna Ryan, a woman who fought doggedly for women's rights and the union movement over the course of her long life. Edna Ryan has been described as Australia's oldest feminist, and she certainly achieved a great deal during her life through her involvement in the Women's Electoral Lobby, the Australian Labor Party, local councils, the union movement - and the list goes on.

It seems almost inconceivable that only 20 years ago women were not even entitled to the same wage as men. Edna Ryan's campaigning helped convince the Arbitration Commission in 1974 to extend to women for the first time the same minimum wage as men. As recently as last year she was lobbying the present Government to ensure that its changes to industrial laws included safeguards protecting women in the work force.

People like Edna Ryan are an inspiration to me, as a politician who also happens to be a woman. While issues of equal opportunity are still firmly on the agenda in 1997, if it were not for women like Edna Ryan, women of all political persuasions who have had the common objective of bettering women's rights, I would perhaps not even have the opportunity to be standing here today. By being the first woman in a number of forums, Edna Ryan paved the way for other women to break into what were previously male dominated institutions, and she was active right up to the end of her life in this area. She will be greatly missed.

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

## **AUTHORITY TO RECORD AND BROADCAST PROCEEDINGS**

**MR KAINE** (Minister for Urban Services) (10.47): I seek leave to move a motion regarding the recording of proceedings relating to the Medical Treatment (Amendment) Bill 1997.

Leave granted.

**MR KAINE:** I move the motion circulated under Mr Humphries's name quite recently, which reads:

That the Assembly authorises:

- (1) the recording of sound by ABC Radio of proceedings during the presentation of the Medical Treatment (Amendment) Bill 1997 today, 19 February 1997, and any debate that takes place on Wednesday, 26 February 1997, on the consideration of the question - That this Bill be agreed to in principle;
- (2) the use by any radio station of any part of the recorded proceedings and excerpts in subsequent news, current affairs and documentary programs, provided that the reporting is fair and accurate and not for the purpose of satire or ridicule. Points of order and remarks withdrawn are not to be rebroadcast. The Assembly notes that in the use of excerpts and delayed broadcasting of proceedings qualified privilege only shall apply to broadcasters;
- (3) access to the proceedings of the Assembly for the recording and broadcasting is subject to an understanding to observe and comply with the conditions.

This has to do with the recording of sound by ABC radio. We passed a motion yesterday authorising the televising of the debate. ABC radio has sought permission to record, and the passage of this motion will allow it to do so.

Question resolved in the affirmative.

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## **MEDICAL TREATMENT (AMENDMENT) BILL 1997**

**MR MOORE** (10.48): Mr Speaker, I present the Medical Treatment (Amendment) Bill 1997.

Title read by Clerk.

**MR MOORE:** Mr Speaker, I move:

That this Bill be agreed to in principle.

Mr Speaker, should it choose to pass this Bill the ACT Assembly will bring to the Territory a regime of controlled voluntary active euthanasia, available to persons who are dying amid great pain or suffering. This legislation is not about killing people. The people who may choose to use this legislation are already dying. The legislation applies only to a person who is in a terminal phase of a terminal illness and who is in great pain or suffering. The person who uses the legislation chooses the time, place and manner of their death.

This Bill has been introduced before and defeated. I am returning this Bill to the Assembly because legislation of this kind remains the desire of the public and because it will be good law. Since this Bill was last debated in November 1995 the Northern Territory law has come into force. Voluntary active euthanasia has been discussed across the nation. The debate has matured, and the public are better informed than they have ever been on the means of achieving reform. I must also say, with great disappointment, that they have also been subjected to much disinformation - a subject to which I shall return.

Since I first began considering voluntary euthanasia law reform in the early 1990s I have become increasingly convinced that the case for permitting voluntary active euthanasia is a compelling one. The issue at heart is one of liberty - the liberty of individuals against the domination of other social forces, be they government, the medical profession, the church, or the overbearing influence of one opinion over others. In opposition to liberty have been the establishment views of some of the medical profession, some of the churches and some of their followers. Whilst our society goes to great pains to ensure the liberty of believers to practise their faith without hindrance, it seems that that attitude is not reciprocated. This failure saddens me, and it diminishes our society by diminishing the strength of our social contract.

The irony of those who demand freedom of religious practice and then attempt to deny freedom of choice through their religious views is not missed by the majority of Australians. The irony of those who demand a conscience vote for themselves in order to deny a conscience vote for people who are disempowered, dying and suffering will also not be missed. Indeed, the irony of those who preach love and then lack the compassion to allow the dying and suffering to choose to suffer no more will also not be missed.



The issues are complex, and a sense of danger and a need for caution and extra responsibility is rightly felt by all who discuss this issue. But what other piece of legislation has been so thoroughly considered, so carefully refined, and so broadly debated? Many practical and important objections have been brought forward over the years. One by one, concerns as to the availability of and the conditions for voluntary active euthanasia have been raised, considered and resolved. The Northern Territory law, the ACT Bill, and other Bills around Australia, such as the Anne Levy Bill in South Australia which is currently before the Legislative Council, now show the fruits of that process of evolution. Good law is now within our reach. It remains only for legislators to rise to the task of enacting it.

For me, this issue has brought together two basic themes that underlie my goals as a member of this Assembly. One is the cause of individual liberty. The other is a vision of a healthier society. I shall expand upon these themes. By liberty I mean personal autonomy - the right for a person to make all decisions concerning their own lives unless their fellow citizens can demonstrate good cause to limit their freedom. This is sometimes expressed in liberal philosophy with the description of the individual as the moral agent. Of course, we constrain each other's actions in many ways. That is the very purpose of laws. So, is there good cause to justify constraining the individual autonomy of a person in great pain on the verge of death? Opponents of law reforms such as this Bill argue that there is, yet all too often their justifications prove to be based not on the protection of other members of the community but on the protection of the dominance of their own values and religious convictions. This so-called justification is simply not good enough for the majority of our society, including many of strong religious conviction. On the contrary, the majority of people seek to have laws such as these implemented. Hitherto, in almost all cases, their legislators have disappointed them.

Mr Speaker, I have mentioned the opportunity of the legislators gathered here today to enact good law. It is more than an opportunity; it is our duty and our role. Good law means law which results in the best and most principled outcomes. Such law need not reflect our own personal preferences. It may not necessarily be the law that any of us would force on people should we come to power in a hypothetical dictatorship. We do not create society. We should not presume to dominate it either. Rather, we should serve it by providing a legal order which reflects our citizens' wishes and helps to guide their affairs. It is also our duty to create an open society rather than a secretive one.

Throughout this debate we have seen constant references to tragic cases which reveal the reality of mercy killings by doctors and relatives, done secretly and without the medical advice and attention which is so plainly possible. The manner in which most of these deaths occur would not satisfy the strict voluntariness tests and other safeguards set out in the North Territory law and this ACT Bill. These laws, therefore, provide an opportunity to clean up such practices, and will allow those contemplating ill-considered and secretive actions to have access to expert and compassionate advice. In doing so, these laws may actually save lives.

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Mercy killings are a fact of life in our society. None of us can bring an end to this state of affairs by any legislation we might enact. Surely it is preferable to bring these events into the open and into the reach of expert advice and stringent safeguards rather than letting them remain a hidden practice. I therefore urge all members, whatever their personal views on the use of voluntary euthanasia, to recognise that it is preferable for these events to occur under the regulation of law rather than in the shadows where they currently lurk. We are legislators, yet we cannot alter the basic realities of life through our parliamentary powers. As legislators, our powers on this issue extend merely to regulating the actions of those whose misfortune it is to suffer a painful and degrading death. I urge all members present to reflect deeply on what we can control and what we cannot.

There is something which I believe I have in common with those in this Assembly who oppose the legislation which I am tabling today. Each of us in our own way is looking to improve society, to make this a better place in which to live. A basic tenet of what I have tried to achieve since being elected is to develop a healthier society. On a number of occasions in this Assembly I have referred to the World Health Organisation's 1986 charter for health promotion, the Ottawa Charter. The World Health Organisation recognises that empowerment is a fundamental part of ensuring health within the society. Empowerment of individuals is what this legislation is really about. When an individual who is in great pain, who is suffering unbearably, cries out for help, there are two ways in which we can react. As a society we can say, "We know what is good for you; do what we say", or we can actually listen to what the person is saying to us about their pain and their suffering. We can offer alternatives. We can allow them choice, freedom, autonomy. We do not have the right to say to that person, "You must do it my way".

Mr Speaker, in recent weeks I have been greatly concerned that many aspects of the public debate, and many parliamentary contributions made by members of the House of Representatives, are based on false impressions of the effect of these two laws. Many opponents of the Northern Territory law or the ACT Bill have raised and condemned scenarios dramatically beyond the scope of these laws - scenarios which I, too, condemn but which are not part of these laws at all.

There are many popularly criticised euthanasia scenarios which will not be permitted under the terms of this legislation. This Bill will not permit euthanasia by a person whose illness is not terminal. This Bill will not permit euthanasia of a person with Alzheimer's disease or a similar mental disability. Their request could not be voluntary. This Bill will not permit euthanasia by a person of unsound mind. This Bill will not permit euthanasia of a person who is unconscious or otherwise incapacitated from decision-making, unless they have previously initiated the request and have given a power of attorney according to the requirements of this Bill. This Bill will not permit euthanasia by a person if the required medical advice has not been given. This Bill will not permit euthanasia unless the communications with the patients have been in their first language. This Bill will not permit euthanasia unless the cooling-off delay periods have been properly observed.

This Bill will not permit euthanasia if the request has not been witnessed by the required witnesses. This Bill will not permit euthanasia if the doctor holds any doubts about the patient's voluntary and uncompelled desire that the request should be carried out. This Bill will not permit euthanasia where an elderly person is influenced by the burden on the family compulsion. This Bill will not permit euthanasia if the patient gives any indication of reluctance during any part of the procedures. This Bill will not permit euthanasia if the request is tainted by any form of inducement or pressure on the patient by others.

We hear much about slippery slopes in this debate. Some slippery slope arguments we have seen are merely misrepresentations of the laws and their safeguards. The more honest slippery slope argument holds that law reform of this kind leads society to adopt even more reform in the future. Even if we were to assume that this is true, it is plainly an anti-democratic sentiment, suggesting that the society does not have the right to think for itself. In fact, this argument is not about the future but the present, for those who make these arguments are arguing that citizens never have the right to think for themselves but must always obey values dictated to them. Often the dictator is to be found in the individual's interpretation of their own god.

Many have said that improved palliative care is the solution, a panacea which will render euthanasia law reform unnecessary. Of course, it is no such thing. We should do all we can by way of medicine to relieve pain. That we surely all agree upon. But until the day comes when we can relieve the pain of all who are suffering, the case for individuals having the right to choose the manner of their exit remains every bit as strong. This is yet another feint by those who are increasingly desperate to talk down law reform by any means they can. I am sure we all hope that the day will come when palliative care will be so good, when pain and suffering are eliminated to such an extent, that no-one will make the choice to terminate that suffering. Good palliative care and voluntary active euthanasia go hand in hand. They are not alternatives at opposite ends of a spectrum.

It is often said that we should keep emotion out of this debate, but I would like to inject just a little at this point. I would like to read some examples of letters received by my office and other parliamentary offices since the public began to recognise that there was potential for reforming law in this area. Many of these letters have moved me. I know that members have received similar letters and I have no doubt that they also have been moved. One of the letters which sought to persuade a senator to vote against the Andrews Bill in Federal Parliament included the following:

He -

that is Mr Andrews -

has obviously not watched his own mother die an excruciatingly painful death, with cancer, when all palliative care and drugs have failed to ease her torment and she has begged him day after day, with the little strength she had left, to kill her and end her suffering. No, my mother was not an old woman, she died at fifty-five after five major operations and two years intermittent hospitalisation ...

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A second letter that I would like to refer to was read by the Hon. Anne Levy in her introduction speech on similar legislation in South Australia. She referred to the views of a retired President of the Legislative Council. I quote from her speech:

Most of us knew Gordon Bruce, our previous President, and knew and admired him greatly. He retired at the last election, and died 13 months later of Motor Neurone Disease, instead of having the long and happy retirement he had planned. He wrote a letter a couple of months before he died ...

It expresses the personal view of someone who had always opposed voluntary euthanasia, but was suddenly faced with a personal situation which changed his attitude:

During March of 1994 I was diagnosed with Motor Neurone Disease (a terminal illness). By May I was having trouble breathing and my neck muscles had failed. By July I was on a Bi-Pap machine at night as that was the only way I could sleep. I could not breathe while lying down. By November, while in a weakened condition, life is getting harder. While not ready to die yet I am most concerned that as the disease gets a stronger hold on me I have no say as to whether I can have a Doctor assist me through Euthanasia.

It is my firm believe that people who have incurable diseases should be assisted by the medical profession when the time comes when the patient wishes to call it a day. While safeguards should be in place so that there is no abuse of the systems.

It seems strange to me that if you have a dog or a cat you have no compunction to put them down. But human beings have to suffer it right out.

Unfortunately, while you are healthy you don't tend to think of when you get a terminal illness. But having experienced it I would now be in full favour of being able to have Euthanasia for people in my position.

During my illness I have been in touch with the Euthanasia Society and I am amazed that it has been so difficult to get something done. I am therefore forwarding this letter to the Euthanasia Society to use as they see fit to further their aims.

No doubt, being an ex-Politician, this letter will eventually land on politicians' desks.

All I would ask is that you give fair consideration should you have a Euthanasia Bill to consider.

If there is a God I feel sure he would not want us to suffer the way we do with terminal illness. If there isn't a God it seems sheer stupidity to suffer the results of terminal illness when the going gets too tough.

That letter was signed by the Hon. Gordon Bruce, Ex MLC and President of the Legislative Council of South Australia, a politician previously opposed to voluntary euthanasia. Who can be sure that their view would not also change when confronted with the harsh reality of agonising death? Anne Levy dedicated her Bill to the memory of her own husband and his death. She and her two young children had watched him slowly die of cancer.

Mr Speaker, I have not had such a close personal experience, and I hope that that will remain the case. However, I have watched as people at one remove have suffered unnecessarily and I have come to the compassionate conclusion in a relatively academic way. Surely it is nothing more than cruelty for the anti-euthanasia advocates to insist on the enforced application of their values to persons who are in great pain. Where is the justice when individual autonomy is suppressed by such anti-liberal values; when autonomy is suppressed by those who believe they have a direct message from their God which they are prepared to inflict on others?

In so many ways our society is changing and most of these changes are improvements. Our laws, increasingly made by parliaments rather than courts, reflect the improvements and reforms that our democratic political processes make possible. By empowering citizens, through their elected representatives, to frame the law to reflect our changing values and aspirations, our political system empowers us towards progress. Our progress takes us towards a healthier society.

This area of euthanasia law reform is an example of the reforming power of our system of government. In this area, as in so many areas, the mainstream pressure for law reform will build up until an existing legal order is replaced by one which reflects popular will, which reforms bad laws, which recognises changing attitudes to the power of the state and the rights of minorities, and which permits, above all, the free exercise of the liberty of each individual. Mr Speaker, in the end, conservatism always loses. Yet in this case, as long as conservative forces delay human progress, society and many of its people are forced to suffer. Now is the time to take up the struggle against this suffering. I commend this Bill and its ideals to the Assembly, and to all those who may be listening today.

Debate (on motion by **Mrs Carnell**) adjourned.

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## TRADING HOURS (REPEAL) BILL 1997

**MR WHITECROSS** (Leader of the Opposition) (11.09): Mr Speaker, I present the Trading Hours (Repeal) Bill 1997.

Title read by Clerk.

**MR WHITECROSS:** I move:

That this Bill be agreed to in principle.

Mr Speaker, the Trading Hours (Repeal) Bill 1997 is an opportunity for the Government and this Assembly to have a second chance, to have a rethink about this poorly thought out, illogical, irrational trading hours policy. The Trading Hours Act 1996 restricts the hours of operation of large supermarkets in town centres. It is an ad hoc policy which is anti-competitive and interventionist. It is not based on any sound policy argument. It is about short-term solutions and is typical of the style of government that Mrs Carnell has brought to Canberra. It does not offer real solutions to what are, in fact, very real problems.

The policy has been in place since September and, as far as I and the Labor Party are concerned, that is long enough. The Government has not put up any hard evidence to support it continuing. In fact, the Government rushed the legislation through in the middle of the night and has since done as little as possible to defend it. The Government is hoping that the issue will simply go away. The people in the community are still voicing their dislike of the restrictive trading hours, and Labor will not let this issue disappear, because we feel strongly about it. Labor has listened to the community, and the community ferociously dislikes restricted trading hours. We promised the people of Canberra that we would repeal the legislation, and we are taking this opportunity to live up to that promise and to offer the Government and the Greens the opportunity to reconsider their position. Everyone should think long and hard about this. The Government has always said that this policy was not set in stone, and the Chief Minister said, "If it does not work we will change it; it is that simple". The Government has not had confidence in this policy from the beginning. Now is the Assembly's opportunity to reverse a bad and unpopular policy decision.

Mr Speaker, this policy has never enjoyed community support. The community wants the freedom to shop when and where it likes. Society has changed. People require flexibility in their lives, and extended trading hours is part of that flexibility. With increasing participation in full-time work, with shiftworkers, with people trying to mix work responsibilities with family responsibilities, the flexibility of extended trading hours is integral to people enjoying full and satisfying lives. That is a reality of life in the 1990s. Restricted trading hours simply restricts choice. Shopping at local stores restricts product choice. It costs more to shop at smaller, local supermarkets. A survey done using the standard basket of goods defined by the national prices network demonstrated that,

for a \$100 basket of goods, it cost \$12 more to shop at a local store compared to a large town centre supermarket. This rise of 12 per cent in the grocery bill is simply exorbitant and is completely unjustified. Restricted trading hours forces people to shop at times of the Government's choosing, not of their own. It forces shoppers to suffer inconvenience and higher prices.

The Government has to face facts. Its trading hours policy reduces shopping hours at the very times that Canberrans prefer to do their shopping. The Canberra Business Council, the Australian Supermarkets Institute and the Australian Consumers Association all believe that this is an ill-considered policy which will not benefit those it is intended to benefit and only causes inconvenience to Canberra shoppers. In fact, the Canberra Business Council said of the policy that the policy will not meet the consumer demands nor will it guarantee ongoing business at local shopping centres. The Australian Supermarkets Institute reported in a survey that they had conducted on their behalf that 93 per cent of Canberra grocery shoppers were happy with the trading hours which operated prior to the Government's new policy. The majority of Canberra residents believe the community would be worse off if trading hours were reduced. In fact, 42,000 people signed a petition against restricted trading hours in just three days, and that is a pretty good measure of the animosity to this Government's trading hours policy.

Mr Speaker, while community opinion has been set so strongly against the Government's policy, what has the Government produced to justify it? The answer is nothing. The Government to this day has not produced any hard evidence in support of its policy. The Government has not established causal links between town centre trading hours and the declining fortunes of suburban supermarkets. It has provided no cost-benefit analysis of its policy. The Government has been unable to demonstrate that the policy is in the public interest and that it is better than other forms of government assistance or intervention to assist local suburban supermarkets. The Government has not provided any analysis of the changing role of suburban shopping centres in the face of changing demographics, employment patterns or lifestyles. These represent structural and inexorable changes which have affected people's shopping patterns. These changes will not be turned back by the adjustment of shopping hours in large town centre supermarkets.

The ACT president of the Liberal Party even said on ACT radio last year that the Government needs to seek community opinion and facts and figures to back its case. That is how confident he was in the policy. Others, however, have been able to produce information and to demonstrate the costs of the policy. The Supermarkets Institute, for example, commissioned an independent report by Price Waterhouse on the policy. The report concluded that there would be "minimal impact on small business in suburban shopping locations and that it was a poor policy option". The report detailed the downside of the legislation in terms of jobs lost, loss of payroll tax revenue to the ACT Government, and increased congestion at town centres and group centres during peak trading times. Artificial protection of small business in suburban shopping centres does not ensure profit and does not guarantee the future viability of inefficient stores which are not meeting the market, regardless of their size.

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There has been no evidence forthcoming from the Government to prove that this policy is working. The Government's trading hours policy, Mr Speaker, is anti-employment, anti-jobs. At a time when unemployment is still at worryingly high levels and the level of youth unemployment is an embarrassment and a severe social problem in Canberra, the Government has persisted with this policy which logically has an effect on jobs while still pretending to be concerned about it. This Government time and time again has talked big about its commitment to jobs but has shown no real commitment and no capacity to deliver.

Mr Speaker, the Government would like us to believe that this policy has had no effect on jobs because they have not seen queues of people walking out of supermarkets with their redundancy packets. That is what they would like to have seen, to prove that people lost their jobs in town centre supermarkets. Mr Speaker, of course, we all know the reality. What the supermarkets have done is reduce working hours for casual employees, some of whom rely on that income enormously. What they have done is not employ new staff, and they have relied on natural attrition to reduce the number of people employed in the industry. This does not assist the problems of unemployment, especially youth unemployment, in the Territory. In December, Mr Speaker, employment in Canberra fell for the fourteenth consecutive month, and the participation rate was at its lowest level since March 1987.

**Mr Humphries:** That was due to trading hours, was it?

**MR WHITECROSS:** The trading hours policy certainly did not help, Mr Humphries. The social costs associated with this policy are enormous. Mr Speaker, what has been the impact of this policy on the lives of customers, of consumers? There is increased congestion at town centres during peak trading times because people have to get there before they close. Increased congestion at group centres has become a chronic problem at a number of group centres in Canberra. Such congestion means reduced levels of service and frustration for shoppers. They have created problems for supermarket operators and group centre operators in terms of parking, queues at the shopping centres and disgruntled customers.

**Mrs Carnell:** You just made that up.

**MR WHITECROSS:** Go out into the real world, Mrs Carnell, and you will find out that that is what is happening as a result of your policy. While you are ensconced up in your office in the corner here, in the real world people are finding it more and more difficult to do their supermarket shopping because of your arbitrary closure of town centre supermarkets. Go to Dickson, Kippax and Calwell. Go to the group centres and see what it is like to shop there now, because of your decision to restrict choice of supermarkets for the customers. That is the reality. The policy is inconvenient for people who live near town centres.

If you are unlucky enough to live at Emu Bank or in Greenway, or even across the road here in Braddon, or in Lyons, you will suddenly find that your local large supermarket has been closed by the Carnell Government. Mr Speaker, they are the realities of this policy.



They are unpalatable realities for the Government, but they are the truth. They have restricted choice, Mr Speaker. They have taken away options which people are entitled to have.

**Mrs Carnell:** You are just a fibber.

**MR WHITECROSS:** Mr Speaker, Mrs Carnell said I was a fibber. I think you should ask her to withdraw that.

**Mrs Carnell:** Thank you for putting it on the record. I am happy to withdraw anything he wants me to withdraw.

**MR SPEAKER:** Thank you.

**MR WHITECROSS:** Thank you. I am always happy to put on the record Mrs Carnell's strong logical arguments against my criticisms of her policy.

Mr Speaker, the fact is that people who live near town centres no longer have their local large supermarket to shop at after hours. They have to travel further to do their shopping, which means increased time spent on the roads and more cars on the roads - all the sorts of things that I would have thought the Greens, in particular, might have been concerned about. The trading hours policy relies on a bizarre variation of the trickle down theory to claim any benefits to local shops - that taking away one choice for customers will force people into the local shops against their will to do their shopping. The reality, Mr Speaker, is that customers will go to the shops they want to go to which are open, whether they are group centre supermarkets open at convenient times or town centre supermarkets open at inconvenient times. The Government has reduced hours at the very times that Canberrans prefer to do their shopping, and this is simply illogical. The Government has ignored the fact that people vote with their feet and that supermarkets open only if there is a demand. The reason town centre supermarkets opened the hours they opened was simple - people wanted to shop there.

The Liberal Government has ignored the fact that its own party organisation does not even think they have done a good job of explaining this policy. The Liberal Government has had numerous problems. They have had to pass the parcel over there with the policy. Mr De Domenico, the former Deputy Chief Minister, introduced the policy, and he was so embarrassed about it that he went off to Darwin and left Mr Humphries to take the running on it. Mr Humphries is the current Deputy Chief Minister, and he has been forced to take the running on it, even though it is a matter of business regulation and is outside his portfolio. Mrs Carnell, the Chief Minister, is now the Minister for Business and she can no longer hide behind her other Ministers. She has to take personal responsibility for this policy, and I urge her to fix it.

The Liberal Party organisation knows it is an unpopular and illogical policy. At the Liberal Party convention last year members of the Liberal Party sent a clear warning to this Government. The Liberal Party members gave the Carnell Government an escape hatch. Delegates at the convention said that they did not believe the Government did the work prior to introducing their policy. They were dismayed at the Liberal Government's pro-regulation, backward-looking policy.

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**Mr Humphries:** The motion was defeated. It was not carried.

**MR WHITECROSS:** This is your chance, Mr Humphries, to back away from a bad policy. The Government, and the three Ministers responsible, have enjoyed espousing the fact that the ACT had relatively liberal trading hours compared to the rest of Australia. The fact is, Mr Speaker, that the overwhelming effect of this legislation has been contrary to liberalisation of trading hours. It is moving in exactly the opposite direction of the direction in which people are moving in other States. The Government's trading hours policy is all about perception.

**Mr Humphries:** What does the repeal of this Act do? It reinstates the old trading hours legislation, which is very restrictive. You are restricting trading hours by repealing our legislation.

**MR SPEAKER:** Order! Mr Whitecross has the floor. Mr Whitecross, continue.

**MR WHITECROSS:** I am touched by the fact that when the Government benches interject, Mr Speaker, you call me to order; but - - -

**MR SPEAKER:** No; I am not calling you to order, Mr Whitecross. I am saying that you have the floor. Continue.

**MR WHITECROSS:** Thank you. You should address your remarks to the Government benches. They seem to not enjoy applying the courtesies that might normally be applied.

**MR SPEAKER:** You, in turn, might like to turn and address the Chair when you are speaking.

**MR WHITECROSS:** Mr Speaker, Mr Humphries does not even understand his own legislation, if we are to believe his interjections, because he seems to think that this repeal Bill would have the effect of restricting trading hours. Mr Speaker, the Government's policy is all about perception. They want to be seen by their constituency to be doing something, but the legislation has always been a stunt and it is not based on sound policy objectives. The restriction of trading hours is about hopes and wishes, and nothing else. It goes against public opinion and was rushed through despite tangible discontent in the community.

Labor has listened to the views of the community. The community is still outraged, six months later, and very inconvenienced by the trading hours law. It is an illogical policy which has no purpose other than appeasing a constituency which has been putting pressure on the Government. Mr Humphries's best attempt to put a good look on a bad policy was his remark on 30 May last year when he said, "Making everyone unhappy is a way of saying we have struck the right balance". Mr Speaker, he has succeeded in one thing; he has made a lot of people very unhappy with this legislation. If he thinks he has struck the right balance he is seriously in error. This is perverse logic, and it is time for Mr Humphries and Mrs Carnell to consider the majority and think about making them happy.

The Productivity Commission, in its "Stocktake in progress in microeconomic reform" in July 1996, summed up perfectly what this policy is about. It said:

The Australian Capital Territory Government has introduced new restrictions on retail shopping hours for major town centre supermarkets. This will reduce customer choice and convenience, and increase prices. Any gains to employment in small suburban shops are likely to be offset by losses in the major supermarkets.

Mr Speaker, it was a bad policy when it first came in. People with six months of experience have confirmed what a bad policy it is. I urge all Assembly members to consider the seriousness of this issue and vote to repeal the Act.

Debate (on motion by **Mrs Carnell**) adjourned.

### **GAMING MACHINE (AMENDMENT) BILL 1997**

**MR MOORE** (11.27): I present the Gaming Machine (Amendment) Bill 1997, together with its explanatory memorandum.

Title read by Clerk.

**MR MOORE**: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill is to level the playing field between rival businesses in the ACT - between hotels and clubs. A draft Bill released two weeks ago aimed to abolish the class system. However, the revised Bill, after consultation with parliamentary counsel, is simpler. It leaves the classes in place but allows all licensees access to the full range of machines. The effect is exactly the same, but the legislation is considerably simpler. The effect of the Bill is to allow hotel licensees to install any of the available machines, not merely the old, out-of-date machines.

Mr Speaker, this Bill is about fairness for small business, but it does not allow more machines to be licensed than is currently possible. This Bill is about the types of machines which can be installed. At present there is a bias in favour of licensed clubs and against hotels. This situation is unfair. Licensing regimes, once decided upon by the community, should be fair. Commercial privileges for particular businesses are not fair and ought to be removed. This Bill, Mr Speaker, allows hotels to improve the two machines, where they have two machines, and 13 machines, where they are currently permitted, into modern machines. They will still be allowed only that number of machines. The current situation is like allowing one business to use a modern pentium computer and restricting another business to using typewriters. It is certainly not a level playing field. Small business in Canberra needs all the help it can get, Mr Speaker. It ought not be restricted by ludicrous constraints. These restrictions are designed to favour bigger businesses.

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In New South Wales on 1 April the Government will introduce a new regime which allows hotels to have up to 30 machines, of which 15 can be modern poker machines. This Bill brings the ACT into line with the fairer small business policies in New South Wales but still constrains the number of gaming machines which can be installed. Mr Speaker, I know that interested parties will have positions to push in this debate, but I hope that everyone can acknowledge that fair policies ought to come before their own individual commercial interests. I commend the Bill to the Assembly.

Debate (on motion by **Mrs Carnell**) adjourned.

### LEGISLATIVE DRAFTING ASSISTANCE

**MR OSBORNE** (11.30): I move:

That this Assembly:

- (1) notes that the ACT Government has a minority of Members in the Assembly;
- (2) notes that one-third of available Assembly time is currently set aside for business initiated by non-Government Members;
- (3) notes the current lack of resources made available by the Government to the Office of the Parliamentary Counsel for the purpose of assisting non-Government Members with their legislative requirements;
- (4) calls on the Government, as a matter of urgency, to allocate sufficient resources to the Office of the Parliamentary Counsel to adequately provide for the legislative drafting requirements of all Assembly Members - including clearing the current backlog of outstanding requests for drafting assistance.

Mr Speaker, it is disappointing for me to be raising this matter in the Assembly today, and I do so only out of frustration. I do so because for some reason the Government has allowed the resources of the Parliamentary Counsel's Office to deteriorate to the point where they can no longer adequately serve the needs of this Assembly.

I would like to state, first of all, that over the past two years the service that my office has had from parliamentary counsel staff has been tremendous, when I have been able to get them to do my work. I have no problem with the work they have done for me. I want more of it, and that is why I am speaking today. I am sure that other members will agree with me that this group of staff are diligent and committed to their work, at times well beyond the call of duty. Unfortunately, however, it now appears that the 10 non-Government members in this Assembly have little or no expectation of being able to use the drafting resources of the Parliamentary Counsel's Office. That lack of access is just not on.

The first two paragraphs of my motion intentionally state the obvious, but I have included them to remind the Government that they are not the only ones here in this Assembly - a fact which often seems to be forgotten, especially in the matter I am raising. They are, I remind them, a minority government, as has been the case in previous Assemblies. Under our Hare-Clark voting system there is a reasonable expectation of this also being the case in future Assemblies. Last year non-Government members fought for and won a change to standing orders to set aside a whole day every sitting week for private members business instead of the usual two hours a week. This was an increase from just 12 per cent of available sitting time to one-third. We do not seem to have any problem in filling this extra time with legislation and ideas for debate. This Assembly is very different from other parliaments in Australia. However, we all need to accept that and get on with trying to make things work to the benefit of the people of Canberra, whom we are here to serve.

Mr Speaker, the third paragraph of the motion refers to the current level of resources available to the Parliamentary Counsel's Office and consequently the level of service they can offer members of this Assembly. My office was informed in mid-January by the acting head of the Parliamentary Counsel's Office that they were operating with 20 per cent less resources than normal and that two senior drafting staff were about to leave the office. On top of this, he estimated that their current number of available drafting staff would be unable to complete even the Government's category one Bills this year and that, as a result, I could expect none of the Bills for which I had already issued drafting instructions, or the new Bills I currently have in the pipeline, to be worked on, or ready for presentation at any stage during this year, which is effectively the rest of the life of this Assembly. This affects not only me, but also other non-Government members who have similar problems. Quite clearly, this is not good enough. What is the point of any of us being here if we cannot have legislation drafted? The Government now has virtually exclusive access to all legislative drafting, with non-Government members either having to pay personally for solicitors to draft their Bills, which I am sure none of us wish to do, or having to resort to drafting their own.

I have three Bills at the Parliamentary Counsel's Office in various stages of completion, one of which is a series of radical amendments to the Freedom of Information Act that my office and the Parliamentary Counsel's Office have been working on for 15 months already. At the start of last year I employed someone to work solely on this issue, because at the time I was informed by the Parliamentary Counsel that it was a big job and he may well not be able to fit it in. In September or October of last year we sent the amended Bill over to the Parliamentary Counsel's Office. It had been changed line by line in line with what we wanted to achieve. There was some hope that we would get it completed by the end of last year, but that was not the case. We were told in the Christmas break that we would definitely have it by this week; but, as I said earlier, we have now been told that we will not have it. We do not have it this week, and we will not have it at all - a situation that is not good enough. I accept that it is a complicated piece of legislation, but it is not acceptable that this Bill cannot be drafted within the life of this Assembly.

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Of the other two Bills I have waiting, one is also a bit complex. It seeks to extend parliamentary privilege for Assembly publications, especially committee reports, and to legislate in respect of the powers and precincts of this Assembly. The other Bill seeks a simple change to our court structure by identifying a designated child magistrate. The Government has already made it clear to me that they are not all that happy with two of these Bills and would like to do the other one themselves. That alone makes it unacceptable for me to have to go cap in hand to the Attorney-General to see whether he can sort something out for me.

The last paragraph of the motion calls on the Government to get creative and come up with an adequate solution. In my opinion - and I trust that other members will agree with me on this point - if the Government has been negligent enough to get us all into this mess, then they ought to be made to get us out of it. I understand that Mr Humphries has plans to recruit more drafters and increase their number from 13 to the usual 17 by the middle of the year. That is very honourable of you, Mr Humphries, but I do not think that is good enough.

**Mr Humphries:** No; 17 is not the usual. It is above the usual.

**MR OSBORNE:** You will get your chance.

**Mr Humphries:** I was just correcting a mistake you made.

**MR OSBORNE:** Thank you. On a good day, 17 drafters are obviously too few to cope with the body of work they are presented with each year. Historically, the non-Government members generate a substantial amount of work for the Parliamentary Counsel's Office and the Assembly. While I agree that the government of the day should have some priority in legislative drafting services, the present volume of undrafted or partially drafted Bills and the length of time that it takes to get a Bill ready for non-Government members are proof enough that the Parliamentary Counsel's Office is significantly underresourced, even under normal circumstances.

I appreciate that this Assembly is something of a special case within Australia, but that fact seems yet to be accepted by this Government and resourced appropriately. We have no guarantee that this recruitment plan will work.

**Mr Humphries:** That is true about life generally, is it not?

**MR OSBORNE:** Experienced legislative drafters do not grow on trees, and we may well find ourselves in the middle of June with no change in numbers.

**Mr Humphries:** So what else do I do about it - kidnap them?

**MR OSBORNE:** Mr Speaker, the Attorney-General's plan to build up staff numbers - - -

**Mr Humphries:** We will kidnap people from the Commonwealth office and hold them in a cell!

**MR OSBORNE:** Perhaps the Commonwealth office could take care of the Norfolk Island legislation. They are perhaps adequately resourced.

**Mr Humphries:** They have done some work for payment in the past. They do not do much of it at the moment.

**MR OSBORNE:** If they do it for payment, they do not do ours. That is the whole point of this motion.

**Mr Humphries:** Very marginal.

**MR SPEAKER:** Mr Osborne, this is not a dialogue. You are addressing all your colleagues in the Assembly.

**MR OSBORNE:** I appreciate, Mr Speaker, that Mr Humphries is embarrassed by the Labor Party bringing up the trading hours legislation again. He is a little thin-skinned at the moment. Mr Humphries's plan to build up staff numbers by the middle of the year is unacceptable because of the obvious lack of time left in the year and the life of this Assembly to get Bills drafted while the Government still has priority over drafting resources. It is a highly undesirable situation.

I am sure that other members have suggestions for Mr Humphries about how he can effectively deal with this mess. My initial suggestion for him is that, as well as doing some urgent recruiting, he ought to arrange and pay for the current backlog to be contracted out to the private sector. I am not sure what the costs would be, but I know that a precedent has been set in the short history of self-government in the ACT. I believe that in the First Assembly the then Speaker set the precedent and had some legislation drafted. Mr Moore might clarify the situation. I think that would be a quick fix to clear the backlog of legislation that has been sitting there for a long time. Perhaps you, Mr Speaker, and also Mr Humphries will consider that.

In the meantime, I am left with a bad feeling that I will be drafting my own Bills from now on. I will try to have at least one ready for next week. I have spent some time considering whether the current deteriorated state of the Parliamentary Counsel's Office has been caused through negligence by the Government or by a deliberate cynical act to keep non-Government members under some sort of control. So far I have given the Government the benefit of the doubt and accepted that they have just been negligent. On this very serious matter, I am looking for them to come up with a workable plan. Perhaps they should seriously reconsider whether or not we contract out to the private sector until the backlog is fixed up and then continue with Mr Humphries's plan to recruit. I am not happy that I have no Bills to introduce this week. I imagine that other members will echo my thoughts.

**MR MOORE** (11:43): Indeed, it is an apt opportunity to echo the thoughts of Mr Osborne. People looking at the notice paper and the legislation that we have dealt with over the last few years may well say, "What does Mr Moore have to complain about? He has done quite well". I think it is very important for all members to understand that this is in no way an attack on parliamentary counsel. All of us who deal with parliamentary counsel know the hard work and effort that these people put in and the sorts of outputs we get. Mr Speaker, when I came into this Assembly I had the advantage that I had determined what I would be doing and had already prepared a whole series of drafting instructions for pieces of legislation. Even before the Government had put its legislation to parliamentary counsel, I had given a range of instructions. That may explain to members why I was able to table legislation.

Mr Osborne raises a very important question about the extent to which parliamentary counsel should be available to non-Government members. Mr Osborne said that we have reached a point at which we need to consider drafting our own legislation. The legislation that I tabled only a few minutes ago, the Gaming Machine (Amendment) Bill, was privately drafted. The Australian Hotels Association, knowing that the legislation would benefit their members, offered to have that professionally drafted for me. I accepted that. The original draft was then passed by parliamentary counsel, who were gracious enough to look at it and liaise very closely with my office. Eventually, we came up with the piece of legislation that was tabled. Members would notice that it does not have the job number and so forth that we would normally associate with parliamentary counsel. It was privately drafted and then redrafted with a number of very fair comments that were made by parliamentary counsel.

Mr Speaker, it seems to me that Mr Osborne raises with you an issue about your responsibility to ensure that members have the opportunity to have legislation drafted. I think it is a very important responsibility for you to consider. It is also important to consider that Mr Humphries says, "We have not been able to get the legislation drafted because we have not had the number of parliamentary counsel that ought to be employed". Under those circumstances, quite clearly Mr Humphries has been saving money. He ought to transfer that money across to the Legislative Assembly - to your budget, Mr Speaker - to allow some members to have their legislation drafted privately. It can be done. I recently had legislation drafted privately on my behalf. This is a matter for us to consider.

However, there are some significant disadvantages to this method. One of the big advantages of having it done by parliamentary counsel is consistency of legislation. It is not a matter of just looking at the individual piece of legislation. Parliamentary counsel check whether Bills might have an impact on a whole range of other legislation. Parliamentary counsel also write back to us regularly and suggest that there may be problems in a whole range of matters such as consistency with previous legislation, including the self-government Act. They give all sorts of legal advice to members. Not through any fault of their own but rather through the fault of the Government, there is now an inadequate drafting capacity for non-Government members of the Assembly.



**Mr Humphries:** And for Government members too.

**MR MOORE:** Mr Humphries says, "And for Government members too". I am very pleased he made that interjection. I was trying to work out how I was going to work into that issue. The Government has been suggesting that they have dealt with the major parts of the legislation they were seeking to introduce on coming into government. When we look at the program that they provided for us yesterday we can see on it important pieces of legislation that need to be dealt with, but the very big tasks that they were very keen to achieve have been achieved and it may well be time for the Government to say, "The Parliamentary Counsel is really a counsel for the parliament, not just a counsel for the Government". The Government has had a fair go. Maybe it is time now to back off on some of its own legislation and suggest to parliamentary counsel that they ought to work on private members' legislation, which in a sense is also Assembly business. For example, we ought to have been able to use the broadcasting legislation today. I think we would have felt much more comfortable about our media coverage had that legislation been passed. It demonstrates that there is an urgency for legislation that affects the Assembly. I tabled that legislation after it had been through an incredibly long Assembly process to ensure that it met the needs of all members of the Assembly. It is time to put in an effort and pass that legislation.

I pay tribute to Mr Osborne for raising this issue in the Assembly. I know it has been worrying him for some time. I think it is appropriate to air our concern publicly, at the same time making it very clear that this is in no way an attack on the work done by parliamentary counsel. It is an attack on the Government for inadequately resourcing parliamentary counsel, for ensuring that they are not able to meet the needs of this Assembly as a whole.

**MS TUCKER (11.50):** We also regret that we have to speak on this motion and that this matter has become a political issue. We respect the work of the parliamentary counsel, and I want to make it clear that in supporting this motion we are in no way criticising the work of the parliamentary counsel. In this parliament we have a minority of members on the Government benches. While I respect the right of the Government to have precedence in drafting, because they have to get on with the work of governing, a substantial proportion of new initiatives brought to the Assembly are from the non-Government members. The Bills List of 30 December illustrates this fact. Of the 25 Bills before the Assembly, 13 are from private members. This is one of the reasons the Greens put forward a motion amending the standing orders - a motion which was successfully carried - to extend the time for private members business to all day on Wednesdays. Obviously, private members need to be able to get their legislation drafted within a reasonable timeframe in order for it to be debated in appropriate time.

I understand that some members - and Mr Moore has alluded to this - are resorting to having their legislation drafted privately. This obviously is not an ideal situation at all, but it has arisen out of frustration. Our office has had some legislation at the drafters for a very long time. We are not demanding that we put something into the drafters one week and get it back the next week, but to get to a situation where we might not even get back a Bill that was submitted in early 1996 in the course of this Assembly is, I believe, inappropriate, given the make-up of this Assembly. We support this motion of Mr Osborne's.

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**MR HUMPHRIES** (Attorney-General) (11.52): I do not intend to oppose the motion. I think it is reasonable for the Assembly to express concern about the lack of resources available within the Parliamentary Counsel's Office. Indeed, the Government has been very concerned about that as well and believes that action needs to be taken. Indeed, it has initiated action to deal with this problem. There are some things about the motion which I think are factually inaccurate, but I do not really propose to get into the business of amending it, because we have a lot of private members business today - - -

**Mr Osborne:** Please try.

**MR HUMPHRIES:** If you want me to waste the time of private members business, I am happy to do that; but I think it is better if I simply point out what is inaccurate about the motion.

Paragraph (3) argues that the current lack of resources made available by the Government is the cause of the problem that the Parliamentary Counsel has at the moment. The Government has not reduced resources available to the Parliamentary Counsel at all. The fact is that those resources are rare and not easily obtained. A number of resignations have occurred and other resources have been withdrawn for reasons entirely beyond the control of the Government. This has resulted in fewer parliamentary counsel staff being available than was the case before. Mr Osborne suggested parliamentary counsel used to number 17. There have never been 17. There were 13 before a recent spate of resignations. Two have left. One person has become pregnant, another person - - -

**Mr Osborne:** What?

**MR HUMPHRIES:** The Government is not responsible for that action. I can comprehensively assure Mr Osborne of that. I gather that another person has been poached by another jurisdiction to go and work there. We have a very high quality of parliamentary draftspeople, which results in their being highly desirable and eminently poachable. The numbers have dropped to 11. That level of reduction in so small an office results in a very severe reduction in the capacity of the Parliamentary Counsel's Office.

We have responded to that by seeking not just to recruit two people to fill those vacancies but to increase the total establishment of the office from what was 13 before to 17. We are replacing the two who have recently left and recruiting a further four, to give an actual increase of six and a net increase of four in the establishment of the Parliamentary Counsel's Office. We advertised for those positions last Saturday, and a healthy number of expressions of interest have been received. To say that the lack of resources must be the fault of the Government is an argument that belongs in the league of the argument that daylight saving fades curtains. We accept responsibility for lots of things, but we cannot accept responsibility for the fact that the number of people working in the office has been reduced because of choices they themselves have made about their future careers.

I sympathise with the intent of Mr Osborne's motion. Paragraph (4), I would suggest, is redundant. We have already advertised. If Mr Osborne had listened yesterday, he would have heard me say that we have advertised an extra four positions within the Parliamentary Counsel's Office. Those positions, I hope, will become available very soon. If the people who answered the advertisements are not already trained draftspeople - and that is quite possible because draftspeople are a rare commodity in this country and it is unlikely, I suspect, that we are going to get a lot of applications from qualified draftspeople from other offices or other places in Australia - then naturally we will have to train those people up to the level of competency which is required for work within the ACT. That may not result in their being fully effective immediately. However, we are prepared to do that and make sure that happens at the earliest opportunity.

I want to emphasise a couple of points. It is not just members of the crossbenches who suffer when a dip in resources occurs for reasons beyond the control of the Government. The Government also has a large amount of business which it has had to delay or put back because of this reduction in resources. I do not pretend that it is just non-Government members who suffer in that respect. I have always been an extensive user of the Parliamentary Counsel's Office, both in government and in opposition. In opposition I have always been very keen to ensure the right of non-Government members to have access to parliamentary counsel, and I still am. The Government has moved, therefore, to increase the resourcing available to the Parliamentary Counsel's Office, to protect that resource for all members of the Assembly. The Government would not and does not ever argue that the Parliamentary Counsel's Office is reserved or exclusively for the work of the Government. It is for the work of all members and must operate on that basis.

Mr Osborne says that my plan to improve resources is unacceptable. I do not believe that any other plan will work. Mr Osborne makes a suggestion and Mr Moore makes a suggestion. Mr Osborne says that we should cease doing drafting work for Norfolk Island. To the best of my knowledge, a small amount of drafting work was done for Norfolk Island some time ago. I do not believe that at the moment any ongoing work is being done for Norfolk Island. Even if a very small amount has been done in recent times, it would not have made any difference to the overall capacity of the office. I can assure members that we would do work for another jurisdiction only if we had surplus capacity. If Norfolk Island approached the Government to do work for it, we would have to say that we do not have the capacity to do it.

Mr Moore suggested that, in effect, we should reduce the amount of work available to Government members as well in order to facilitate more work for non-Government members. That has in fact already occurred. In order to meet the requirements of all members the Government has already had to restrict the amount of work that it does for its own requirements. We have not taken the view that we should do all the Government's work and then give what time is left over to non-Government members. That has not been the case. I hope members will be - - -

**Mr Osborne:** Why is my stuff not getting done?

**MR HUMPHRIES:** Because resources are not available.

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**Mr Osborne:** What is getting done - your work?

**MR HUMPHRIES:** Work is being done on some non-Government members business.

**Mr Osborne:** Not from my office.

**MR HUMPHRIES:** I do not have access to such information. I do not ask the Parliamentary Counsel to tell me what members' work is being done. That would be a breach of privacy.

**Mr Osborne:** You just stood up and said, "They do not do just this; they do that". Now, two minutes later, you are saying that you do not know.

**MR HUMPHRIES:** I cannot tell you the details of which Bills, because I am not in a position to know what Bills non-Government members are drafting. You have been kind enough to tell me, Mr Osborne. Mr Osborne has told the Assembly what Bills he is drafting, but other members do not usually indulge me - or other members of the Assembly, as far as I am aware - with information about what work they are getting done through the Parliamentary Counsel's Office, so I am afraid I cannot tell you what other work is being done. Mr Osborne spoke about going cap in hand to the Attorney-General. I must say that Mr Osborne usually comes bat in hand to the Attorney-General when he comes to see me. I do not know what this talk of being humble is all about. Mr Osborne would not know what humble was.

I agree with the remarks that these comments today should not be interpreted as an attack on the quality of the work done by parliamentary counsel or their capacity. I know that they are all working exceptionally hard. I know that many of them are working back on weekends and late at night in order to get through the work. There is a strong sense of personal integrity and professional pride in the Parliamentary Counsel's Office. They often burn the candle at both ends rather than deny what they feel is essential work for either Government or other members. The Parliamentary Counsel's Office is always prepared to accelerate amendments to legislation coming before the Assembly. That is work that they always do, even ahead of Government work, even if it is non-Government members who bring forward the amendments.

Mr Speaker, it is a difficult situation. I hope that we will soon be out of it as a result of the Government's plan, a plan which Mr Osborne says is unacceptable. I submit that it is the only course of action available to us. I hope that soon we will have not just a restored Parliamentary Counsel's Office but an augmented Parliamentary Counsel's Office to meet members' needs.

**MR BERRY (12.01):** The Opposition will be supporting this motion moved by Mr Osborne. We take at face value what Mr Humphries has said. He has said that he is going to go some way towards fixing the problem. There is a bit of a backlog that will have to be addressed. I am sure that he will take that into account when he is recruiting people to the drafting office and ensure that they are available for use by non-Government members.

There are a few things in the motion that are of interest. I am not sure what they mean. In paragraph (1) Mr Osborne moves that we note that the ACT Government has a minority of members in the Assembly. I do not know whether that implies that they could be under some threat. That is a fact, of course, but they did not get where they are without majority support. You would hardly expect people who have been given the Executive benches not to order priorities in accordance with their own policies. We warned you that this would happen. There were alternatives. I am sure that you would have been better off under a Labor government. You might recall that the Territory was travelling much better when there were two Labor governments than it is travelling now with two Liberal ones. The option was there but you missed the opportunity. However, there could be future opportunities for you.

Another point that Mr Osborne raised is that one-third of available Assembly time is currently set aside for business initiated by non-Government members. I am not sure whether he means that we should get one-third of the effort in the drafting office. If that is what he really means, I am not sure that I would endorse that. I would want to have a look at it a little more closely. I go back to the first point. It is an important one. There was an opportunity to get a better world and you missed the chance, Mr Osborne. We will be supporting the motion.

Question resolved in the affirmative.

### **JOHN DEDMAN PARKWAY - PROPOSED DEVELOPMENT**

**MS HORODNY** (12.04): I move the following motion calling for a halt to the development of the proposed John Dedman Parkway:

That, in line with the recommendations of the Report on Gungahlin's Transport Links by the Parliamentary Joint Committee on the Australian Capital Territory, the Government stop any further work on determining the route and timing of the proposed John Dedman Parkway until the Assembly is satisfied that the Government has:

- (1) completed the Future Public Transport Options Study initiated in response to the Joint Committee's Report and acted on its recommendations;
- (2) developed and implemented a detailed strategy of measures to facilitate the use of public transport and other non-car modes of transport by Canberra residents, particularly including Gungahlin residents;
- (3) developed and implemented a strategy to reduce the number of vehicles travelling between Gungahlin and Civic or other southern destinations, such as by encouraging employment opportunities in Gungahlin and restricting employment growth in Civic;

- (4) developed a plan for a possible eastern ring road from Gungahlin and the Barton Highway to Central Canberra and the Monaro Highway via an upgraded Majura Road, to complement the public transport system.

Mr Speaker, the Greens have put forward this motion because we want to sort out the mess that has been created by the Government through its mishandling of the transport issues affecting Gungahlin and other North Canberra residents. Let me say at the outset that we are not intending this debate to be a superficial argument over whether one is pro or anti roads. This debate is about Government decision-making processes over a major public policy issue for Canberra, which is about determining the most appropriate transport system for the ACT that meets the needs of residents in the most cost-effective, socially responsible and environmentally sound way.

The issue of transport links to Gungahlin goes back a long way. It is true that the general layout of a network of freeways through North Canberra was included as part of the original Y plan for Canberra that was released in 1970 and that later planning studies continued to show this network. This has been used by some people to argue that the need for the John Dedman Parkway has already been proven, but the reasons for wanting a freeway in 1970 are quite out of touch with community attitudes in 1997. Awareness of the negative environmental impact of city traffic was not as pronounced then as it is now, and the knowledge and technology available to operate efficient public transport systems have advanced considerably since that time.

Let us not get caught up with those original studies. They do not provide a current justification for the John Dedman Parkway. Of more relevance is the Gungahlin external travel study of 1989 conducted by the former NCDC and the review of this study in 1991 by the Joint Parliamentary Committee on the ACT in its report on Gungahlin's transport links. The JPC report is really the key document outlining the process for determining Gungahlin's transport links. It is the adequacy of the Government's implementation of this report that is the crux of our motion. We believe that the Government is rushing ahead with setting up a timetable for building the John Dedman Parkway without full regard for the recommendations of the JPC report.

The thrust of the JPC report was quite clearly that a range of non-road options be implemented to lessen the need for car-based travel by Gungahlin residents before consideration was given to building more arterial roads through North Canberra. Let me go through some of the recommendations and the Government's responses. The critical one that we refer to in our motion is the recommendation that a study be conducted into the establishment of a rapid transport system in the ACT. Part B of that recommendation states:

to maximise the potential advantages of a new technology rapid transport system, including the possibility of reducing the need for additional road space to cater for the travel needs of the future residents of Gungahlin, this study should be completed and its findings released before the Commonwealth and Territory Governments commit themselves to the construction of any new roads to or from Gungahlin.

The Government may argue that it has not yet actually committed the money to the construction of the John Dedman Parkway; but it is pretty obvious from what has been said by the Government and the consultants that the objective of the current study is to work out the timing and route for the eventual construction of the parkway. The Government has already commenced construction on the northern part of the parkway, which is the section of Gungahlin Drive from the Barton Highway to the Gungahlin Town Centre. The extension of this road to the south to form the John Dedman Parkway seems almost inevitable. But has the Government completed the study into future public transport options, as required by the JPC report? Absolutely not. It has not done that.

The previous Labor Government at least commenced the future public transport options study. Three stages of this study were completed before Labor lost office at the beginning of 1995. The first stage set the scope of future work. The second stage found that a rapid transport system could be viable, but that a dedicated busway system between the town centres might be more cost-effective than a light rail system. The third stage looked specifically at the viability of a light rail system. The results of this study were promising, and the Labor Government was set to commence a fourth stage, to look at detailed implementation, when it lost office. The Liberal Government then abandoned the whole process because it did not like light rail; but, as a result, we now have a total policy vacuum on a transport strategy for the ACT.

Another recommendation of the JPC was that the Commonwealth and Territory governments develop and implement measures to reduce the number of vehicles travelling between Gungahlin and Civic and other southern destinations. Such measures included providing bus services to the new Gungahlin suburbs as soon as they are built; limiting the level of employment growth in Civic; encouraging development and jobs in Gungahlin, Mitchell and Belconnen; implementing a detailed commuter cycleway strategy; and introducing measures to increase the number of passengers per vehicle and to spread peak traffic loads.

The Government's response to this recommendation, including that of the previous Labor Government, has been half-hearted at best, and at worst has been quite contradictory. For example, the ACT Government has made no commitment at all to establish its own government offices in the Gungahlin Town Centre and instead, very recently, built a new office building in Dickson for the Planning and Land Management Group. Both the ACT and Commonwealth governments have allowed the rapid development of office blocks in Barton in recent years. Also, we are still waiting for the completion of the cycleway connection from Gungahlin to North Canberra. Bus services to Gungahlin still do not match the provision of services to other parts of Canberra, although the services in other parts of Canberra are now meeting the Gungahlin services; so, there is a match there. I am saying that the services are being downgraded in other areas to match the Gungahlin services. What a shame!

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What I find most appalling about this whole process is that, in the meantime, while all these studies have been going on over the last six years and while the hard decisions kept being put off, Gungahlin has been getting bigger and bigger, and more and more cars have been travelling through North Canberra streets, thus making the John Dedman Parkway seem like the only solution available to meet the transport demands of Gungahlin residents. Let me say at this point that this debate over the parkway is not about pitting Gungahlin residents against Belconnen or North Canberra residents. What we are attempting to do with this motion is to eventually give Gungahlin residents greater transport choice, rather than just having to rely on using their cars all the time - which is the situation that they are in now - and having to face congested roads out of Gungahlin because of all the other Gungahlin residents also having to use their cars.

If this freeway goes ahead, then the section of Canberra Nature Park on O'Connor and Bruce Ridge will be virtually cut apart by road corridors. This will be a disaster not only for the native bushland but also for the many residents of that area who use this bushland for recreation and quiet solitude. Also, the freeway is likely to pass close to houses in Kaleen and would generate more traffic on Caswell Drive, thus subjecting these areas to increased traffic noise and fumes. The freeway will not eliminate traffic problems; it will just move them elsewhere. For example, there are likely to be increased traffic problems generated on Barry Drive and Caswell Drive, where they join the southern end of the freeway, because of cars trying to enter and exit the new road.

The Gungahlin external travel study and the JPC report also recommended that consideration be given to building a Majura Parkway that would act as an eastern ring-road from Gungahlin to Central Canberra, with a connection to the Monaro Highway and the southern parts of Canberra. Nobody seems to be opposed to this road. It would divert traffic right away from North Canberra, and the environment of the Majura Valley is already considerably altered and is unlikely to be used for residential purposes in the foreseeable future because of the airport being located in that valley. In the short term, the construction of a link road from Gungahlin to the existing Majura Road would provide considerable benefits to Gungahlin residents without the negative impacts. This option needs to be given more serious attention by the Government.

It is interesting to note that even the recent ACT strategic plan, which the Government released some weeks ago, for all its flaws, acknowledges that Canberra's past reliance on road systems, aimed simply at satisfying the ever-increasing demand for private travel, is no longer appropriate and that the use of public transport needs to be increased to reduce congestion and pollution and road and parking infrastructure costs. I think it is very hypocritical for this Government to include these sentiments in its strategic plan; yet to do the exact opposite, by pushing ahead with this study against considerable community opposition. I urge the Assembly's support for this motion.

Debate interrupted.

**Sitting suspended from 12.18 to 2.30 pm**



## QUESTIONS WITHOUT NOTICE

### Exhibition Park in Canberra - Development Proposal

**MR WHITECROSS:** Mr Speaker, Mr Humphries will be disappointed to know that my question without notice is not to him; it is to the Chief Minister. Mrs Carnell, I refer to the article in this week's edition of the *Chronicle*, where it is reported that a Korean consortium is prepared to spend \$100m on the redevelopment of EPIC. Chief Minister, is the Government currently engaged in talks with the consortium; is it true that the development will include a 20,000-seat stadium; and will your Government support such a development?

**MRS CARNELL:** Thank you very much, Mr Whitecross. I have not read the *Chronicle*, but I can answer that question. The Government is aware of the interest of Korean investors in the potential development at the EPIC site. In fact, I understand that EPIC has signed a memorandum of understanding with the Korean group to jointly undertake an investigation of the feasibility of a major entertainment centre and related facilities on currently unused land at EPIC. At this stage, it is only an agreement to look to see whether the facility does stack up, both financially and of course in terms of other issues such as planning, environmental things and so on. The Government certainly supports the initiative taken to support this idea. When investors come into town with significantly more than \$100m, we do not tell them to pack their bags and go home; but at this stage, as I understand it, it is very much only an agreement to investigate the feasibility of this centre.

**MR WHITECROSS:** I have a supplementary question. Mrs Carnell, will you provide us with a copy of the memorandum? Is that possible? Further to that, how do you envisage that this proposal will affect the Bruce Stadium redevelopment? Is Canberra big enough for two 20,000-seat stadiums?

**MRS CARNELL:** That is the reason why you need to have a feasibility study; I fully agree. I have to say that, when this proposal was first floated, those were the sorts of sentiments that certainly the Government shared very much. The memorandum of understanding is with EPIC, not with the Government at this stage. There is no doubt that a feasibility study needs to be done. As I understand it, the proposal that has been put forward is for an entertainment centre rather than a normal stadium. I understand that it has convention-style facilities and hotel-style facilities, rather than being what would normally be regarded as an outdoor sporting stadium. But, again, if an investor comes to town with significant amounts of money - an investor that, I understand, has entered into these sorts of arrangements previously and is building similar sorts of facilities in other parts of the world - this Government will certainly be encouraging it to continue to look to Canberra, and a proper feasibility study will be entered into.

## Financial Reporting

**MRS LITTLEWOOD:** My question is to the Chief Minister. Can the Chief Minister inform the Assembly whether there is any basis to recent criticism by the Opposition of the Government's financial management reforms; and how does the current level of financial reporting compare with the situation under the previous Government?

**MRS CARNELL:** Thank you very much. That is a very good question. Mr Speaker, as the Assembly is aware, this Government has implemented reforms to the Territory's financial management framework which have taken it to the forefront of accountable and responsible government in this country. These reforms are not only about financial management; they run to the very core of the way we do business in the Territory. They are about improving our services to the people of the ACT. They are about ensuring that the Assembly has the information to ensure that the Government and its agencies are accountable and responsible for their management performance.

Mr Speaker, the Opposition has been ignorant of its own responsibilities within this Assembly to represent the taxpayers of the ACT. This Government has provided information on financial performance to an extent never before heard of in this Assembly - or, for that matter, in this country. Certainly, the information now being provided is in stark contrast to the opaque documentation presented by the previous Government. This Government's 1996-97 budget, its accounting and financial decision-making and planning and its reporting are based on generally accepted accounting principles and the Australian accounting standards. These principles not only are a consistent, universally recognised and comparable presentation, but reflect the proper information needed to optimise financial performance and consequently service performance. The previous Government presented only cash-based information - and, I have to say, Mr Speaker, not very regularly. It presented its budget and its reports according to an easily manipulated presentation format that did not show the full or true cost of government - a format that had little regard to the ACT's assets and liabilities, and a format that did not make it accountable for its true responsibilities.

As everyone in this house is aware, Mr Speaker, section 26 of the Financial Management Act requires whole-of-government financial statements to be prepared each month which are comparable to general purpose accounting statements presented in this year's budget documentation. The statements are to be presented to the Assembly within three sitting days of completion. The Government has met the requirements of the Financial Management Act, presenting the November 1996 financial management report to you, Mr Speaker, out of session earlier this month and tabling it in the Assembly yesterday.

**Mr Whitecross:** Nine weeks later.

**MRS CARNELL:** Mr Whitecross interjects and says that they were late. They were not late, Mr Speaker. As I said, it is very clear in the Act that they need to be presented within three sitting days of their actually being completed, and, Mr Speaker, that is the case.

The November report continues an improvement on previous reports. Not only does it represent another quantum leap in accountability for the Territory, but it sets a new standard of government accountability in this country. Mr Speaker, I presented the Government's first consolidated report last year for the end of September so as to ensure that there was, for the first time, 1996-97 budget information available in a fully accountable framework with which to compare the monthly information as required by the FMA. The October report was presented soon after. The November report presents in great detail analysis and explanations of variations from year to date budget in each item of the Territory's operating account and balance sheet.

**Mr Whitecross:** Except that the year to date budgets were wrong.

**MRS CARNELL:** That is absolutely wrong, Mr Speaker.

It also summarises variations in expenses and revenues for each agency of the ACT Government. Yet the Opposition, rather than meet its duties to properly analyse the report and contribute where necessary to making provision of services in the Territory accountable, has resorted - wait for this, Mr Speaker - to political opportunism. It is extremely hard to believe that, Mr Speaker. I am sure that those opposite would never be involved in political opportunism and would always be interested in the figures and the facts; but just not in this case, Mr Speaker!

When I presented the November report, the Leader of the Opposition's published comments ignored the contents of the report. Contrary to Mr Whitecross's public comments, the ACT did not, at the time of the November report, receive a grant from the Commonwealth in lieu of the Commonwealth Bank share float payment. In fact, this payment was budgeted for in November and its non-receipt actually adversely affected our performance in the year to November. The payment was actually received in December. So, when Mr Whitecross said that the reason that the budget was all right was that we had received the Commonwealth Bank money, he was wrong. We actually had not received the Commonwealth Bank money until December. So, Mr Speaker, it showed that the situation was even better than it was represented to be.

Mr Whitecross also claimed that payroll tax was seriously under budget, whereas the November report clearly states that this was entirely due to deficiencies in the accrual recognition procedures which excluded some accrued but unpaid revenues at month end. It just shows that he simply does not understand what he is talking about. In fact, Mr Speaker, the report stated that actual collections were above budget, and I can inform the Assembly that OFM's latest full year projection for payroll tax earnings is \$1.5m above the original budget.

Further, Mr Speaker, the Opposition continues to make noises about conspiratorial delays in presenting monthly data to the Assembly. The question must be asked: Would this Opposition or would this Assembly really prefer to revert to the incomplete and murky financial statements that we used to get in the olden days under them? Quite seriously, I would be very surprised if the Assembly were at all interested in that.

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Mr Speaker, each month's financial report requires agencies to undertake extensive month-end procedures to properly determine accrued expenses and revenues as well as balance sheet positions. The whole-of-government consolidation then involves some 41 separate entities, requiring elimination of internal government trading in order to provide a consolidated whole-of-government report - not an insignificant job. As required by the FMA, the report includes the assets, liabilities, equity, revenues and expenses of departments - - -

**Mr Moore:** On a point of order, Mr Speaker: I think we have been particularly tolerant about this ministerial statement; but standing order 118(a) says that the answer shall be concise and confined to the subject matter - or words to that effect. I cannot quite find it at the moment, but that is what it says. This Minister really has gone on for quite some time to say nothing.

**MR SPEAKER:** Mr Moore, I think that the reply is concise, in so far as it is a fairly complex issue. Equally, it is certainly confined to the subject matter. Nevertheless, I am sure that the Chief Minister is drawing her answer to a conclusion.

**MRS CARNELL:** Mr Speaker, the financial management report includes, as I said, the assets, liabilities, equity, revenues and expenses of authorities - all the sorts of things that go together to make the report that we put together in November.

Finally, Mr Speaker, I note the Opposition's earnest concerns about the updated ACT performance in light of lower than expected economic growth. I am sorry that Mr Moore does not think this is important and is not part of the question; but Mr Whitecross was quite vocal last week in suggesting that the Government should totally review its budget because of the particular economic circumstances that the ACT found itself in.

Mr Whitecross may see, if he actually chooses to look at the November figures, the increase of almost 5 per cent in taxation effort outlined in the November report. If he analysed the report, he would be able to see clearly that this variation is one of the few items in that report not merely subject to a timing adjustment for this time of year. Mr Speaker, I can assure the Assembly that revenues are largely on track as outlined in the report. I also believe that the November report clearly shows that expenses as well are as expected.

Mr Speaker, why on earth would a government review its budget situation when both revenue and expenses are more or less on track? In fact, some are up and some are down; but, on average, they are on track. This Government will continue to apply downward pressure on unnecessary spending, and the lower than expected economic growth of the Territory may even assist us through lower prices for goods and services.

Mr Speaker, I sincerely welcome any constructive comments that the Opposition - or, for that matter, other members of the Assembly - may like to make on the December report when it is tabled, certainly in this sitting period, Mr Speaker, both in terms of the financial performance and in regard to the disclosure of information. Mr Speaker, it is an enormous change for any government to go into this new sort of financial reporting. We want to make sure that it is as good as it can be. On that basis, we are always interested in constructive input.

### **Rural Leases Task Force**

**MR MOORE:** Mr Speaker, my question is directed to the Minister for Environment, Land and Planning, Mr Humphries. Minister, yesterday you responded to my question - of which I had given you a small amount of notice, unlike today - regarding a Mr John Hyles Junior, who is on your Rural Leases Task Force, by insisting that the environmental degradation offences I referred to were actually the responsibility of Mr John Hyles Senior. Were you aware when you answered that question that, in 1988, Mr Hyles Junior pleaded guilty to two charges arising out of damage to Namadgi National Park caused when he drove a bulldozer for some 6.5 kilometres through the park to create a cattle trail? Mr Speaker, I will quote a couple of very short paragraphs from a newspaper article to clarify this:

The son of a Canberra grazier with one of the largest rural holdings adjacent to Namadgi National Park pleaded guilty yesterday in the Canberra Magistrates' Court to two charges of contravening the Nature Conservation Ordinance.

Somebody from the Parks and Conservation Service had observed that a track of about 6.5 kilometres had been pushed through. Further on it said:

... the service's plant ecologist ... had described the damage in certain areas as severe.

... the area was of ecological significance, as it had wet heaths and herbfields. It was, he pointed out, the north-eastern limit and the low-altitude limit of certain mountain plant species. It was also the breeding habitat of a frog species and two uncommon bird species.

Do you still maintain, Minister, as you did in this place yesterday, that Mr Hyles Junior is not responsible for past acts of environmental degradation and that he is an appropriate appointee to this task force?

**MR HUMPHRIES:** Mr Speaker, to answer the first part of Mr Moore's question, no, I was not aware of it when I made the response to the question yesterday, although I did not say to the Assembly that he had not been guilty of environmental damage. I said that he had not been convicted of an offence in the New South Wales Land and Environment Court, as his father had been. However, the convictions to which Mr Moore has drawn our attention were drawn to my attention as well at lunchtime today.

I have asked Mr Gilmour, the head of the Department of Urban Services, to give me advice on the process whereby the appointment was made and whether there was some deficiency in the process whereby these problems or these elements of the background of Mr Hyles were not drawn to the attention of the Government or of me before the appointment was made. I do not know whether that would necessarily result in a different outcome or a different membership of the task force from this point.

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The task force is due to report very soon - I think, in the next month - and I am really not sure that changing one of its members three-quarters, or nine-tenths, of the way through the exercise is necessarily appropriate. However, I have indicated that I will ask Mr Gilmour to advise me on the process whereby this name was brought forward and whether there should be some change in the composition of the task force as a result of that advice.

**MR MOORE:** I have a supplementary question, Mr Speaker. Mr Humphries, you would agree that it has cast a shadow over the Rural Leases Task Force. One has to ask the question: Why would you support the sacking of a community activist like Jacqui Rees, on the one hand, while, on the other hand, you have an appointment like this on one of your task forces?

**MR HUMPHRIES:** I will answer that question, Mr Speaker. I have said that I am not going to distinguish between a case like the one put yesterday and a case like the one put today.

**Mr Moore:** No; because it is too embarrassing for you and for your Government. I can understand why you are embarrassed.

**MR HUMPHRIES:** I do not think Mr Moore heard my answer to the question. I am reviewing Mr Hyles's membership of that committee. That would, I think, be the sort of thing Mr Moore is asking me to do. I also point out that Mr Hyles was a nominee of an organisation to that task force.

**Mr Moore:** One of three. You chose two.

**MR HUMPHRIES:** One of three, admittedly; but I did not know at the time that Mr Hyles had this background. If I had known that, I might well have taken a different view about his appointment. However, he was one of three nominees. With great respect, Ms Rees was not the nominee of any organisation to the Kingston Foreshore Development Authority.

### **Bruce Stadium**

**MR CORBELL:** Mr Speaker, my question without notice is to the Chief Minister, and it is in relation to the redevelopment of Bruce Stadium. Chief Minister, before you commit many millions of Territory funds to this redevelopment, can you advise the Assembly whether you have a contract with the Super League Raiders, the Super 12 Brumbies or the Canberra Cosmos, binding those organisations to play at the Bruce Stadium?

**MRS CARNELL:** It is actually Bill's area, but I am happy to take it.

**MR STEFANIAK:** Quite simply, as far as I am aware of, the answer is no.

**MR CORBELL:** I would like to ask a supplementary question, Mr Speaker. Minister, as your answer is no, what guarantees can you give the ACT community that they will not be left to fund an expensive white elephant if these sporting organisations choose to play elsewhere?

**MR STEFANIAK:** I think those organisations are very keen to play in Canberra, and to play in Canberra for some period of time. I think it is also very important, Mr Corbell, that we have top-class facilities. Bruce Stadium is a facility that was built in the 1970s and is very much a 1970s facility. We are now a city which is starting to get on the world sporting map. We will have Olympic events occurring here in 2000. We have a very successful rugby league side in the Raiders, who have played at Bruce Stadium since 1989 and who are now in the Super League competition, which will involve a number of matches against international sides, I understand, this year at Bruce. We also have the Brumbies, who had spectacular success in the Super 12s - the Southern Hemisphere competition - in their first season; and we have a soccer team that plays in the National Soccer League. Those three codes between them, I understand, have about 50 matches booked for Bruce this year.

I think it is very important, in these days of interstate and national sport, and sport where you play games against international teams as well, that we have top-class facilities. I think it is important to have an upgrade of the stadium. The plans for the upgrade, Mr Corbell, were, I think, essential in ensuring that we will get Olympic soccer matches played in Canberra. I really do not think that you can overestimate the potential to this city - in terms of giving it just a general boost, tourism potential and economic potential into the future - from having Olympic matches played here. We are certainly very keen for all those sports - as, I understand, are those three codes themselves - to play, and to play on a long-term basis, at Bruce.

### **Parkwood Eggs**

**MS HORODNY:** Mr Speaker, my question is directed to Mr Humphries, as Minister for the Environment, Land and Planning and as Attorney-General. Mr Humphries, you would obviously be aware that, in the Magistrates Court yesterday, Magistrate Michael Ward dismissed the trespass charges against the four people who entered the Parkwood Eggs farm on 20 October 1995 to protest about the cruelty inflicted on the battery hens kept there. Magistrate Ward found that the people had a reasonable excuse for protesting at Parkwood Eggs because, he found, keeping hens in battery cages is inherently cruel to the hens; that the code of practice for battery hen farming is internally contradictory, in that it is meant to protect the welfare of hens but allows a system that is contrary to their welfare; and also that Parkwood Eggs was breaching even the mild rules in the code of practice. Minister, at the time of the Parkwood protest, you publicly made a number of disparaging remarks about the animal liberation protesters, calling the action a stunt and an irresponsible method of publicising their complaints. You said that there were no problems at Parkwood Eggs. Given the findings in the Magistrates Court, will you now apologise to those protesters and acknowledge that they were indeed taking a principled and necessary stance against the cruelty of the battery hen system?

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**MR HUMPHRIES:** Mr Speaker, I thank Ms Horodny for the question, which was not entirely unexpected. No, I will not apologise to those protesters. I have read His Worship's judgment. I have a responsibility as Attorney-General - whatever my views as Minister for the Environment with responsibility in these areas - to defend the integrity and the independence of magistrates in our judicial system. Therefore, I am not going to rise in this place and express a view - my own view or my view wearing a hat as another Minister - about the work, the integrity or the judgment of any of those magistrates.

However, Mr Speaker, the Government does not resile from its views about the issue at Parkwood Eggs. I note from that judgment that there was little or no evidence presented by Parkwood about the nature of conditions at the farm. If His Worship was saying that there was a valid excuse for members of the public to enter into Parkwood Eggs on that occasion to make a particular point - I did not sit in judgment on his case - I have to accept the integrity of his judgment and, as Attorney-General, I do so; but, as Minister for the Environment, I have to emphasise that I am not in any position to encourage or support people who do trespass against private property in the Territory. That is my view. That is the view that we will take in this matter.

I also have to say that the judgment does not change the Government's view about the legislation which has been brought forward and which you have claimed is now vindicated by the decision of Mr Ward. The fact remains that the legislation is fatally flawed, in that it will attempt to ban the sale of battery eggs in the ACT but, in fact, it has no capacity to prevent the sale of those eggs across the border and the importation across the ACT, and indeed cannot effectively prevent the sale of those eggs even within the ACT.

**Ms Horodny:** On a point of order, Mr Speaker: I did not actually ask anything about the legislation, Minister. I asked whether, if you have confidence in your magistrate, you would make a public statement.

**MR SPEAKER:** There is no point of order, Ms Horodny. Mr Humphries is answering the question.

**MR HUMPHRIES:** Actually, Mr Speaker, she did not ask me whether I support my magistrate; she asked me whether I would apologise to the protesters; and the answer is no, I will not.

**MS HORODNY:** I will ask a supplementary question, Mr Speaker. Minister, does this mean that you do not have confidence that your own magistrate can reach an impartial, well-considered and legally sound decision?

**MR SPEAKER:** Minister, that is asking for an expression of opinion.

**MR HUMPHRIES:** That is such a silly question, Mr Speaker. If I moved to sack or had to resign every time I disagreed with the opinion of a magistrate, I would be in serious trouble, and so would any government that was sitting with an attorney-general like that. I do not know how a Green government would operate in this place. Every time a Green attorney-general - can you imagine that, Mr Speaker, a Green attorney-general? - disagreed with the opinion of a magistrate, what would he or she do?



It really beggars description. No, Mr Speaker, I will not indicate any lack of confidence in any magistrate. I do not propose to make an issue of any difference of view, if one exists, between me and a particular magistrate. I have to emphasise that I did not sit in on the case that Mr Ward sat on. I cannot make any judgment about the issues on which His Worship was sitting. That is not a role for anybody in this place - including you, Ms Horodny.

In respect of the suggestion you made to the media today - that I should be instituting prosecutions against Parkwood Eggs - let me also remind you about the processes of justice in this Territory. Attorneys-general and governments do not initiate prosecutions; the Director of Public Prosecutions does. Interference in that process by, for example, a member of a government is entirely illegal and quite improper.

### **ACTION Services**

**MR BERRY:** My question is to the Minister for Urban Services, Mr Kaine. Minister, do you stand by your statement that the reason why ACTION has suffered a drop in patronage levels is that the Federal Government has put off 5,000 public servants, all of whom, according to your reasoning, would have had to be catching buses to and from work? Or was this statement by you, like many of those made by your predecessor, just ill-informed and ill-considered?

**MR KAINÉ:** Mr Speaker, there have been a number of reasons bandied about by members of the Opposition as to why the revenues of ACTION are down. They have not produced a jot of evidence to support any one of them. When I was asked the question, I said that one of the reasons why there is a reduction in patronage might well be that there are fewer people who need to travel to work these days because their jobs with the APS have been terminated. I also went on and said that some of them, if they have left town, might even have spouses who no longer need to travel to work in Canberra either. Some of them, if they have left town, may even have had children at school who would no longer need to travel to school. I think that is a reasonable deduction from the fact that a very large number of Commonwealth public servants are no longer employed by the Commonwealth Public Service. I still believe, Mr Berry, that that is a significant factor in the downturn in revenues being experienced by ACTION.

There may be other reasons as well. If you can produce some evidence to sustain your argument that there are other reasons why there is a downturn, put the evidence on the table and we will examine it. It is all very well for you to assert things without producing any evidence at all. There is plenty of evidence to support my contention that one of the reasons for the downturn is that there are fewer people wanting to travel. If you dispute the fact that there are fewer people travelling, why are you making so much noise about all these redundancies that you assert the Commonwealth is imposing on Canberra? On the one hand, you claim that all these people are being made redundant; on the other, you are saying that this has no effect on the ACT economy and no effect, in particular, on ACTION. Your argument is inconsistent.

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Let us take the argument a bit further. These people who are no longer travelling on ACTION buses, according to the Opposition, get to work in some other fashion. Can you explain to me what is the mode of transport they are using? Are they riding bicycles? Are they walking? It is evident that they are not getting out of the buses and into their cars, because the revenue for parking is down as well. So, how are these people getting to work? If they are still getting to work, how are they getting there? Maybe you can answer the question yourself, Mr Berry.

**MR BERRY:** Mr Speaker, I have a supplementary question. Mr Kaine, you mentioned that there was plenty of evidence. Will you table that evidence? Would you agree that a far more plausible explanation for the drop in patronage is the reduction of ACTION services and the introduction of *Bus Book '96* in May 1996 and the subsequent huge increases in fares in July 1996?

**MR SPEAKER:** It is an expression of opinion.

**MR KAINE:** I am quite happy to table the statistics that show the reduction in the strength of the Australian Public Service in this town, if that is what Mr Berry wants. I do not believe his proposition that somehow changing the schedules of the buses has frightened 5,000 people off them. There is no logic at all to that, and I do not accept it simply because he asserts it.

### School Without Walls

**MS TUCKER:** Mr Speaker, my question is for Mr Stefaniak. Mr Stefaniak, could you please tell members of this place what efforts your Government has made to invite the Friends of the School Without Walls and their legal representatives to meaningful discussions towards settlement of the matters before them, to avoid a court case?

**MR STEFANIAK:** Ms Tucker, they were the ones who wanted the court case; it was not us. We did not particularly want to go to court.

**Ms Tucker:** Because there was no solution in sight. Would you answer the question?

**MR STEFANIAK:** I am answering your question.

**MR SPEAKER:** Order! The Minister is endeavouring to answer the question.

**Ms Tucker:** He is avoiding it.

**MR STEFANIAK:** As I told you yesterday, we have made numerous attempts to look at this rationally and sensibly, in the best interests of all students. The Friends of SWOW Inc. took the action to court. I understand from reports in the *Canberra Times* that they have new legal representatives and they want to continue with the action in court. In relation to this matter, Ms Tucker, further to what I told you yesterday,

we posted a letter to all students on 2 December 1996, advising them of new arrangements and requesting that they respond by filling in an enrolment intention form. That was in relation to the move to Dickson. Also, as I think I indicated to you yesterday, I understand that there was a further communication in January.

Ms Tucker, the Department has had, as I have had, numerous talks with the Friends of SWOW since about June last year in relation to this issue. I think the incidents that have occurred at SWOW, Braddon, in the first week of term this year indicate that there are people there who have absolutely no intention of sitting down and engaging in a reasonable, rational discussion in the interests of students. It seems that there are some people there who want only three particular people to be the teachers there and no-one else. It is very difficult to have a sensible discussion when there is really no hope of one side giving any ground whatsoever.

I think the department has been most reasonable in what it has done since discussions on the move to Dickson commenced about halfway through last year. As I indicated to you before, Ms Tucker, I have had a number of talks with both individuals and groups of people from SWOW, including members of Friends of SWOW Inc. I repeat what I said yesterday, Ms Tucker, namely, that the behaviour of certain people at SWOW in that first week of term was reprehensible. There were teachers who were intimidated. One teacher, I understand, was physically abused for about an hour by one individual. That is completely contrary, I think, to what one would normally expect in any civilised community. It is completely contrary to the pamphlet which the School Without Walls puts out, which says that one of the aims of SWOW for the group is "to create a loving, caring community run by its members in which individuals can find support and warmth". There has been precious little support and warmth and normal general courtesy to other human beings shown by a few people in this particular case, Ms Tucker.

Unfortunately, it is quite obvious that the Friends of SWOW Inc. want to continue with the court matter. If they come up with any sensible compromises, I am sure that the department will be happy to listen to them, and I would be; but there does not seem to be any likelihood, from what has happened over the last couple of months, of their accepting anything other than getting exactly what they want at the end of the day in relation to SWOW, Braddon. I find that most unfortunate. I do not think that helps the education of the students who will be remaining at Braddon.

As I indicated yesterday, the department will do all it realistically can to assist those students there until the court case is finished. I find it difficult to think of any more effort that could be made by members of my department. I think they have shown extreme tolerance, understanding and compassion for the students both at SWOW, Braddon, and at the new program that will start at Dickson. I commend them for their efforts. Unfortunately, there is a small group of people who are pursuing this matter and who do not have any interest in any sort of realistic compromise. They just want to get their own way. I think that is unfortunate. Unless they change their attitude, I really cannot see any alternative to having the matter decided by the court. They were the ones who initiated the matter in court and, unfortunately, it seems that they are the ones who just want to continue with that matter in court.

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**MS TUCKER:** I have a supplementary question, Mr Speaker. My question was: What has the Government done to invite the Friends of SWOW and their legal representatives in more recent months to resolve the issue? It is quite clear why they resorted to court. We have already had that discussion. It was because there was no solution. I am asking you: What has your Government done to meet with SWOW, Friends of SWOW and their legal representatives to avoid the court case, because there is a group of vulnerable students on the campus?

**MR STEFANIAK:** I will give you one little example, Ms Tucker. When a number of people wanted to start the program at Dickson, the Government actually did talk with the Friends of SWOW Inc. and their legal representatives. I think the department wrote to them, wanting a reply by 2.00 pm on the Monday. We actually thought, as a result of discussions just on that little point, that they did not have any problem with that. We had to wait until we got to court on the Friday, some four days later, before they finally just agreed to that, which was something they indicated that they had agreed to on the Friday or the Thursday before. That is just one example of some recent talking to try to do something in the interests of the actual students. With reasonable people you can reason, Ms Tucker. I think there are a few people here, unfortunately - it is only a small number - who are being quite unreasonable. It is impossible for this department to accede to a condition such as, "There are only three teachers we want to see at SWOW and those three particular individuals have to be there". Ms Tucker, that is a nonsense. No-one can agree to that. I think, in matters such as that, the department is quite right. It has the support of such bodies as the AEU and it certainly has the support of the Government on issues such as that.

### **Tuggeranong Bus Interchange**

**MS REILLY:** My question is to the Minister for Urban Services. Can the Minister confirm that the Government intends to sell the ACTION bus interchange at Tuggeranong and relocate the interchange to Anketell Street?

**MR KAINÉ:** My understanding is that the ACTION terminal at Woden is now surplus. I have not seen a proposal to sell it - - -

**Ms Reilly:** The question was about Tuggeranong.

**MR KAINÉ:** I am sorry; I thought you were talking about the facility at Woden. As far as I know, there is no proposal to sell any ACTION facility at Tuggeranong.

## Tourism - Asian

**MR HIRD:** I wish to direct a question to Mr Kaine in his capacity as Minister for Tourism. Following the Chief Minister's recent successful trade mission to China, is the Minister in a position to say what the Government proposes to do to increase tourism opportunities from that part of Asia?

**MR Kaine:** Unfortunately, I did not go to China with the Chief Minister; but I do know that while she was in China she had discussions with Chinese officials, among other things on the question of tourism. That is one of the reasons why some of the officials were included in the party that went to Beijing with the Chief Minister. I understand that, as a result of those discussions, there has been agreement that we will exchange with Beijing promotional material. There is a Canberra promotional video, which the Beijing tourism people intend to use to promote Canberra there. I understand that there has been a proposal for an exchange of tourism staff between the two cities. That has not been agreed upon yet, but investigations are proceeding to determine whether we can arrange such an exchange.

Also, promotional information on such institutions as the Australian International Hotel School and the Canberra Institute of Technology's School of Tourism and Hospitality is being forwarded to the Chinese Department of Education to see whether we can get some exchange of people through the education system. It would be of great value to us if we could encourage Chinese students to come to those institutions. Apart from being students, they also bring money into our community. I think it is important to note that many of the leading five-star hotels in China are state owned. Of course, they have a great desire, as we do, to attract people to go and stay there. So, there are indications that a number of initiatives are flowing from the Chief Minister's visit to China. I think that we can only benefit from that. Of course, China is not the only potential source of tourists in the Asian region. I think that, at one meeting that I had after the Chief Minister came back, there was some comment about the size of the rising middle class in China and the number of people who are now economically able to undertake travel overseas and the fact that there is some encouragement on the part of the Chinese Government for them to do so.

But, of course, the same thing is happening in other parts of Asia - in India, for example. It may be of interest to people to know that there are more millionaires in India today than there are people in Australia. The Indian economy, obviously, is booming. There are people in this city who come from that Asian subcontinent, and I am sure that a lot of their relatives and friends would like to visit Canberra. They are now developing the capacity to do so. I would expect to see an increasing number of tourists coming from that part of Asia as well as from China. I think that we all recognise the potential that China offers as a source of business for Canberra, particularly as a source of tourism. So much has been done as a result of the Chief Minister's visit. I expect to see over the next few years an increasing number of Chinese people coming to Canberra. Conversely, I hope to see a lot of Australians - Canberrans in particular - visiting China. I think it would be a mutually beneficial experience.

### School Without Walls

**MS McRAE:** Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Education. Minister, in relation to your ongoing court battles with the Friends of SWOW, can you inform the Assembly of the total to date of the legal costs to the Government of the various court actions - the one in regard to the relocation to Dickson and the forthcoming one in regard to staying or not staying at Braddon? How much do you plan to spend on these court costs to get your own way, rather than negotiating with parents and students?

**MR STEFANIAK:** Ms McRae, you are probably saying that a little bit tongue-in-cheek. As you know, we have been negotiating with parents and students. I indicated earlier that, as a result of those negotiations, at least some commonsense came through last Friday, with those parents and students who wanted to start a program at Dickson being able to do so. As I said to Ms Tucker, unfortunately, with the way some of the people have been behaving over the last few weeks, we could negotiate with them for 48 hours straight, go to sleep, wake up and start again, and not realistically get anywhere.

**Ms Tucker:** Maybe you should engage a mediator.

**MR STEFANIAK:** I do not think even that would necessarily work. I have been involved probably in as much mediation as you have, Ms Tucker, through my experience as a solicitor. I have found that, when one side is absolutely diametrically opposed to conceding a number of points, you can mediate until you are blue in the face and it will not work. So, as I said to you earlier, if the Friends of SWOW Inc. have anything new to come up with with the department, certainly we will look at it; but I do not think that looks at all likely. If they have a new legal adviser and they want to see the court case through to the end - they brought it - there is very little we can do. I think it would be completely improper for the department to pull out of a court case and leave the playing field to them.

In terms of legal costs, Ms McRae, which you mentioned, I am not sure of exactly what the bill is to date. Of course, it being a civil matter, I understand that someone who is backing the Friends of SWOW has put up a surety because, as is traditional in legal costs, when one side is successful, costs are awarded to them. That does not mean absolutely full costs. You do not normally get back 100 per cent of everything you spend, but you usually get back a significant majority of what you spend. So, it may well be, at the end of the day, if the Government is successful, that our costs will be indeed quite minimal. In terms of the exact costs to date, I do not have that figure readily available.

I would hope in relation to this matter, as I said yesterday, that the court is keen to give us an expedited hearing. I would hope that hearing would take place in the next few months. I would hope that it would not be unduly protracted. That, of course, will help minimise costs. The Government is very confident and the department is very confident on their legal position in relation to this matter. Again as I said yesterday, it is absolutely fundamental that the department has the responsibility and the legal duty, I would think, to run its education system as it sees fit; it is not really a matter for the courts, and I think His Honour, Mr Justice Higgins, in obiter dicta he mentioned in the Friday case, actually hinted at that point.

I would suggest to the Friends of SWOW Inc. that it probably is rather sensible if they rethink where they are going from here. They might like to start being a little more conciliatory and start putting out some feelers for some really sensible discussions with the Government. Unfortunately, the actions we have seen in the last few weeks really are not conducive to that. Indeed, from some of the reports I got in that first week on what happened at SWOW, Braddon, it was more like a group of Red Guards taking over Peking University during the great Cultural Revolution. I was quite horrified to hear of some of the incidents there. I think there needs to be a little bit of give by the other side, Ms McRae. We will see what happens there. If there is, there might well be some benefit to be gained in discussions. There certainly had been a considerable amount of discussion up until that point, and there is obviously discussion, as I said to Ms Tucker, in relation to the relocation of those people who want to go to Dickson.

**MS McRAE:** By way of supplementary question: Minister, I in no way ever asked for any opinion of yours on the behaviour of the Friends of SWOW or anyone else. The question I asked was in relation to the cost of court hearings, and I trust that you will pass that on. In the course of that information, I would also like to know the cost of a professional mediator who could have been engaged instead. I do not accept that you are in a situation where you are simply following a court requirement. It is up to the department to settle this out of court and it is up to you to determine that it can be settled out of court. I need the amount the Government has spent thus far on legal costs, the costs of alternative mediation, and some course of action which does not put the Friends of SWOW in a situation where they may lose property and personal belongings and money because of your intransigent attitude.

**MR STEFANIAK:** As I indicated earlier, Ms McRae, I think you have the wrong end of the stick there. It is not the Government or the department that is being intransigent. We did not bring the court action. The department has a right and a duty to run its education system as best it can. Quite clearly, what has occurred at SWOW, Braddon, in the last few weeks does not augur very well for anyone trying to run that site effectively for the benefit of the children there. There seem to have been some horrible deviations by a few people there from the original intentions of SWOW and what it was all about. I think that is what needs to be looked at. As I said, if there is anything to be gained by any further discussions or by using a mediator, I will certainly look at that, and the department will look at that.

But remember two points, Ms McRae: We did not bring the court action - - -

**Ms McRae:** But you can stop it.

**MR STEFANIAK:** No, we cannot. We can stop it by capitulating, but that would not be in the interests of the students. It takes two to tango, Ms McRae. One side cannot do all the giving; there has to be give and take, and sensible give and take. Our second point is that we have a duty to run an education system for the benefit of all our students. You know that yourself. If you are in my position one day, I know you will be doing exactly the same thing. The interests of the students are absolutely paramount,

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and the department would be wrong, and the Government would be wrong in backing it, if it did anything that would go against looking after the best interests of those students. That is our paramount concern, and that is why we were so keen, when a number of parents wanted to go to Dickson, to start that program. Quite clearly, that was in the interests of students. That is our paramount concern, Ms McRae.

### Cultural Council

**MR WOOD:** Mr Speaker, my question is to the Minister for Arts and Heritage. Minister, some longstanding and valuable members of the Cultural Council have resigned. As their resignations are due to the Government's continuing disregard for the council, will you now review your approach, to restore the standing of the council and its members' confidence in you?

**MR HUMPHRIES:** Mr Speaker, I am pleased Mr Wood asked me this question, so that I have a chance to comment on the matters that were in the *Canberra Times* today. I have received letters from Mr John Thompson and Ms Evol McLeod, indicating their desire to - - -

**Mr Wood:** Longstanding members.

**MR HUMPHRIES:** They are longstanding members, indeed. They indicated to me some concern about elements of the environment in which they operate, which gives them reason to believe that they should not continue on the council. I think it would be a mistake to characterise this as a straight disagreement with Government policy. There are undoubtedly some elements of Government policy with which they disagree. There are also some other things to which they refer in this correspondence that I think point to other factors.

I propose to table these two letters in a moment, but I will read briefly from the two pieces of correspondence. Mr Thompson summarises, I think, in the letter his concern about the position he found himself in on the Cultural Council. He says:

The intention of the Government to establish a new Canberra Cultural Authority and the proposed centralisation of grant funding have both led to a vigorous discussion about the role, purpose and relevance of Council. I welcome these discussions but believe that the process of redefining Council's role which has now been embarked upon by Council and artsACT should probably best rest with a new generation of Council members. It is important that these discussions take place and that they do so in a spirit of strong commitment and a common shared purpose by members around the table. During recent months I have sensed a "generational" split between longer serving members and more recent appointments. I believe that this new membership should be free to work constructively together to forge a clear role and identity for Council in an exciting period of change, uninhibited by any legacy of the past.



Mr Wood may care to characterise that as an attack on Government policy. I would read between the lines and assume that Mr Thompson is not entirely comfortable with some elements of Government policy, but I would also not interpret that letter to be a spitting of the dummy.

Ms McLeod cites a number of reasons for her resignation. I will not read from this in detail, but I will say that she comments in particular on some decisions the Government has taken to make decisions outside the framework of the advice from the Cultural Council. She refers to the decision I made a few weeks ago to provide funding to the Eureka Theatre Company, and comment has been made in the media about the decision to fund the Multicultural Festival as well to the tune of \$100,000. I think it is important, in referring to those comments, that I indicate my profound regret that these two longstanding members of the council should choose to resign. But I also have to emphasise that, if members of the council believe that they are in a position of making decisions about funding rather than advising the Government about decisions on funding, perhaps they have a fundamental misconception of where they stand.

We have never had arm's length funding in the ACT; it has always been elbow length funding - a phrase I coined some years ago. That is, the decisions that are made by the council are generally the decisions adopted by government, but not invariably. I do not know whether you, Mr Wood, ever took a different view to the Cultural Council's view about a funding proposal. It was my view in the case of the Eureka Theatre Company that the company was a good theatre company and deserved another chance, even though the Council thought it did not. That obviously rankled with Ms McLeod very heavily. It was also the decision of the Chief Minister that there should be a generous level of support for Canberra's Multicultural Festival. Members in this place will have experienced that festival over the last few weeks and, I am sure, would have come away with a very strong sense of the excitement and the dynamism of that particular exercise. I think the Chief Minister was entirely within her rights to be able to make a commitment to future and substantial ongoing funding to the Multicultural Festival.

Mr Speaker, I also have to say that the view by these two members of the Council, which I think I read into their comments, that they saw the establishment of the Canberra Cultural Authority as some kind of threat to the Cultural Council, is unfortunate and a very real misconception of what is going on. The Canberra Cultural Authority is taking over from the Arts Bureau the management of cultural assets in the ACT such as the Canberra Theatre, the Cultural Centre, and perhaps things like Calthorpe's House, Lanyon and so on. That is its role. It will have no role in the determination of funding advice, which will continue to be the role of the Council. I will finally quote the last sentence of Ms McLeod's letter to me:

My warmest wishes to you and thanks for your very great commitment to the arts in the ACT.

I table those two letters.

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**MR WOOD:** I ask a supplementary question, Mr Speaker. I thank the Minister for his statements. Minister, will you issue a somewhat detailed statement about the role of the Cultural Authority - or have you said all that is going to be said about that? - and its management of cultural assets? Does that mean the physical assets alone? What is the future of the existing Theatre Trust and of the committee established to advise on the operation of the gallery and museum across the way?

**MR HUMPHRIES:** I thank Mr Wood for that supplementary question. I think it is important, quite quickly, to define exactly what the role of the Cultural Authority is. Clearly, in the case of those two members of the Cultural Council, some confusion or uncertainty may have contributed - - -

**Mr Wood:** I do not think you have done it in good detail at all.

**MR HUMPHRIES:** I will confess to not having done that because it was the Government's intention to consult, first of all, with the members of the Interim Cultural Authority from the overview of all of those cultural assets before it finally defined what the extent of its authority should be. All I have done is indicate that it will not take on the role of determining arts funding issues, which is the role of the Cultural Council. I take Mr Wood's suggestion; I think it is a reasonable one. I will expedite discussions with the interim authority so that we are in a position to define clearly what assets and what sorts of assets are the responsibility of the Cultural Authority.

**Mr Wood:** If you ask them, they will expand what they ought to be doing.

**MR HUMPHRIES:** You misunderstand what consultation is about, Mr Wood. It does not mean that I have to accept what they say to me. That is the common assumption about consultation in this town: If you consult, you have to agree with whatever someone is telling you. That is not what consultation means. I intend to take on board their views, and when I have taken on board their views the Government will make a decision about what is the appropriate balance. Here is a case, presumably, where you would say we should not consult to the extent of agreeing with everything that is said to us. We should filter the views coming forward to us, and that will be the case here too.

### **Resignation of Member**

**MR OSBORNE:** My question is to Mrs Carnell in her capacity as Leader of the Liberal Party. Mrs Carnell, I would like to start by saying I am very disappointed in you; I am disappointed because yesterday in the Assembly we were informed formally of the resignation of Mr De Domenico. I was amazed and disappointed because yesterday, after that was announced by the Speaker, there was a deathly silence. In the past, during my time here, the common practice has been for the party leader at least to say something about the outgoing member, as we saw with both Mr Connolly and Ms Follett when they resigned. In fact, when Ms Follett resigned every member of her party spoke. When Mr Connolly resigned both Mr Humphries and Ms Follett spoke. Mrs Carnell, my question is this: Was it an oversight or was it because, in reality, you never really supported or liked your previous deputy and, in fact, were glad to see the back of him?

**MRS CARNELL:** I think that is a hypothetical question, Mr Speaker. I can assure this place that it was an oversight. It was an oversight, because we have already had all the farewell parties. We have had so many speeches and so on over the last couple of weeks that I must admit I had forgotten that I had not given a speech in the Assembly. I will make sure I do that, Mr Osborne.

**MR OSBORNE:** I ask a supplementary question, Mr Speaker. The public facade at the moment, Mrs Carnell, is that you support your current Ministers and other members of your party. Is this the case, or do you feel the same way about them as you obviously felt about Mr De Domenico?

**MRS CARNELL:** Mr Speaker, as you would know because you were present, we had a farewell party for Mr De Domenico here at the Assembly last week and all of the appropriate speeches were made there. I think Mr Whitecross was invited. I can guarantee that we are operating as a team, we all love each other, and so on. I think it is an extremely unusual question, Mr Speaker.

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

### **Health Complaints Investigation**

**MRS CARNELL:** I would like to give some further information on a question from Mr Osborne yesterday. He asked about resources for the Health Complaints Commissioner. At this stage, one member of the staff of the Health Complaints Commissioner is working almost full time on the particular case you spoke about yesterday. Also, some administrative support has been sought from the department which, as I indicated yesterday, will be granted.

### **Bruce Stadium**

**MRS CARNELL:** I would like to give some further information to Mr Corbell on his question today. He asked what sort of commitment we had from the Raiders and others with regard to Bruce Stadium. Mr Corbell may not be aware of this, because he is new, but members of all three codes were present at the presentation to SOCOG and were part of the presentation to SOCOG on the upgrade of Bruce Stadium. I understand from SOCOG that, of all the presentations they got right around Australia, it was the only situation where all of the codes were together and presenting together for the upgrade of a particular stadium.

**Mr Berry:** Have you got a commitment?

**MRS CARNELL:** You might not like it; it just happens to be true. You would also be aware that when SOCOG announced that Canberra would have Olympic soccer, I think all three codes were there at that stage too. I think you will find that Mr Neil and somebody from the Brumbies were interviewed at that stage on their commitment to stay in Canberra. You would also be aware that recently the Raiders have made a commitment

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to Rugby League Park and to the Gungahlin club site, both of which, I would suggest, they would not be making if they did not have every intention to stay right here in Canberra. With regard to those particular things, I think you will find that they have made real commitments to Rugby League Park and to Gungahlin at this stage. With regard to the Brumbies, the Brumbies have now registered in the ACT as a business and a company, which we are very pleased has occurred.

**Mr Berry:** Still no signatures, but.

**MRS CARNELL:** Those are all signatures.

**MR STEFANIAK:** On that matter, I think you said “long term”, Mr Corbell. The Brumbies and the Cosmos both have a short-term one-year contract in relation to the stadium. The Chief Minister and I have probably said ample about the commitment of all three of those teams to Canberra, and I think that should satisfy your concerns.

### **PERSONAL EXPLANATION**

**MR WHITECROSS** (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

**MR SPEAKER:** Proceed.

**Mrs Carnell:** You should put it on the daily program.

**MR WHITECROSS:** If you want to misrepresent people, Mrs Carnell, then this will happen, will it not? In answering a question by Mrs Littlewood earlier this afternoon, Mrs Carnell incorrectly claimed that I had made some unjustified attacks on the November financial statements without any evidence to back up my position or any basis in fact. Without entering into a full debate on all the nonsense, and just focusing on the misrepresentation, I seek leave to table two documents which will illustrate that my criticism did have a basis. One is a document which contains a litany of caveats, qualifications and apologies within the financial statements. It contains statements like, “The Department has not yet established an accrual system to account for the revenue and expenses from schools”, “not properly incorporating seasonal influences”, “non-inclusion in the year to date result” - - -

**Mrs Carnell:** On a point of order, Mr Speaker: I did not actually mention any of those things in my answer.

**MR WHITECROSS:** No; because they did not suit your argument.

**Mrs Carnell:** No; I mentioned specific things like payroll tax.

**MR SPEAKER:** Order! I am waiting for the second example. You have given one example. You said you wanted to table two documents.

**MR WHITECROSS:** This document also includes this quote from the financial statements: “The monthly actuals also should be disregarded”. That is how good they are. I seek leave to table that statement.

The second document that I seek leave to table is an extract from a letter from Mick Lilley, the executive director of the Office of Financial Management, which states, in part:

At the time of the November report -

that is, the November financial statements -

the Department of Health and Community Care -

that is, Mrs Carnell’s own department -

were merely using prorata of the full year’s budget ...

The Department of Health and Community Care have now developed -

that is, since the November statements -

accurate and meaningful year to date budget information ...

In other words, the information in the financial statements was not meaningful or accurate.

Leave granted.

## **PAPERS**

**MR HUMPHRIES** (Attorney-General) (3.40): Mr Speaker, for the information of members, I present the following papers:

Administrative arrangements -

Third Carnell Ministry - amendment, *Gazette* S5, dated 10 January 1997.

Fourth Carnell Ministry - *Gazette* S31, dated 3 February 1997.

Calvary Hospital - information bulletins - patient activity data - November and December 1996.

Canberra Hospital - information bulletins - patient activity data - November and December 1996.

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National Crime Authority - Report 1995-96, including financial statements and report of the Executive Director from the Australian National Audit Office, dated 14 September 1996.

Ministerial travel report - 1 October 1996 to 31 December 1996.

Pursuant to section 12 of the Remuneration Tribunal Act 1995, I present determinations, together with statements, for:

Members of the ACT Legislative Assembly - Determination No. 8, dated 16 December 1996.

Full-time holders of public offices -

Determination No. 9, dated 16 December 1996.

Determination No. 11, dated 28 January 1997.

Part-time holders of public offices - Determination No. 10, dated 16 December 1996.

### **JOHN DEDMAN PARKWAY - PROPOSED DEVELOPMENT**

Debate resumed.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (3.41): Mr Speaker, we return to the debate about the John Dedman Parkway. First of all, I want to indicate that the Government will be moving an amendment to the motion before the Assembly. I have seen the amendments circulated by Ms McRae. Essentially, as I understand the intention, it is that the Planning and Environment Committee of the Assembly should have the opportunity to overview the processes which the Government is presently using to come to a view about the appropriate means of determining what is necessary to further this issue; to examine the need for and, if so, the route for a parkway from Gungahlin to the rest of Canberra.

My reservation about the position as outlined in the amendments is that I do not wish the impression to be created that the Government supports necessarily all the work referred to in Ms Horodny's motion taking place before the time when the Assembly would reconsider this issue following the Planning and Environment Committee's report. Nonetheless, let me say that I welcome the overview by the Planning and Environment Committee. I understand that it is conducting a similar kind of exercise at the moment in respect of the Ainslie redevelopment proposals, and I strongly welcome the involvement by the committee in that exercise so that a view can be given to the Government about this exercise.

In saying so, I should put on the record very clearly, Mr Speaker, that I do not have a particularly strong view about the absolutely dire necessity of proceeding with a parkway along that route in the near future or, indeed, at all if an alternative can reasonably be identified and developed. There is no getting away from the fact that the creation of a road of that kind will be very expensive. Costs have been estimated at, I think, at least \$30m. It could well be more than that by the time the road comes to be built. That cost is a direct cost, but also it has arguably some other cost to the rest of the community. No government, in its right mind, seeks to move quickly down the path of building a road for the sake of having shown it has built a road, particularly one of this kind through an area of Canberra which is certainly viewed by some people as being sensitive.

However, Mr Speaker, I have to put on record that, although I hold out to those in the community who would wish to change the Government's or the Assembly's mind about this matter the prospect that they may produce evidence which could do that, the evidence in favour of a major road in approximately that location, in my view, is very compelling indeed at this point in time. The fact is that there will be in excess of 100,000 people living in Gungahlin by the time that town is completed. The time that will take is a matter of some speculation. While the growth of Canberra is very slow at the moment, I, for one, believe that that rate of growth will not remain. We will get better growth, the kind of growth we have had in the past, back in Canberra in the future; but certainly it will take a number of years before Gungahlin is fully developed. But the point is that that stage will eventually be reached and there will, at that stage, be over 100,000 people living in Gungahlin. Mr Speaker, I believe that, on all reasonable projections of the transport demands of those 100,000-plus people, we have to expect, and have to plan for, a road that will be able to carry them out of that township and into that township at those times of the day when other Canberrans choose to travel in large numbers as well; namely, at peak hours on weekday mornings and afternoons.

I want to put to rest a number of misconceptions or misstatements in Ms Horodny's opening remarks. She suggested that the Government does not have a clear indication of the need for that road, and I think she suggested specifically that the Gungahlin external transport study of 1989 - GETS - was not a sufficiently clear indication to the Assembly or to the Government that a road of this kind was necessary; that, indeed, the question of whether a road was needed at all was one that was left open at the time that report was brought down. I have the executive summary of GETS with me, which I propose to read from. I just remind members that this was the product of a very extensive process of public consultation at the time, just before the beginning of self-government. Approximately 750 residents participated in the GETS consultation; and 58 organisations, including 24 schools, either were individually consulted or submitted written versions on their own initiative. All households in the inner Canberra north area were invited to take part in the study, and a very extensive degree of public interaction with the concepts being put forward was achieved out of that study.

The study's report concluded:

Provision of additional road space in corridors that will achieve three principal objectives in a balanced way, namely ...

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They go on to mention what they are. That is one of the conclusions that they reached. The report continued:

The following road solution and sequence of development is indicated:

- (i) Development of William Slim Drive connection between Gungahlin and Belconnen as a first priority -

if that had not happened at the time this report was handed down, it has happened since -

- (ii) John Dedman Community Option (high level of service) and John Dedman East (low level of service - one lane in each direction) incorporating Clunies Ross link but with no connection to Barry Drive.

A further description of that option was mentioned. The report continued:

- (iii) Short Majura Community Option (high level of service) ... road to be linked with Fairbairn/Northcott/Constitution Ave and further south with Eastern Parkway.

A number of other minor road connections were also referred to. It is perfectly clear from GETS that it was the view of the people who produced this study that there would have to be development of roads, and in the order in which they were indicated. We have developed the first of those options as indicated by the study, and the second option is the one that is now under consideration.

Mr Speaker, I also believe that the joint parliamentary committee, although it was less explicit about the need for a road, described in detail the process whereby the need for the road should be considered, and I believe it is perfectly clear from that document as well that the Government would need to consider that route and the timing of that route; not the question of whether that route or a route of that kind was necessary at all. I am open to suggestions from Ms Horodny that a different interpretation could be taken, but I maintain that is the view of that committee as well.

Mr Speaker, these two reports are the culmination of a very large number of government reports over a long period of time on the need for a road servicing the people of Gungahlin. Indeed, the very first identification of a route to service Gungahlin along that corridor between Belconnen and North Canberra appeared in a document published in 1965, *The Future Canberra*. It also, interestingly, appeared quite explicitly in the Metropolitan Canberra Policy Plan in 1984. That was a very important document which in this place many people still come back to as the supposed touchstone for what planning should be doing or achieving in Canberra. The National Capital Authority, of course, has identified on the National Capital Plan a number of alternative routes for the parkway, and the area on the Territory Plan is indicated as being reserved for consideration in the future, obviously for this purpose.



Those reports - and there were, in total, something like a dozen of them over a period of 20 years - point ineluctably to the conclusion that Canberra is going to need a road in approximately that position to meet the requirements of the people of Gungahlin. With great respect to the people who brought forward those various reports, I have to say that conclusion is fairly well inescapable; in fact, so much so that it is my view that, after all those previous reports, those who say that we can do without that road really have the onus placed on them to demonstrate clearly to the community what the alternatives are, what the magical formula is, that will avoid the need to build a road of that kind in that place.

I met with the Conservation Council and some other people from related organisations last week, and I said to them that I was very much open-minded about receiving indications of that kind, an examination of what alternatives might be there. That remains my position. If it can be demonstrated to me that there is a reasonable case for an alternative, then I will look at it long and hard and I will take appropriate steps to address that before any decision is taken to commit ourselves to a parkway. But let me just run through some of the arguments I believe militate against there being an option of that kind. There were arguments raised by Ms Horodny. She criticised the Government, for example, for not generating employment in the Gungahlin township so as to obviate the need for people to travel outside the town centre. On the face of it, that is a reasonable argument, and one might well ask what the Government is doing to generate employment there.

This Assembly has debated in the past the question of what should have happened with the then Department of the Environment, Land and Planning, the now Planning and Land Management Group, and where it should have been appropriately housed and located. But let us, for argument's sake, say that, magically, it was possible now to shift that organisation to Gungahlin. Suppose the building in Dickson fell down tomorrow and we had to find a home for them; and we decided, "Right; Gungahlin is the place for them to go". There are about 400 people who work in that building. If we relocated to Gungahlin we would obviously be encouraging people who are now working in that building to live in Gungahlin. But if we did so we would be very much struggling against the pattern of previous use of employment bases elsewhere in this city. Recently research has confirmed that about two-thirds of people working in Belconnen and Tuggeranong live in the same locality. That, of course, reduces to some extent the need for cross-city travel. However, the proportion of workers able to find a job in their own town ranges between a high of 30 per cent in Belconnen and a low of only 17 per cent in Tuggeranong.

Even assuming that we achieved the best result in evidence elsewhere in Canberra and 30 per cent of the people working in PALM were to live in Gungahlin if PALM were relocated there, we would have a total saving in terms of journeys out of and into Gungahlin each day of approximately 120. When the township is finished there are going to be 100,000 people living there. We can assume that about half of them wish to make journeys to work each day. Therefore, 120 journeys saved out of a total number of journeys each day of perhaps 40,000 would have a very small impact on the need for that road. Even if we found, magically, several large organisations which would operate in Gungahlin, clearly it would not produce the desired result.

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What are the alternatives? Ms Horodny was quick to make reference to what she called the low level of bus service available in Gungahlin. I think there are good reasons why there should be relatively underdeveloped services in Gungahlin at the moment, because Gungahlin itself is relatively undeveloped. Obviously, a population of 14,000, which is what we have in Gungahlin at the moment, would not warrant the scale of services you might get in other more established parts of Canberra. Nonetheless, let us assume that we had the resources to pump large amounts of money into the establishment of a very high level of public transport infrastructure for Gungahlin. At the present time, approximately 7 per cent to 8 per cent of the daily journeys undertaken in this city by people travelling to work or school, to shop, or whatever, are undertaken by public transport.

Let us assume that we can engineer an absolutely ingenious and brilliant public transport policy for Gungahlin, which results in a doubling of the number of people prepared to use public transport to get into and out of Gungahlin every day - and I am sure that the new Minister for Urban Services will be in a position to engineer such a policy - at the end of the day, Mr Speaker, what you would end up with is approximately 15 per cent of people using public transport, rather than 7 or 8 per cent. The other 85 per cent of people are still going to be using their cars and are still going to be creating the problems that the car usage is now generating. (*Extension of time granted*)

It is clear that we are still going to be creating problems for the rest of the community, which we now see emerging, because of the lack of viable ways of using cars. We are already seeing - and I assume Ms Tucker would know from dealing with her own constituents - the very severe problems of rat-running through North Canberra. This is with only 14,000 people in Gungahlin. What happens when the population trebles or quadruples? If we get a significant portion of those people into other means of transport or working in Gungahlin itself, we are still going to have a massively increased pressure on areas around Northbourne Avenue, as people try to find ways to work that do not mean using an already heavily congested Northbourne Avenue. I believe it is simply not logical to suggest, without very firm evidence at least, that public transport is going to solve the problem, by itself at least.

Ms Horodny makes reference in the motion to the public transport options study which is referred to as being necessary to be completed before a decision can be made on a road. Let me say, first of all, that the public transport options study was, in fact, a series of studies and tended to be a series of studies which resulted in the development over a long period of time of enhanced public transport actions into Gungahlin. Stage 2 of the report was brought down in July 1993, I assume to Mr Wood. I assume he was the Minister responsible. Perhaps it was to Mr Connolly, as Minister for Urban Services - I am not sure - at that stage. I quote from that report:

There are also a number of uncertainties about the potential to adopt a more public transport oriented approach for Gungahlin. That is an approach which might lead to a lower demand for construction of the major access roads. They include:

- (1) The achievement of the necessary level of public transport use would require a revolutionary change in travel behaviour on the part of the Gungahlin population.

- (2) If the changes in travel behaviour are not achieved and high car use continues, then the lack of the necessary access roads could mean high traffic infiltration through the North Canberra roads.

That was a very prophetic statement, as it has turned out. Mr Speaker, it is clear that public transport simply is not going to solve the problem.

I believe that we owe it to our community to try to resolve, in a reasonably foreseeable way, what will happen to those areas of land reserved for a parkway in the near future. It would be very easy, particularly in the lead-up to an election in 12 months' time, for this Government to say, "Well, it is a bit tricky; we will refer it to a major study" or "We will formally cancel any plans to proceed with a parkway or whatever". That would be a very neat little flick pass, and I do not think many people would notice it; and I think we would all be very relaxed that this was not taking place. But the longer we leave those lines marked on the map in the Canberra Nature Park between Belconnen and North Canberra, the longer we leave the various people who will be affected by that process in a state of uncertainty. I do not believe that it is responsible of us to hold out to such people false hope that these things will not happen one day or that they may in some way be avoided or delayed for a great deal of time through some alternative actions.

The suggestion was made that we should look at the alternative roads, roads that were less controversial. The suggestion was the Majura Parkway. I again point to GETS, which says very clearly that that should be an option for transport links undertaken after the John Dedman Parkway is constructed, not before. I also point out to members, if they care to look at the map of Gungahlin, that every single person who has built a house in Gungahlin has built it to the west of the town centre. This means that, if the Government were to move to construct a parkway off the eastern side of the Gungahlin township, to some extent it would defy the logical way people would choose to travel. The more you defy the logic of those kinds of natural transport routes, the more you invite people to ignore those routes and to rat-run or to find alternative ways of getting where they want to go.

The suggestion has even been made to me that we should build a ring-road to the west, around Belconnen, to line up with William Hovell Drive. I do not have to tell members that that is going to result in a round trip of something like 30 or 40 kilometres to - - -

**Ms McRae:** An excellent speedway.

**MR HUMPHRIES:** It would certainly be a very fast road to travel on, but it would result in people having to travel maybe 30 kilometres to get to somewhere that is, as the crow flies, about five kilometres away. There is no point in even thinking about those sorts of options, because they defy logic. For the same reason, we have to look at the route which is most logical in these circumstances.

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I put on the record again that I am not adamantly a diehard advocate of the John Dedman Parkway in its current location or with any of the particular alternative routes which have been indicated. I would love, as a Minister in the Government, to be able to think that we could put off for a long period of time expansion of that magnitude, but I also do not think it is responsible of me to rise in this place and pretend to my constituents that I have any vision whatever of a real alternative to that. Until I do have that vision, I owe it to my electorate to proceed with some sensible evaluation of what the real issues are.

**MS McRAE (4.03):** Mr Speaker, I seek leave to move together both of the amendments that have been circulated in my name.

Leave granted.

**MS McRAE:** I move:

Omit (from the introductory paragraph) “stop any further work”, substitute “not make any decision”.

Insert (in the final line of the introductory paragraph) after “Assembly”, “, following an inquiry by the Planning and Environment Committee,”.

By way of explanation to begin with, I want to put on record that, despite the selection of a particular headline by Graham Cooke because I suppose it added a bit of spice to the story, I do not seek to oppose the Greens’ motion today. Anybody who went on to read the story would know that it did not in any way insinuate that, but I do want to put it on the record because some people have started to jump up and down and say we are just in opposition.

I seek to bring into the public arena some of the concerns and fears that have been raised. From listening to the Minister it becomes quite apparent that a lot of them can be allayed. My amendments today and the motion that will subsequently flow tomorrow under Assembly business will provide an avenue whereby a lot of the concerns that have been raised can be aired in an open and thorough way. The Minister has said, quite rightly, that he is not wedded to a particular option; that the study at the moment is looking at alternatives and that no decisions have been made.

The major concern that I hear over and over again is not so much that a decision may be made to not go ahead with the road in any hurry but that, as a result of the current study, the Minister will decide where it will not go, in which case the options will be cut out in five or 10 years’ time when the road has been begun. The fear that I hear from my constituents is that, by not proceeding with the road but by proceeding with particular decisions, future options are cut out which may in time prove to be more attractive than they seem to be at the moment. A process of public inquiry can at least tease out some of those concerns and let a more thorough and public airing of them be made.

There is a reason why I do not want work to just stop. Ms Horodny's motion proposes that all work stop. That gives the impression that the Maunsell consultancy is put on ice, that we go ahead with other things and then Maunsell is reactivated. I do not think that is appropriate, because the study has begun. These people have been contracted to do a particular job. The fact that the job may have flaws in it is not the problem of the current consultant or the work that they are undertaking. It is the problem of the brief that the Government has given them.

As I have said publicly, I believe that thus far the study has yielded some very useful information. Not only has it shown the measure of public discontent, but also it has pointed out the alternatives. Already, through the process of consultancy and study, Maunsell has been able to find the alternatives that people are concerned about, the detail that has not been covered and the types of issues that will have to be dealt with before any road can proceed anywhere. So I am not here to suggest that the current study is in any way one to be supported or is wonderful itself; it is purely a means to an end and, as far as I see it, the end is that we will get some information from that.

How the Minister acts on that will be the issue of most vital concern to everyone. That is why it is at that point that I wish the Minister and the Government to respond to that report and then, with that information, a wide-ranging inquiry can begin so that the Assembly can make further decisions on the basis of that inquiry. To a certain extent, we are saying that we believe that the Government has failed, and I guess any government could, in terms of the nature of the terms of reference that were given, the options that were presented and the nature of the consultancy that was undertaken. As I have said before, it has been through that process that we have discovered what those omissions are.

Mr Humphries today, in his speech, actually presented some of the background, some of the history, some of the lead-up and some of the complexity of this issue. But, as it has hit the press and as it has hit the general public and as it has been debated in public meetings and consultation processes, workshops and around the traps, none of that embedding of history has been there; none of that greater detail has informed the debate. So conspiracy theories have run rife, and no acknowledgment has been made of the requests of previous inquiries, of the complexity of the issues that are before people and of the reasons why the Minister has chosen seemingly to ignore some of the previous recommendations. In that context it is little wonder that people are saying, "Stop everything; we do not want to know about this".

I am not suggesting that, even with all the details in front of us, everyone is going to be happy; but the absence of that historical framework, the absence of the acknowledgment of previous studies, the absence of explanation as to why certain things have not been done, makes it a lot harder to come, through this current consultancy, to any good and logical conclusions about the best interests of transport, not only for this Gungahlin link but also for the wider transport needs of Canberra, which have, of course, already been mentioned in debate.

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The inquiry that I am proposing under the Planning and Environment Committee will enable us to provide that better framework back into the debate. We will be able to seek responses to what has not happened thus far. We will be able to include the wider range of options that have now been floated in terms of public discussion and debate. We will be able to have a closer look as to the Government's thinking, the limitations of funding, the timetable that is proposed and the nature of decisions that might be made in regard to the outcome of the Maunsell study and in regard to the other studies which, as I said earlier, may actually preclude future options rather than include them and may actually cut out what will eventually be perhaps a more sensible solution.

We have already seen the building of Gungahlin Drive, which shocked quite a few people, because, as someone has already mentioned in debate, it seemed to preclude any possible connection to the Barton Highway, via Ellenborough Street, via the Lyneham and O'Connor Residents Association option, that has been sort of partially put into the Maunsell study. Now, that is untenable because the whole mess of Ginninderra Drive and that Ellenborough Street link to the Barton Highway deserves far closer attention. Even if it is a very long-term plan to reconnect those more sensibly, the laying down of Gungahlin Drive already is not very helpful in that look at the bigger and longer-term issues of the roads in that area.

My amendments seek to do several things: First, to stop the decisions that are planned to be made as a result of the current study; to then put before the general public the study, the response to the study, the range of Government thinking in regard to the study and some sort of explanation as to where the Government is at in terms of the responses to all the previous work that has been done. I would suggest that that would be a necessary precursor before public submissions are sought or public debate has begun. I will be putting that proposal to the Planning and Environment Committee if this study is adopted and then, of course, in collaboration with my colleagues on that committee, I would propose that the terms of reference would be then framed and the consultation process would begin at an appropriate time which would be negotiated with the four members of the Planning and Environment Committee, which means that Government representation would be heard. I am by no means suggesting anything cut and dried yet; but my general thinking is that we can begin this process in June, finish it by August or September, and then the Government processes can pick up from there.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (4.12): Mr Speaker, I have circulated an amendment in the chamber. I think I will need leave to move it and I now seek leave.

Leave granted.

**MR HUMPHRIES:** Mr Speaker, I would urge members of the Assembly to consider this amendment, for a simple reason. In a sense it is trying to achieve the same thing that Ms McRae's amendments are seeking.

**MR SPEAKER:** You cannot move your amendment yet. We will have to get rid of Ms McRae's amendments first, but you can talk to it.

**MR HUMPHRIES:** I will not put my amendment yet; but, if I may, I will speak to my amendment.

**MR SPEAKER:** Yes.

**MR HUMPHRIES:** Mr Speaker, the advantage I believe that this amendment has over Ms McRae's amendments is that I think that the wording of the four numbered paragraphs would imply to people's minds that the Government needs to actually have done this work and demonstrated to the Assembly's Planning and Environment Committee that it has done this work before the committee can come back and report to the Assembly; that is, we have to actually have completed the future public transport options study in response to the joint committee's report and acted on its recommendations.

The public transport options study is a very long-term process which will take years and years yet to complete. Certainly, to have acted on its recommendations would be impossible in the timeframe concerned. Similarly, to implement a detailed strategy of measures to facilitate the use of public transport and other non-car modes of transport by Canberra residents is an exercise which will take years to complete. I certainly believe that that work in some form needs to be done. Indeed, I would argue that many of the transport studies which have been done to date address those sorts of issues.

As I read this motion, if it were passed in this form we would be saying that these things need to be completed before the Government can make any decision on the timing and route of the proposed John Dedman Parkway. That is why I suggest to the Assembly that it would be better to allow the Planning and Environment Committee to overview the work that the Government is doing in the area directly of consultation on the route of the John Dedman Parkway, the Maunsell study, and overview the other issues which are referred to in Ms Horodny's motion; that we report on all those things to the Planning and Environment Committee and then the committee report back to the Assembly. At that point we can decide as an Assembly whether to proceed to allow the Government to make a decision on that issue or not. That is the position that I put to the Assembly, Mr Speaker, and I hope members will support that position.

**Ms McRae:** May I just clarify a point? Is that "and the Committee has responded to the Assembly" or "reported to the Assembly"?

**MR HUMPHRIES:** "Reported to the Assembly". I am sorry. You are quite right, Ms McRae. It should be "reported". I seek leave to make that simple amendment, Mr Speaker, to my amendment.

**MR SPEAKER:** Yes. We are not looking at it yet, so we can do it. It will be amended. For the benefit of members, the words "responded to" have been replaced by the words "reported to".

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**MR HIRD** (4.16): Mr Speaker, the provision for a road to the west of North Canberra to provide access to and from Gungahlin has long been an element of Canberra's planning, as the Minister indicated earlier, and is referred to in a document called *The Future Canberra* dated 1965 and in the Metropolitan Canberra Policy Plan of 1984. It has been around for something like 32 years. The Gungahlin external travel study of 1984, which Minister Humphries referred to, was commenced by the old NCDC and was completed by the National Capital Authority, and it confirmed the need for a link and resulted in two possible routes being identified. The NCA preferred the route to the east of the Australian Institute of Sport. An alternative route was developed by a number of community groups who were active in that process at that time, and it was to the west of the area.

The report of the Joint Committee on the ACT's inquiry into Gungahlin's transport links also supported the need for the road and recommended that a detailed environmental impact assessment be made of the two options. The committee also recommended against the construction of the proposed extension of the road to Clunies Ross Street between the Australian National Botanic Gardens and the Black Mountain CSIRO complex. So this project has been around and a lot has been said. There is, as Ms McRae said, some concern on the part of many constituents in Belconnen, O'Connor and Gungahlin that as it develops this may or may not affect them.

Considerable consultation has taken place and it will continue. An initial public information session was held on Wednesday, 20 November last year, at the AIS to inform members of the public, and particularly people living adjacent to the potential corridors, about the study and the public consultation process associated with it, and to seek participants in a series of future workshops on various aspects of the study. The first of three workshops was held on Saturday, 7 December last year. This involved invited participants drawn from a list of people who attended the November public meeting, together with stakeholder representatives. The focus was on the city-wide transport implications of Canberra's growth, particularly that of the Gungahlin district. One outcome of this workshop was a list of additional alternatives that participants identified as warranting further study. These included, for example, building the Majura Parkway and Horse Park Drive link around the east of Mount Majura and Mount Ainslie, widening William Slim Drive and Gundaroo Drive, and providing a western ring road west of Belconnen and linking it into an extended William Hovell Drive. The Minister touched on this, and this has problems. I am surprised that the Greens would support such a proposal. My mind is open. It would add significantly to travelling time and fuel costs, thereby having an adverse effect on the environment. However, the needs of the people of Gungahlin have to be taken into consideration by this Government, and they will be.

A second workshop, at which the strategic context of the study was reiterated, was held last Saturday. It focused on the local assessment of options, confirming that all criteria of concern to affected residents and stakeholders had been identified and taken into account in this study. A third workshop, scheduled for mid-April, will focus on the preliminary evaluation of such options. Following the final workshop, the consultants will prepare a preliminary assessment which will then be considered for determination of the need for further environmental assessment and which will be released for public comment as required by the Land Act.



Further consultation is also being sought through the Internet. This is an initiative taken by this Government. The Government has established a location on the ACT Government's homepage, allowing access via computer to newsletters and to documentation which has been made available to workshop participants. This ensures that a wider audience has access and input to the process at a reasonable cost. If that is not sufficient, a regular newsletter is being distributed to residents in areas adjacent to the broad corridor in Aranda, Bruce, Kaleen, Lyneham, North Lyneham, O'Connor and Turner as well as to all homes in the Gungahlin area. Anyone else who has shown an interest has also been included on the mailing list. The intended product of this study is a draft variation to the Territory Plan which would be subject to the normal processes of scrutiny by the Planning and Environment Committee and, of course, this parliament.

The transport modelling work that will support the assessment of the likely timing of provision of the road, estimated to be some 10 to 15 years from now, will take into account the feasible range of public transport ridership, trip generation and employment scenarios. The consultative process undertaken as part of this study and the statutory process which must be followed allow the community comprehensive opportunities to contribute to the outcomes. If there was an indication by Ms Horodny that we, as a government, or previous governments, were trying to do something shady and sweep it aside, this is far from the truth. The fact is that we are doing the best we can, with a complex issue which is going to come up within 10 or 15 years, to look after the needs of not only the people of Gungahlin but also those who wish to go into Gungahlin. I noted that there was talk of heavy vehicles using this facility for access from the Hume Highway and other parts. Members would note that the Federal Government has undertaken a study for a proposed Tumut/Canberra bypass of the Hume Highway which will make access much easier, in particular for heavy vehicles coming out of the region and also parts south.

I think the course undertaken by the Government, and also by the previous Government, is proper. It is fair to say that both this Government and the former Labor Government have been conscious of the needs and wants of the citizens and motorists not only in that area, but in particular in the Belconnen area and O'Connor. As we move down this corridor, Mr Speaker, and consider the suggestions that have been put forward, there are going to be some hard decisions. Those will be taken, if not at this time then in the future. We will come up with the right approach because we will have consulted all the players involved in the program to allow motorists access to and from Gungahlin.

At the moment I think something like 14,000 people live in Gungahlin and we, as a government, are trying to give them relief when they choose to use their motor vehicles to come to other parts of this Territory. I notice that already there is movement from the Barton Highway to Gungahlin to relieve pressure on the two existing exits to the Barton Highway. The exit through Mitchell is perhaps not as desirable as it should be, because of its minor industrial definition. If Ms Horodny is a little patient, the time will come when she may get the proper answer.

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**MR WOOD** (4.26): Mr Speaker, there are many fine aspects to planning in the ACT. These assets have been bequeathed to us at various times since the days of Burley Griffin. The preservation of our hills is one of those. I think our suburban planning system, the suburbs themselves, is another. Some of those assets came in early days; some have come more recently. There are also some less satisfactory features, some arising from earlier days and some perhaps more recently. Today we are debating one of those eminently unsatisfactory features of our planning, namely, our almost total dependence on roads, and that is a result of deliberate planning. It is not a case of random growth, as perhaps we find in major cities; it is as a result of deliberate planning. Mr Humphries gave emphasis to that earlier in the debate when he pointed out that too few people live close to their work. There is too much travel. It is not very good planning as we see it today. It might have been all right for a short time in the 1970s when people from Sydney or Melbourne came and were plonked right next to their workplaces; but, inevitably, that did not survive for too many years as people moved jobs or moved home.

What we are debating today is an inevitable outcome of the Y plan. There are some in this community who adhere to the Y plan as the most wonderful plan ever invented, but I would say this: If Mr Humphries had to turn around today and start planning from scratch for a city of 300,000 people, there is no way that we would have a city that stretches for 50 kilometres from north to south for a mere 300,000 people. We simply would not plan like that now. We have a plan, held up by some as so wonderful, that is causing us the most severe problems.

**Mr Moore:** Have a look at some other cities, Bill, and see what severe problems are.

**MR WOOD:** Mr Moore, we can have our wonderful suburbs, we can do all sorts of things, without scattering ourselves for 50 kilometres. With the oil crisis and then increasing concern about pollution, the Y plan was out of date almost before it was finished being planned. That is the problem we have had.

Let us forget for a minute in this debate today the enormous cost it is bringing to us, the near impossibility of this Government or any other government funding the maintenance of our extensive road systems. Trying to manage that is going to have a very powerful impact on our budgets in future years. Now we have this problem today. We are going to have, eventually, 100,000 people who have to be connected to other parts of Canberra. I do not know why it is thought it would mostly be to Civic - I do not know why that has to be seen as the major connection to be made - but we have to accommodate that. No matter what happens to future roadworks, there will have to be some of them, and there is going to be a severe and unwanted impact simply as a result of much earlier planning.

I think the only solution is to build underground, Mr Humphries. Perhaps you should think about that. I do not know what the cost of that might be, but it would solve a few other things. The fact is that because the growth of this city has slowed down so dramatically there is still a little time. There is still a little time to debate these issues, to look at these issues, and to work on these issues, and that is the intent of Ms McRae's amendments to the Greens' motion. Let us give this some more examination. We do have that little extra time. Let us commit it to finding a more satisfactory solution.

For the record, I will indicate what the former Labor Government had indicated on these matters. We had vigorously pursued mass transit options for Gungahlin, as for the rest of Canberra. We did so vigorously, with great determination. We continued that examination in the face of some unpromising reports, but we were determined to find a mass transit solution. Secondly, we had promised not to pursue the Dedman east connection. They were the actions of the former Government.

Finally, on the matter of John Dedman Parkway, I want to refer to the name. John Dedman was a fine and honourable Minister in a wartime Labor government and I find it sad now that his name is connected with a proposed road system that is subject to so much controversy. I would like to see us find a new name for this proposed system. Let us honour John Dedman with some better reference to a feature of Canberra. Maybe a John Dedman Park, not a parkway, in the O'Connor hills would be a satisfactory solution to that.

**MS TUCKER (4.35):** I have listened with interest to this discussion and the various amendments that are being proposed now. I think one of the really important issues that have to be acknowledged is that we have become trapped basically by past planning decisions that have not been in the interests of the environment or the community. The initial Y plan included an intertown public transport route as well as roads, and what we have ended up with is the roads and not the public transport work. We have had a number of consultations and discussions - they have been expensive, lengthy and very time consuming for the community - over the last seven or eight years. I was involved in some of the very early ones in 1989-90. What we basically need to acknowledge here is that those planning decisions are not appropriate or relevant to 1997. They are certainly not going to be appropriate for the next 10, 20 or 30 years. They are going to be seen as even worse mistakes, and it is time we stopped it. It is a comedy of errors.

We cannot continue to say that it is going to be too hard; that we have to continue to let people drive their cars and facilitate the driving of those cars because that is the way the city is set up. Somewhere someone has to take the stance of actually attempting to shift, if you like, the paradigm. We do not necessarily need cars to travel in a city. We need to be able to move from point A to point B and, if we provide a way for that to happen, for that transport to occur, then that need is met. We have to move away from this reliance on the car. I think Mr Humphries said that only 7 per cent of people use public transport now and that even if there were a revolutionary change to 14 per cent it would still not be adequate and we would still need roads. We may still need a road. We are not saying no roads. Mr Humphries seems to be wanting to put it into this no roads or roads discussion. That is totally ignoring the complexity of the issue. He also says that if someone can show him how to do it he will do it. If someone can give him suggestions as to how to accommodate the transport needs of the community, he will listen.

I must say that I have heard this come from the Government on a couple of occasions and I wonder what the Government thinks their job is. It obviously is not the provision of services anymore because we are going hell-bent into outsourcing. I thought it might be still at least about policy development and working out how we can deal with the issues of the 1990s, particularly the environmental issues but the social issues as well, in a way that

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takes into consideration everybody's needs. We thought that the Transport Reform Advisory Committee was formed to look at these sorts of issues. We were hopeful. We were asking these questions at the beginning of our time in the Assembly. We were told by Mr De Domenico that it is fine; that we have this group, the Transport Reform Advisory Committee, together, and it is going to be looking at a transport strategy for Canberra. As we heard yesterday in this place, Ms Horodny asked the new Minister what has happened to that group. It has been disbanded and we do not know why yet. We have not got an answer to that and that is very disappointing.

Mr Humphries is saying that our motion is too difficult, that it would take years to complete what we have asked for. I guess that that once again is a question of priorities. It does not have to take years if the will is there. There do have to be strategies developed so that we do encourage this so-called revolutionary change or paradigm shift that Mr Humphries has alluded to. There are ways of encouraging people to use public transport. We do not have to subsidise and facilitate to the degree that we do the use of cars by individuals. There are a number of ways that we can look at it. It is about employment being located appropriately. It is about park and ride facilities. It is about parking costs. It is about bus lanes. There are many ways that you can bring about a change in the transport pattern and usage within a city and I expect this Government to do something much more constructive and far-sighted on this issue.

I repeat that we are not saying no roads, and the amendments that are being proposed here are really about watering down what we are saying. It is all so very disappointing. We have in our motion that Majura Road be looked at. What is the point of continuing this consultation where it is supposed to be asking the community to look at the options? We continue to spend money asking them to look at a very limited range of options. Why is that money well spent? I do not see the logic in that. It would be much better to delay the process until we have an opportunity to give the community greater options to look at. Then Maunsell will not have been wasted on this consultancy. We will have some meaningful discussion across all the issues.

One of the other really important issues that you need to talk about here is that, if we do not take on these initiatives and come up with different solutions, this society is going to be much poorer socially. We have had a lot of discussion in this place about what is happening to disadvantaged people and their ability to move around the city because of weakening bus services. That is not going to improve unless we see definite strategies for encouraging and increasing the use of public transport so that not only the disadvantaged people will be using buses when they are lucky enough to be able to catch one.

I notice here that there is often a joke about when you last caught a bus. Members know well that I catch buses regularly if I am not riding. It is not such a bad thing to do. I am a busy person as well and I have meetings to go to as well. There is this sort of attitude, which I find very disturbing, that we are all a little bit too important to use buses. I think as leaders in this community it would be much more worthy if you did stand up and say, "I will continue to patronise the bus service to set an example and so that we can see that buses become viable and we have much greater use of them". There obviously are a lot of planning decisions that will also facilitate the use of the public transport system. They have not been made in the past and it is time that they were.

I am not happy with either of the amendments proposed by Ms McRae or Mr Humphries. I am disappointed that they have been put, because I think our motion is entirely sensible and it is sorely needed. Finally, we would see responsibility taken by government in this place to actually look at what is happening with transport and come up with a strategy that will meet the needs of the community in relation to the environment, and social needs now and into the future.

**Mr Humphries:** Ms McRae, do you want to make some more comments about what your amendments mean?

**MS McRAE (4.41):** Mr Humphries has invited me to speak. Mr Humphries, let me explain. I think that is only fair. I am with you.

**MR SPEAKER:** You need leave.

Leave granted.

**MS McRAE:** Thank you for granting me leave. Mr Humphries has foreshadowed an amendment which I believe has logic to it. Mr Humphries is very nervous that in the process of our inquiry, as I understand it, he may then be pinned down to absolutely and definitively developing and implementing, developing and actually doing, as the words state in the Greens' motion. By way of explanation, which Mr Humphries has invited me to do, I believe that this is what this process will enable Mr Humphries and the Government to do. If we instigated an inquiry we would be inviting the Government to make a submission on each of these areas, presenting the same case as would come out from the amendment that Mr Humphries is seeking. I, for one, believe that the Assembly is quite sensible. The motion refers to the Assembly being satisfied. My amendment refers to it being satisfied after the Assembly inquiry. By a process of inquiry, the Planning and Environment Committee will be able to evaluate the Government's efforts in each of those areas and bring them back by way of a report.

The amendment circulated by Mr Humphries does not preclude these same requirements still being put on the Government. The Greens have foreshadowed here some of the things that they and the community are concerned about. I am not terribly excited about amending the wording, although I have a great deal of sympathy for what Mr Humphries is saying. He does not want in any way to have these words in this motion pinning him down definitively to a developed and implemented strategy. What I do not think we are going to save by worrying about Mr Humphries's proposal is for those requirements to be talked about, debated and explained. I think that what I am doing in our amendments to the motion is creating a situation where the Government will be able to give a submission and information and background to these four particular points. Then, when the PEC responds and reports to the Assembly, this debate will come back on again and things will be able to be evaluated. That is why, although I understand Mr Humphries's concerns and why the shift in wording makes it more open, in my opinion it does not change the intent of the Assembly finding out where the development and implementation of these plans is at. I, for one, will be satisfied so long as a well-articulated and detailed submission is put to the committee about each of these issues so that we at least are privy to where the Government is at and what the processes are.

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That is my understanding of it and that is why we are happy to run with our amendments. We believe that in the process of inquiry we will be able to canvass each of these issues, look at where the Government is at and present some sort of report back. It will, in essence, enhance the debate that is to come. It does not in any way prevent these issues from coming back up for debate anyway, even if we do put up an amendment; so it seems to me it is better to go with the flow. These are the issues that concern people. The inquiry will provide an avenue for the response, the debate, the information, the analysis and whatever else is being done on each of these to be aired. The Planning and Environment Committee can then assess what is in front of it. It will be able to come back to the Assembly and say, "No, the Government has not developed and implemented a strategy to reduce the number of vehicles travelling between Gungahlin and Civic, but it has in place this process", and the PEC committee can report on that.

I think, in essence, we will end up doing exactly what Mr Humphries wants in his foreshadowed amendment; so I think it is just easier to stay with ours. The intent of the Assembly is clear - that each of these issues is of concern. The process of inquiry will yield the information that we need and will therefore better inform the debate when we come back to it, hopefully in September.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (4.45): I seek leave to speak again, Mr Speaker.

Leave granted.

**MR HUMPHRIES:** I will be brief, Mr Speaker. I am certainly reassured by the interpretation that Ms McRae has put on the words that she is amending in this motion. When we return to this place in about September this year and we have not achieved the outcomes that are foreshadowed in those four paragraphs but have reported on progress on those four matters, I will rely on what Ms McRae has said in this place to justify the Government's position and I hope that I will not be criticised, at least from that side of the chamber, for having done that.

I should put on record my discussions with Ms Horodny. Ms Horodny does say to me that she expects, if the motion is carried in this form, as amended by Ms McRae, that we would complete the work on all of those four matters. Although I think Ms Horodny's interpretation of the words is correct on their reading, I choose to adopt Ms McRae's interpretation of what they actually mean; so on that basis the Government can live with the amendments as put forward.

**MS HORODNY** (4.47): Mr Speaker, I rise to address Ms McRae's amendments. I think there are some problems here that are not being addressed. I think we are just playing around with words. I think people in this Assembly are avoiding a difficult decision here. I have been hearing from residents and from groups in the community who are saying over and over to me that the process that is happening at the moment with the Maunsell workshop is fundamentally flawed. Here we are playing around with words, wondering whether strategies can be implemented by the time the Planning and Environment Committee can get together and look at all these issues once again.

The background work has been done. We have had a number of studies in recent years that have looked at the issue of transport and public transport in the ACT. They have looked at light rail. They have looked at buses. They have looked at the rapid transit route. A number of very considered reports have been tabled and put together in the ACT on this issue. They are comprehensive and I do not know that sending this issue to the Planning and Environment Committee is going to produce a good result. What we are asking the Planning and Environment Committee to do, in effect, is to start from scratch once again; to inquire into the whole issue of the parkway - in the context of what? I just do not know that this is an option that we can realistically follow. What our motion is saying is that the work on the transport options for the ACT has been done, and what we need to look at now is how to implement those options. I have been reading report after report and study after study, and it is my view that the Planning and Environment Committee is not in a position to do that work.

Ms McRae says that the problem with the Maunsell workshop is the brief that they have been given by the Government rather than the process of that workshop itself. I have been hearing that the facilitation in that workshop has been very poor; that people who are asking to speak on issues and make their views felt are not being heard. I am hearing that the minutes of people's responses and requests in those workshops are not being recorded. These are very fundamental problems with the whole process of that workshop and that is why we have called for that process to be stopped.

What we need to do is look again, via this Assembly, at the brief that has been given to Maunsell and also at the way that workshop has been operating. I think it is a really fundamental issue here that is being ignored because no-one wants to make a difficult decision. I think this Assembly generally just wants to fob this off to another committee. I believe that our committee is not in a position to do the very comprehensive work that we are asking it to do. I think that work has been done. I think what is required now is a transport strategy for the ACT. Mr Humphries says we have a transport strategy. He says our transport strategy is the one that the previous Labor Government developed; but at the same time he says, and other members have said, that economic circumstances in the ACT have changed. A number of things have changed in the ACT in recent years, yet we are relying on a strategy that is at least two or three years old.

What this Government needs to do is to develop a strategy that is relevant to 1997 and to use that strategy to move forward on all levels. We need to look at what the bigger picture issues are with transport in and out of Gungahlin. It is not as simple as just putting in a road. What we are doing by looking at road options is diverting the real issue, which is that we will never solve the problem in Canberra of the continued uphill battle of getting a public transport system that works, that is viable and that meets people's needs.

We continue to put roads into the ACT - very expensive roads that we cannot afford. I do not know how we can afford a John Dedman Parkway at the cost of \$33m or \$35m - and that was in 1988 figures, let alone 2001 figures - not to mention the Monash Drive option as well, which the Maunsell study is looking at as an addition to John Dedman Parkway, not as an either/or. The thing that is being looked at is that we have both roads, and the cost of putting both of those roads in is enormous. It is enormous and it is not something that this Assembly or this Government should entertain.

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I am very concerned that the Government is avoiding the issue of a transport strategy for the ACT. They are absolutely avoiding it. They are saying there is one; it is somewhere. Mr Humphries says he actually has not seen it. He does not know what is in it, but he is relying on that strategy from a previous Assembly to somehow carry us through. He has no idea of what we are doing now in the ACT in terms of public transport, in terms of roads, in terms of cycleways, in terms of employment opportunities, where the development and growth is in the ACT, and whether that bears any resemblance to the strategy that was developed some years ago. I have real concerns about these amendments because I do not think they are taking us where we need to go. I will not be supporting Ms McRae's amendments.

**MR WHITECROSS** (Leader of the Opposition) (4.54): Mr Speaker, I was slightly bemused by some of Ms Horodny's comments in relation to this matter. She seems to be hell-bent on stopping the world. I would have thought that what we wanted was a process which was going to draw in the wider concerns of people about this project and allow us to make decisions in a more informed context. I cannot see how halting public consultation about the alignment of the road will lead to a more informed decision about future transport needs of Gungahlin.

Mr Speaker, our position is a simple one. There are a number of studies which were identified as needing to be done by the Parliamentary Joint Committee on the Australian Capital Territory in the Federal Parliament. What we are saying is that, *prima facie*, we would like to see those things done. We would like to see the Government reporting to the Assembly committee on what is going on, so that the Assembly committee can form an informed view about these issues in reporting back to the Assembly.

As Ms McRae said, if the Government has some fantastically good reason why one of these studies is no longer required it is open to it to put that argument to the committee; but, *prima facie*, these things do need to be done and we would like to see a process involving the committee which will ensure that we can make some progress. I do not see that as being a horrible abrogation of our responsibility, as Ms Horodny suggested. On the contrary, I see it as being about the Assembly taking responsibility for ensuring that planning is done properly in the ACT and that all the issues that need to be considered in making decisions about the future transport needs of Gungahlin are taken into account. That is why we moved our amendments. We want these things done, unless the Government subsequently comes up with a good reason why they should not be done. We also want to know the outcome of the public consultation that is currently under way. With these four things and the result of the public consultation we will be in a position, through the Assembly committee, to progress this matter. I think that that is a sensible course of action.

I am surprised that it does not meet with the Greens' approval; but, quite frankly, I think it is extreme to suggest that we should completely halt this process because of some concerns. It is open to the Assembly committee to identify and take account of those concerns in considering the outcome of the Maunsell process. The fact that some concerns exist is not a reason for abandoning the community consultation that is under way.



Question put:

That the amendments (**Ms McRae's**) be agreed to.

The Assembly voted -

*AYES, 8*

Mr Berry  
Mr Corbell  
Ms McRae  
Mr Moore  
Mr Osborne  
Ms Reilly  
Mr Whitecross  
Mr Wood

*NOES, 9*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Ms Horodny  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Mr Stefaniak  
Ms Tucker

Question so resolved in the negative.

Debate interrupted.

#### **ADJOURNMENT**

**MR SPEAKER:** Order! It being past 5 o'clock, I propose the question:

That the Assembly do now adjourn.

**Mr Humphries:** I require the question to be put forthwith without debate.

Question resolved in the negative.

#### **JOHN DEDMAN PARKWAY - PROPOSED DEVELOPMENT**

Debate resumed.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (5.04): I seek leave to move the amendment which has been circulated in my name.

Leave granted.

**MR HUMPHRIES:** I move the amendment, which reads as follows:

Delete all words after “That”, substitute:

“, in line with the recommendations of the Report on Gungahlin’s Transport Links by the Parliamentary Joint Committee on the Australian Capital Territory, the Government not make any decision on the route and timing of the proposed John Dedman Parkway until the Government has reported to the Planning and Environment Committee on, and the Committee has reported to the Assembly on, the Government’s proposals with respect to the following:

- (1) the completion of the Future Public Transport Options Study initiated in response to the Joint Committee’s Report and acted on its recommendations;
- (2) the development and implementation of a detailed strategy of measures to facilitate the use of public transport and other non-car modes of transport by Canberra residents, particularly including Gungahlin residents;
- (3) the development and implementation of a strategy to reduce the number of vehicles travelling between Gungahlin and Civic or other southern destinations, such as by encouraging employment opportunities in Gungahlin and restricting employment growth in Civic;
- (4) the development of a plan for a possible eastern ring road from Gungahlin and the Barton Highway to Central Canberra and the Monaro Highway via an upgraded Majura Road, to complement the public transport system.”.

Question put:

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

The Assembly voted -

*AYES, 9*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Kaine  
Mrs Littlewood  
Mr Moore  
Mr Osborne  
Mr Stefaniak

*NOES, 8*

Mr Berry  
Mr Corbell  
Ms Horodny  
Ms McRae  
Ms Reilly  
Ms Tucker  
Mr Whitecross  
Mr Wood

Question so resolved in the affirmative.

Question put:

That the motion (**Ms Horodny's**), as amended, be agreed to.

The Assembly voted -

*AYES, 15*

*NOES, 2*

Mr Berry	Ms McRae	Ms Horodny
Mrs Carnell	Mr Moore	Ms Tucker
Mr Corbell	Mr Osborne	
Mr Cornwell	Ms Reilly	
Mr Hird	Mr Stefaniak	
Mr Humphries	Mr Whitecross	
Mr Kaine	Mr Wood	
Mrs Littlewood		

Question so resolved in the affirmative.

### **UNIMPROVED LAND VALUES**

**MR WHITECROSS** (Leader of the Opposition) (5.08): Mr Speaker, I move:

That this Assembly directs the Government to ensure that the Commissioner for Revenue immediately redetermines the unimproved values, as at 1 January 1997, of all parcels of land in the Territory that are rateable as required under subsections 8(1) and 8(1A) of the *Rates and Land Tax Act 1926* so that these valuations are able to be used to calculate rates and land tax for 1 July 1997.

The motion I have moved today really ought not to be necessary. It is a motion calling on the Government to comply with its own legislation. It is calling on the Government to comply with the clearly expressed wishes of the Assembly in June last year. This motion is necessary only because of the arrogance of this Government and the insistence of this Chief Minister and Treasurer on getting her own way and ignoring anyone who disagrees with her.

Let us go back over the history of this matter. The current Liberal Government was elected on a promise that it would cap rates to the CPI for one year only while a review of the rates system was undertaken to ensure that rates were levied fairly. It was a rates system that was designed for one year only, an interim measure. In my view, it was a very unwise approach; nevertheless, it was consistent with an election promise. In June last year, the Government attempted to persuade the Assembly to cap rates for another two years - for the remaining two years of their Government - and to continue to use 1994 valuations. This was in direct contravention of their election promise and was yet

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another example of a government not wanting to make hard decisions. The Government was happy to tinker at the edges of the rates system, with no clear objective in mind. As with health, Mrs Carnell thought rates was a very easy political point in opposition, but in government she found it hard to deliver on her rhetoric. The community deserved better.

Last year I moved an amendment to the 1996 Rates and Land Tax (Amendment) Bill to ensure that the Government could cap rates for only one more year, using 1994 values, and had then to produce a new rates system with up-to-date values. The precise amendment I moved was to delete a proposal by Mrs Carnell to exempt her from doing 1997 valuations. That is the amendment Mrs Carnell ignored. The amendment was intended to send a very clear message about the need to deliver a fairer rates system. The Labor Opposition and the crossbenchers were very critical last year of the Government's attempt to continue to use 1994 valuations. They were outdated; they were unfair; they did not take account of the significant changes in values, not just in absolute values but in relative values, in different areas of Canberra.

The Government, in pursuing a policy of using 1994 valuations, was directly threatening the basic principles underlying our rating system - that rates should be fair and that they should be based on current values. Labor's amendment was not just about ensuring that the Government kept its promise; it was about delivering a fair rates system. It was designed to ensure that the Government did not continue to use out-of-date valuations. By deleting 1997 as a special relevant date, the Commissioner for Revenue, under section 8 of the Act relating to automatic revaluations, was obliged to commission a revaluation of all parcels of land in the Territory from 1 January 1997. During the debate in June, the Labor Opposition and the crossbenchers all criticised the Government's attempt to get out of that responsibility. In fact, I said:

We do not want a continuation of this nonsense position where indefinitely into the future we levy rates on the basis of what people's values were on 1 January 1994. It is an absurd position.

It is clear from the debate that the Assembly told the Government it could not continue to levy rates using out-of-date valuations. But what did the Government do? Obviously, what is said in the Assembly, and amendments that are passed to Acts of parliament have no bearing on the Government's decisions. What is codified in the legislation is of no consequence to this Government if they happen to disagree with it. The Chief Minister has yet again tried to get out of using up-to-date valuations.

The exposure draft, which we will be debating in the Assembly tomorrow, was released in December. The Chief Minister has finally, belatedly, delivered on her promise to produce a new rating system. But nowhere in the supporting explanatory documents on the new rating system presented in the Assembly is there any mention about not doing 1997 valuations. Nowhere in Mrs Carnell's speech is there any mention of retrospective legislation to get the Government out of levying 1997 valuations. The fact that the Government proposed to use 1994 valuations was only in the fine print of a table. What actually appeared was retrospective legislation to condone a decision that would have to have been made at the direction of the Chief Minister not long after the rates debate last June.

The Chief Minister is asking the Assembly to ratify and condone her arrogant, non-consultative style by passing this retrospective amendment to the Rates and Land Tax Act. The Government clearly attempted to pull the wool over people's eyes. It is a sign of pure arrogance and contempt for a parliamentary system that is set up as a watchdog over the actions of government. Mrs Carnell has in the past liked to talk about the primacy of the Assembly; yet she will try to deceive, ignore and be contemptuous of the established processes at every opportunity. This is just one instance. The Government must be given a clear message that it cannot continue to show so little regard for the Assembly and its laws.

The ACT Government collects \$100m a year in rates; so it is not unreasonable to expect Mrs Carnell to ensure a fair and equitable rates system, and fairness can be assured only when up-to-date valuations are used. By using 1994 valuations as part of the calculation of 1997-98 financial year rates, some ratepayers will be left unfairly shouldering the burden. Most people would have to acknowledge that property values have fallen over the past 12 months, and property owners whose values have dropped should be recognised.

**Mrs Carnell:** What about all the people whose rates will go up unfairly?

**MR WHITECROSS:** Indeed, Mrs Carnell. Labor has generated some estimates, based on the Government's own data and property valuations, which suggest that residents in Belconnen and Gungahlin in particular will be paying too much if 1997 property valuations are not used. The figures generated by the Opposition are merely indicative, since 1997 valuations are not available because the Government has not commissioned them yet.

One example we were able to deduce was that home owners in Spence will be paying approximately 10 per cent too much in rates. This translates to about \$50, which is no small amount. Charnwood residents, who have been the victims of Government cutbacks again and again, will be charged over 7 per cent extra in rates, even though they are getting less and less for their money. Every suburb in Gungahlin will be paying too much, on average. In many suburbs, we are not talking about dramatic dollar increases or decreases. However, matters of fairness and principle remain.

Mrs Carnell, you cannot ignore laws you do not like. You cannot ignore the wishes of the Assembly just because they do not fit in with your plans, your political or policy agenda. This blatant disregard for the laws of the Territory, the defiance of what was a clear and unequivocal instruction by the Assembly, is both contemptuous of this place and an embarrassment to you. You talk of council-style government whose actions are open and transparent, yet you blatantly flaunt the power bestowed on you by the people of Canberra.

The Labor Opposition first raised concerns about the Government's arrogant defiance of the Assembly and the Rates and Land Tax Act in January. What has the Government had to say in response? The Government has not tried to refute the arguments about fairness, because they know they cannot. The Government has attempted to use flimsy justifications of their policy, such as the cost of getting the valuations done and the need

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to have figures before tabling the exposure draft in December. Probably the best argument they have trotted out to defend the decision is that, because they defied the Assembly and the Act and have left it too long to notify the Australian Valuation Office, it is going to cost them more. Whose fault is that? The money for the valuation was appropriated in the budget, by this Assembly. It is part of the normal administration of the Territory.

Given that the Government derives a large proportion of its revenue from rates and land tax, is it too much to expect them to have a fair rates system? The arguments used by the Chief Minister are both weak and desperate. They have not been able to refute our concerns about fairness. This Government has had two years to get the issue of rates right. They have come up with a new rating system only after pressure from the Assembly, but the Government has still failed to put forward a rates system which is fair. Fairness was part of the Government's election promise in 1995. What we are considering in this motion is the issue of fairness, and fairness will be delivered only by the Government conducting 1997 valuations of all rateable properties in the ACT. If we do not conduct these valuations, then we will not have a fair rates system, a rates system using the most up-to-date valuations, until the year 2000. That is simply not acceptable.

I urge the Assembly to support this motion, to send a message to Mrs Carnell about taking seriously the decisions of this Assembly, to ensure that Mrs Carnell will not be rewarded for her dishonest and sneaky approach to this matter.

**Mr Humphries:** I raise a point of order, Mr Temporary Deputy Speaker. The suggestion that Mrs Carnell has employed a dishonest approach, I think, is outside the terms of standing orders. It is unparliamentary and should be withdrawn.

**MR TEMPORARY DEPUTY SPEAKER (Mr Wood):** Mr Whitecross, that has been the pattern. Those words are on record as being withdrawable.

**MR WHITECROSS:** Sure, Mr Temporary Deputy Speaker. I withdraw the word "dishonest" and I will stand by the word "sneaky". Anyone who goes down the path of assuming off their own bat that they are not going to do 1997 valuations, without consulting anyone else and without advising anyone else of their decision, is sneaky.

**Mr Humphries:** Mr Temporary Deputy Speaker, I think the term "sneaky" also ought to be withdrawn. It amounts to the same thing as "dishonest". There might not be a precedent for the word "sneaky", but it ought to be dealt with in the same way.

**MR TEMPORARY DEPUTY SPEAKER:** I think the key thing is that there is not a precedent. We have a very extensive list of words that are not useable, and I do not think that is on the list.

**MRS CARNELL (Chief Minister and Treasurer) (5.21):** The Leader of the Opposition has attempted yet again to scare the community. He has used the people of Canberra unmercifully in this debate by suggesting that somehow Canberrans are going to be ripped off by the decision not to include 1997 property values in the three-year rolling average.

Mr Whitecross indicated that somehow we were not telling anybody that we were not going to include 1997 valuations. If we were not going to tell anyone, why would I have tabled the papers in the Assembly in December?

**Mr Humphries:** Just between us.

**MRS CARNELL:** Just between us, I will give everybody the papers to show how the model works, which makes it very clear that there are no 1997 valuations. I understand that the people who briefed various members of the Assembly also made it very clear. This is a very interesting and unusual way to try to hide something. This again is one of Mr Whitecross's unusual approaches to issues in this place.

Members of the Assembly will be aware that the system does not change the total amount of revenue the Government will receive in general rates and that this Government has made a commitment to restrict the increase in the amount of revenue to a CPI increase. What we have here is a situation where Mr Whitecross indicated in newspapers that somehow the Government was going to get a windfall here, that somehow the Government was going to end up with more money, or alternatively, that the people of Canberra, if we did a 1997 valuation, would end up paying less. I think he said it would be \$1m less if we went down the 1997 valuation approach.

**Mr Whitecross:** Using your figures.

**MRS CARNELL:** No, those are not my figures; those are the figures quoted by you in various newspaper articles. Mr Whitecross would know very well that the total amount of money the ACT Government will get in rates will be last year's amount plus the CPI. The 1997-98 CPI estimate has been revised since the preparation of the exposure draft; therefore the rating factor will be adjusted to reflect the revised revenue target the final Bill will have in it when it is introduced into the Assembly.

**Mr Whitecross:** Up or down?

**MRS CARNELL:** Down, of course. Did you not know that the inflation rate figure was down, Mr Whitecross? It is very tragic, really.

Mr Whitecross also said that the lack of a revaluation meant that the rates burden would be spread unfairly across Canberra. He would like to see ratepayers whose rates were already going down get a bigger reduction, which would of course mean that other ratepayers would end up with significantly higher increases. I must admit that I find that notion of fair very unusual. To hit what is, as Mr Whitecross would know, a fairly small number of Canberrans with a very large increase is exactly what we were trying to overcome by using a rating system that did not end up achieving significant increases or significant decreases. We believe that a fair rating system is one that eliminates the very large increases or reductions. Obviously, we have a very different view of what "fair" means. If the inclusion of the 1997 property values would cause some rates bills to reduce, obviously it would mean that others would have to increase. The reductions Mr Whitecross tried to sell to the community are false, and he is trying to use a minor issue to score some political points rather than focus on the issue as a whole, on the whole proposal.

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Mr Whitecross himself said he thought it was actually a very good rating system, when it was introduced into the Assembly, at least in exposure draft form. The rating system this Government has introduced is an integrated package designed to provide a fair deal for all ratepayers. It was the result of extensive modelling of available data to minimise the variations from last year's bills. Any adjustment to one component, such as the valuation base, would necessitate an overhaul of all the other components - that is fairly obvious - to ensure that the best outcome is achieved for all ratepayers.

Mr Whitecross also said that the Government has ignored the instruction of the Assembly to have the 1997 valuation done. This is not correct, full stop. This is not correct. Mr Whitecross has consistently said that in the debate last year the Assembly called on the ACT Government to do a 1997 valuation. That is simply wrong. Members will recall that, in the debate last year on the rates matter, the Assembly said that the Government could not continue to use the 1994 valuation plus the CPI for 1997-98, and it asked the Government to come up with a new rating system. There has never been any specific requirement by the Assembly to conduct the 1997 valuation.

Mr Whitecross said time and time again that we were ignoring the direction of the Assembly from last year. That is a straight quote from him just a minute ago. The reality is that the direction of the Assembly last year, quite specifically, was that we could not use 1994 plus the CPI for another two years - a rating system that I still believe would achieve significantly fairer rates, and certainly more predictable rates, for everyone in Canberra; but far be it from me to reflect on a vote of the Assembly. The Government did exactly what the Assembly asked us to do by coming up with a new approach to rates - a new approach that Mr Whitecross and other members of the Assembly said they thought was a pretty good go at it.

The proposal not to use 1997 valuations was made to ease the transition to the new system. It ensured that the outcomes of the proposed new rating system were fully analysed and were available in December 1996, so that Assembly members and members of the community would have significant time to examine the new system. It also ensured an early introduction of the final Bill. An early decision of Assembly members on the new system would allow necessary transitional arrangements to be put in place in a timely and effective manner, including dissemination of information to ratepayers, staff training, system change, and printing the new assessment notices. In other words, we wanted to make sure that, when Assembly members voted on this new legislation, they could see quite categorically what it would do in the marketplace. They could look at suburbs and see what the ups and downs of the whole situation were. If we had decided to include 1997 valuations, that simply was not possible in December.

What is going to happen now, unfortunately, if the Assembly passes this direction, which I assume it will, is that we will not have 1997 valuations for approximately three months - that is how long it takes - and people will not know what this model will do in reality, on paper, until after they pass the Bill. That is something we did not think was terribly appropriate, because we wanted to make sure that all of the information was on the table before people had to vote and while they were still looking at the exposure draft.



One of the things members have to ask themselves is: Why in heaven's name would the Government not want to do a 1997 valuation? As it does not affect our revenue in any way whatsoever - it has no effect at all on revenue to the Government - why would we decide not to do it? It is actually a very interesting question. There is no ideology, no political agenda. How could there be a political agenda on not doing a valuation? The reason was quite definitely that, to include a 1997 valuation, we could not have put on the table in December the information we put in the exposure draft. We believe strongly that everyone should have all the information at their disposal when they comment on the rates system or, alternatively, debate it, as we will do possibly tomorrow.

Under the proposed system, one year valuation would have a very small impact on individual rates bills across the board, as there are other components at work, such as the fixed charge, the threshold, and, most importantly, the three-year rolling average. Mr Whitecross indicated that it was not a fair system unless you were using "up-to-date valuations". We are not using up-to-date valuations anyway; we are using three-year rolling averages. So, if Mr Whitecross stood by the comments he categorically made just a few minutes ago - that only up-to-date valuations produce a fair rating system - he would have to oppose a three-year rolling average. Yet a three-year rolling average is what his own party put forward before the last election - something that obviously we support totally.

Under a one-off transition arrangement, the 1997 valuation will have little or no effect on the new system. The only thing it will do is cost taxpayers about \$400,000. There will be absolutely no benefit to the taxpayer, to the community, and no real changes in the rates bill people get, except that there could be some parts of Canberra that end up with a higher increase than they would have got before, and people who would potentially get a lower rate, because it is spread further, will get very little change whatsoever. So there will be none of that; just a bill to the ratepayer, to the taxpayer, of \$400,000 for absolutely no benefit. Interestingly, \$400,000 may not seem a lot to Mr Whitecross; but for this Government, in the current financial situation, \$400,000 is a lot of buses, a lot of health services, a lot of community health services - - -

**Mr Whitecross:** It is one bus, actually.

**Mr Berry:** It is only one futsal field.

**MRS CARNELL:** Not routes, not the sorts of things we could provide every day. It is not just pretend, even if it is one bus. Mr Whitecross says it is one bus. A bus, a futsal stadium, a health service, any of the things we can buy with \$400,000, all come as a benefit to the community. One thing that does not come as a benefit to the community is doing a valuation for 1997 that achieves absolutely nothing.

**Mr Whitecross:** According to you.

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**MRS CARNELL:** No; it cannot achieve anything. What can it achieve? The total amount of rates, the total bill, will stay the same. I think it is really important to spell this out again. The amount of money the ACT Government gets in rates will be identical. It will be last year's amount plus the CPI, so it does not affect our revenue base at all. It may change the ups and downs of a few people very marginally; but, for every person who pays a bit less, another person pays a bit more. I know you guys just have to be really embarrassed about this.

As well as no change to the revenue base, as well as no real change to the way rates will be apportioned across Canberra, it also means that people will not know what rates they are going to pay until very close to the end of the financial year, because it is going to take us three months to do it. As things stand, as soon as we pass the Bill, they will know what their rates are likely to be for next financial year, but that will not be the case now. There will be information that I believe people want in order to budget for next year that simply will not be available. Add to that a bill for \$400,000, which is money we will not be able to spend elsewhere on other services that are desperately needed at the moment.

For the life of me, I cannot see why this Assembly would require a 1997 valuation to be done. To include 1997 valuations, from a Government perspective, will make limited difference - I have made that clear already - except that we will have to pay a bill for \$400,000 that we would not have had to pay otherwise. But it is not our money; it is the taxpayers' money. At the end of the day, it is the people of Canberra who pay their rates who will pay the \$400,000 that Mr Whitecross seems to believe is terribly important.

The reality is that the legislation that is currently in place does require annual valuations, although not on 1 January, as Mr Whitecross indicated. At one stage he said that we had broken the law by not doing it then. Mr Whitecross knows perfectly well that that is not the case. (*Extension of time granted*) Mr Whitecross would be very well aware that it says "as soon as practicable after the beginning of the financial year".

**Mr Whitecross:** You had no intention of doing that.

**MRS CARNELL:** I have to say, Mr Whitecross, that we made it quite clear that we had no intention of doing it when we put forward that proposal.

**Mr Whitecross:** No, you did not. It is a proposal.

**MRS CARNELL:** When we put forward the exposure draft, we made it very clear that 1997 valuations were not involved in it.

**Mr Whitecross:** Where in your speech did you say that?

**MRS CARNELL:** It is in all of the documents I tabled in the Assembly, where we made it very clear. If the Assembly had knocked back our exposure draft and said, "No; this is not good enough either", we were then in a position to go straight into a 1997 valuation, if that was what the Assembly wanted. Our view was that, if the Assembly liked our exposure draft, as they have all claimed they do, or as they seem to, then the need for a 1997 valuation becomes non-existent. It simply does not affect the model as put on the table in this place.

I finish by asking how this Assembly could pass a motion that costs \$400,000 that could be spent on health, education, buses, things that are desperately needed in this city, when it achieves absolutely no benefit to the ratepayers or to the people of Canberra. I do not believe that that is an acceptable approach. I do not believe that that would be this Assembly acting in the best interests of the people of Canberra. If it did mean that somehow this would affect the revenue the Government was going to get and that somehow people would pay less rates, maybe I could understand it; but it does not. It does not change any of that; it just means that the people of Canberra will pay an unnecessary bill for a large amount of money, at no benefit to them, at a time when we could use that money on lots of other much better things.

**MR MOORE** (5.39): Mr Speaker, I have listened to the arguments on the rates issue. I recognise that, if we could find \$400,000, it would be a very important thing to spend that \$400,000. When the issue was first raised, my immediate reaction was that of course we should do the 1997 valuation; we should be doing every valuation. The Chief Minister asked me to reconsider that and to take a briefing. I had two briefings from her department on this issue. They were very thorough briefings, and I must say that they made the decision that much more difficult. These decisions, when there are very good arguments on both sides, are always the ones that are most difficult. In the end, I think I have been persuaded by the call from Auditor-General after Auditor-General that we should have annual valuations, not just in the ACT but in the States. In quite a number of States this has been the case. It was confirmed for me in my briefing that it had been the case, and I think it is appropriate that we do not break this nexus. We have the system of annual valuations in place now, and we should retain that annual valuation system.

If the argument for the saving of \$400,000 was one that could be sustained, I think it would be appropriate for the Government to come back to the Assembly, since they are putting a new rates system in place. It is one that I have been very supportive of, and we should deal with this as an issue in itself. If we can manage without having a valuation every fourth year and the results are the same, and therefore over a 12-year period we can save over \$1m, perhaps we should look at that as a system. But, as an ad hoc one-off, to say that we can save \$400,000 by not doing a valuation, I think, is unacceptable.

As I said, this was not an easy decision for me; but, in the end, that is the decision that I believe is most appropriate and the one that is in the best interests of the community as a whole. It is not just the \$400,000 we look at when we are judging what are the best interests of the community as a whole. We are very conscious of that as an important factor, but to ensure that the systems are in place, are appropriate and are seen to be appropriate is also very important. Mr Speaker, I shall be supporting the motion.

**MR HUMPHRIES** (Attorney-General) (5.42): If I could make a brief contribution, Mr Speaker, I think Mr Moore's speech stopped slightly short of the crucial issue.

**Mr Moore:** Because I said I would vote to support the motion?

**MR HUMPHRIES:** Yes, that was fairly crucial; but the part I wanted to hear about was how this was in the best interests of the community. Now that we have a three-year average on which rates are based, how one particular year's figures are particularly important in that process escapes me.

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**Mr Moore:** Then apply it to the system. Do not do it on an ad hoc basis.

**MR HUMPHRIES:** That has a certain nice orderly ring about it: We cannot miss out a year because we want to know what the values were in 1997. That sounds very logical, and I think that if we were looking at a factor like that in isolation, that would be very persuasive; but we are not. We are offsetting against the fact that we do not propose to do a valuation in 1997 as a transition measure the fact that we are going to have to pull \$400,000 out of other essential services to the community to pay for what is - - -

**Mr Moore:** No, you are not. That is not true, Gary. You cannot say that. We appropriated \$400,000 to do this job.

**MR SPEAKER:** Order!

**MR HUMPHRIES:** Mr Speaker, I have to insist that that is true. That \$400,000, if it were not being spent on the valuation, could be spent on something else.

**Mr Moore:** No; it is not that way round at all, and you know it. We appropriated \$400,000 for this job, and you now want to spend it elsewhere.

**MR HUMPHRIES:** I concede that technically Mr Moore might be right. If the department has appropriated that money for the valuation already, then - - -

**Mrs Carnell:** No, we did not appropriate it for that; we appropriated money for every program.

**Mr Moore:** The law says you have to do it.

**MR HUMPHRIES:** Mr Speaker, let me conclude my remarks. If the valuation money was appropriated in that particular pot and cannot be used for something else, then Mr Moore would be right; but I would say to him: If that is the case, let us not spend the money on that valuation; let us pull it out of that pot and spend it on something the community wants and needs more than a totally unnecessary valuation. We lose \$400,000 and we also end up having to wait until June this year before we can tell people what their rates are for this year. Incidentally, we also end up with a noticeably steeper increase for houses in North Canberra than would be the case otherwise. A lot of people get a small advantage relative to that total figure - a small amount of reduction of rates - as a result of Mr Moore's or the Labor Party's move; but people in North Canberra experience a large increase, or in some cases a significant increase at least.

**Mr Moore:** The problem is with your CPI system earlier.

**MR HUMPHRIES:** Mr Speaker, every government has adjusted the total rates take by the CPI. We are not the first government to have done that, and I suspect that we will not be the last.

The fraud in what Mr Whitecross has had to say is that, of course, we end up with a - - -

**Mr Whitecross:** Mr Speaker, is he allowed to say “fraud”?

**MR HUMPHRIES:** I will withdraw “fraud” and I will say that there is a sneaky element to what Mr Whitecross has had to say. He implies, by saying, “We are going to force people to get those lower valuations in place”, that most people are actually going to get, on average, across the board, lower rates as a result of his move. Of course, they are not. Let us suppose, for argument’s sake, that the valuation of everybody’s house in Canberra had dropped by a uniform \$10,000. What the Assembly would have to do would be to adjust the rate in the dollar so that everyone is paying what they were paying before in order that the total rates take remains the same, with an adjustment for the CPI. So, the suggestion that his move somehow saves the people some money is true in specific cases; but, across the board, it is not true. I think that is a most dishonest kind of argument.

Mr Speaker, we will argue - not just in this place, but in the broader public arena - that the Assembly is imposing an extremely wasteful \$400,000 decision on the Government. It is totally unnecessary. There is no justification whatsoever advanced for this particular valuation to be made. We are going to have angry calls and angry letters from people who will not know what their rates are until quite late before the beginning of the new financial year. We intend to tell every one of those people who raise those problems with us exactly what the reason for those problems is.

**Mr Moore:** And we will tell them what the law said. The law said that you do them as soon as practicable after 1 January.

**MR HUMPHRIES:** They will not come and talk to you, Mr Moore; so, they will talk to us.

**MR WHITECROSS** (Leader of the Opposition) (5.47), in reply: Mr Speaker, there are a couple of issues which I have to address in closing this debate. Let me start by saying that Mrs Carnell has been caught out. In her own explanation of what she is doing here, Mrs Carnell admitted that she purposely did not do 1997 valuations because she was trying to manipulate the system to get a particular result which met her test of fairness. That is what she said. She also went on to describe it as a proposal not to use 1997 valuations to smooth the transition to the new rating system. That is what she said. Mr Speaker, why was manipulation necessary? Why was there a need to smooth the transition? There is one reason, and one reason only - because Mrs Carnell made the ill-judged decision to increase rates each year based on 1994 valuations plus the CPI. That was the cause of the problem. She chose not to use a fair valuation system in 1995 and not to use a fair valuation system in 1996. She got to 1997 and realised that she had created a monster for herself. So, she is trying to manipulate the rates again in 1997 to get herself out of the problems she created in 1995 and 1996. Mr Speaker, she has learnt nothing whatsoever from the debate last year about this issue. She is still in there manipulating the system instead of letting the valuations do the talking.

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Mr Speaker, she said in her remarks that the Assembly never told her to do 1997 valuations. Mrs Carnell, it is called "the law". It is called "an Act of parliament". When you pass an Act of parliament the government is expected to comply with the Act of parliament. You say that the Assembly did not tell you to do the valuations. Let us put aside for one moment the Act of parliament. We did tell you, Mrs Carnell. We moved an amendment which explicitly excluded 1997 from the definition of "special relevant date". You cannot say that the Assembly did not tell you to do 1997 valuations. There was an Act of parliament which said that you had to do them. So, do not mislead people by saying that 1997 valuations were not required. The Act of parliament required them.

Mrs Carnell went on to make the disingenuous suggestion that somehow supporting up-to-date valuations is inconsistent with three-year rolling averages. Of course, it is not. I support three-year rolling averages. It was, after all, a Labor Party proposal. But, Mr Speaker, I support using the most recent three years. Mrs Carnell seems to support using any three years which get her the answer she wants. I support using the most recent three years, Mr Speaker, and that is what this motion will achieve.

Mrs Carnell, fascinatingly, in the course of the debate, described her decision not to use 1997 valuations as "a proposal" and said that, if we rejected the exposure draft, then, of course, she would have to go back and do the 1997 valuations. Yet now she comes into this place and says, "It is too late. We cannot do that". The fact is, Mr Speaker, that she never had any intention of doing 1997 valuations, and she hoped that she would sneak it past us all without our finding out. But, Mr Speaker, it was not a proposal, because she never referred to it. She never came in and said, "Members will be interested to note that I have based my valuations on 1994, 1995 and 1996. I have deliberately decided not to get the 1997 valuations because I am trying to smooth the transition to the new arrangements". She did not say that.

**Mrs Carnell:** It is in the exposure draft.

**MR WHITECROSS:** Mrs Carnell, open and consultative government means that, when you make a decision, you tell people about it so that they can make a decision as to whether they agree with you or not.

**Mrs Carnell:** We did.

**MR WHITECROSS:** You did not. So, Mr Speaker, here we have a situation where they have tried to put one past the Assembly. After having created a monster in the last two years by manipulating the system, they are trying to manipulate the system again. Mr Speaker, the other weak argument being put by the Government is that, if the Assembly insists on the same thing we insisted on in June last year - that is, 1997 valuations - then we will not be able to tell people what their rates are until June. Mr Speaker, in every other year that I can think of, the Rates and Land Tax Bill has been tabled in the Assembly and voted on in June, and it is not until June that any of the householders out there actually know what their rates are going to be.

**Mr Humphries:** That is nonsense.

**MR WHITECROSS:** It is not nonsense, Mr Humphries, and you know it. This is no different from any other year. People will know their rates when, and only when, the Assembly passes the rates and land tax legislation, and we have not done it. So, you have been caught out on that as well. Mr Speaker, let me conclude on this note: Mrs Carnell says, "If the Assembly gets its way and insists on the decision we made last June being honoured, we will be spending \$400,000 on nothing". Mr Speaker, the 1997 valuations are required to ensure that the rates system is fair. Mrs Carnell, out of her own mouth, says that, to her, fairness is nothing.

Question put:

That the motion be agreed to.

The Assembly voted -

*AYES, 9*

Mr Berry  
Mr Corbell  
Ms Horodny  
Mr Moore  
Mr Osborne  
Ms Reilly  
Ms Tucker  
Mr Whitecross  
Mr Wood

*NOES, 6*

Mrs Carnell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mrs Littlewood  
Mr Stefaniak

Question so resolved in the affirmative.

## **HEALTH INFORMATION BULLETINS AND ACTIVITY REPORTS**

**MR BERRY (5.58):** I move:

Noting that there have been no Health and Community Care Quarterly Activity reports tabled since the June 1996 report and no monthly Information Bulletins for the Canberra Hospital and Calvary Hospital tabled since the October 1996 reports, this Assembly requires the Minister for Health to provide Assembly Members, by the close of business - Wednesday, 19 February 1997:

- (1) the Quarterly Activity reports for September 1996 and December 1996; and
- (2) the Monthly Information Bulletins for both hospitals for November 1996, December 1996 and January 1997.

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Furthermore this Assembly requires the Minister for Health to provide to each Member all the future editions of these reports within seven days of receiving them or 15 days after the end of the reporting period, whichever is sooner.

Mr Speaker, this motion is about something which has been raised before in this Assembly in relation to the reporting of health activity and financial management. I will deal with the history first. In 1989, with the new Assembly and new departmental structure, reporting structures were not well developed, but they have been implemented over the last seven years. In 1991, an Assembly motion required the Minister to provide to members the new monthly financial reports from the board. This motion was carried over the protests of the board. In 1992, I began providing the quarterly reports - a comprehensive set - which covered activity levels across the whole portfolio as well as financial performance figures. At the same time, I put in place new systems in Health which would lead to better, more timely and more accurate information being provided to the Assembly. This was built on by Terry Connolly.

In 1995, Mrs Carnell began supplying monthly reports for Woden Valley Hospital, and, more recently, for Calvary Hospital, the latest version of which we have seen today. Unfortunately, these reports have not been developed further. They still contain whole slabs of information which is always preliminary. I would like to repeat that. Even the figures issued today are preliminary figures, and each time you find a hole in them you always receive the retort, "They are only preliminary; you do not know what you are talking about; did you not read the top of the page?". The Government has never provided any final figures for whole sections of the department. More importantly, the quarterly reports have not been supplied for any quarter. I repeat that. More importantly, the quarterly reports have not been supplied for any quarter in this financial year, and the monthly reports have become more and more tardy. I should say the timing of them has more to do with media management than it has to do with much else.

The Chief Minister's record, of course, is not good. Elected on a promise to fix everything, Mrs Carnell claimed to have all the answers. Mrs Carnell launched the three-year budget, the budget to deliver the promised \$10m savings per year in Health. Then Mrs Carnell had to come, cap in hand, to the Assembly to ask for \$14.2m more. The Treasurer's monthly financial statement for June 1996 showed the full impact of the health budget overspend - \$22.3m. Mrs Carnell then added \$38.6m to this year's budget. Of course, that is to lock in the overspend of previous years. We now have a situation where this mismanagement is built in for future generations to look after.

The \$38.6m ought to have been enough to buy her way out of trouble, but where is the information about what is going on now? There has been no quarterly report this financial year; the monthly reports contain relatively no financial information; the monthly whole-of-government reports are tardy and incomplete; there are one-line entries for the Canberra Hospital and Health and Community Care; and in no way do they give an accurate and complete picture of what is going on in Health. The first whole-of-government monthly report was not monthly but quarterly, and it was not supplied until November last year. This Minister has been entirely tardy about the



delivery of financial records to this Assembly; not as she said earlier today in question time, I think, it was on the issue of financial reporting. She said that the level of financial reporting had never been heard of before in this Assembly. Well, it had, but when Labor was in.

The Chief Minister's claim that she would provide open and accountable government is just another hollow promise. Every time I ask for health figures, I get attacked and insulted. Whenever I ask for health figures or any information on health, I get a great mouthful of insults from this Chief Minister; but I never get the figures.

**Mr Humphries:** We had no idea you were so sensitive.

**MR BERRY:** No, I am not sensitive. It is to Mrs Carnell's embarrassment that she spews forth insults each time she is questioned about her poor performance in the health portfolio - the worst performing budget management, Chief Minister, since this Assembly was first established. All of the insults might be a great media tactic; but I have to say that, at least for me and for the Labor Party, the bluster is starting to wear a bit thin. I suspect the same applies out there in the community.

It is time for a new approach. It is time to put up or shut up, and it is time to face scrutiny. One-line statements in financial reports that say, "No full year effect is expected at this stage", in relation to a reported overspend, are, frankly, just not good enough. I am sorry; I cannot take you on faith, given your past performance. It has been appalling. With this Chief Minister's record in Health, can she expect us to accept that reassurance? You cannot expect us to accept it because your performance has been so bad so far. It is not good enough that the Treasurer's own report shows that the Health Minister's budget is in deficit. That report is showing \$15.9m overspent in Health, and a deficit of \$13.6m. The report says that. In a briefing which was provided to the Leader of the Opposition, the executive director of the Office of Financial Management talked about \$12.2m, which of course does not match the figures in the document, which go to \$13.6m. These figures show that there was a potential overspend. Mrs Carnell says in her glib statement, "No full year effect is expected at this stage". I do not believe her. If it happens to turn out to be true, that will be a surprise for everybody; and we will rejoice in the surprise.

Mr Speaker, it is important that we adopt similar standards to those which Mrs Carnell adopted whilst in opposition. She was one for leaping on the Government about the supply of these figures. But the abuse that one receives when one raises the issues of this Minister's appalling performance in the management of the health portfolio is a diversion; it is never about answering the important questions that have been raised about what is going on in the system. This is a serious matter, but this Minister - - -

**Mr Humphries:** It is rubbish.

**MR BERRY:** Mr Humphries interjects, "It is rubbish". It was not rubbish when he supported similar motions from his own leader in the past. This Minister has mismanaged almost every aspect of the health portfolio - from dogs being treated in the Woden Valley Hospital to the spiteful sacking of the acting director of mental health. There is not much left for this Chief Minister to mismanage.

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Of course, there is always the budget; the \$14.2m required 12 months ago; the \$38.6m extra pumped into last year's budget, that massive budget blow-out, the biggest budget blow-out ever that has been built into health budgets for future generations to pay for. She could not make the promised savings herself. Mrs Carnell was the one that promised to save \$10m in each year of her three-year term. What do we get? We are \$22.3m down the first year; there is \$38.6m extra pumped into this year's budget - all for future generations to worry about - to make sure that Mrs Carnell's image looks pearly white out there. This is about buying her way out of trouble with somebody else's money. Of course, the extra money pumped into the health budget has a flow-on effect on other areas of the budget, but Mrs Carnell has shown she does not care about that.

Other areas of the budget have been cut to bail out the Chief Minister in Health. Mr De Domenico, when he was here, had to suffer because most of the cuts had to come from his portfolio. But Mrs Carnell did not seem to care about his image. Her indifference to Mr De Domenico's image has been shown by the absence of any speech in response to Mr De Domenico's departure. In the ACT, which is reeling under the policies of two Liberal governments, we cannot afford to lose job opportunities in the capital works program because Mrs Carnell cannot manage her health budget. We were promised open, accountable government, but we have seen none of that. Instead, we have seen no figures; we have seen arrogance; we have seen no financial statements for Health; and all you ever see is a tirade of abuse of anybody who dares to question this Chief Minister. Then there are the sackings in the community groups. Anybody who questions this Chief Minister is in deep trouble.

We need these figures and we need them today. That is why the motion requires that the past quarterly figures - there is never a mention of quarterly figures by Mrs Carnell - and monthly figures be provided today. We need to ensure that the figures are made available to members as they become available in the future.

**Mr Humphries:** On a point of order, Mr Speaker: Can Mr Berry explain to us why he needs quarterly reports if he is getting monthly reports each month? Is not a monthly report just one-third of a quarterly report?

**MR BERRY:** Mr Speaker, we have not had a quarterly report since last June to incorporate all of the information that has been provided in the past in relation to those matters.

In requiring the Government to produce those figures, I would like to set some guidelines for what is required in the financial figures for Health. Here are some suggestions for you. Just have a little listen. These are the guidelines:

... financial reports should present figures for the following expenditure and revenue categories: Wages and salaries, superannuation, accommodation, grants, operating expenditure, repairs and maintenance, other expenditure, in-patient fees, non-in-patient fees, revenue from meals and accommodation and, of course, other receipts.

Furthermore, financial information about each of these categories should be itemised according to the actual year to date revenue and expenditure, the original budget estimate for where revenue and expenditure would be at this date, supplementation occurring in each of the various categories, and, of course, other relevant information.

Guess who the source of that great shopping list was. Kate Carnell, *Hansard*, December 1992. I could ask for no less for members today.

We received quarterly reports in the past. I am insisting that that system continue. If Mrs Carnell is not up to the provision of those quarterly reports, then she will have to suffer the consequences from this Assembly. What is the good of preliminary figures which are issued month after month and which you cannot question? Mrs Carnell will not be questioned on any issue; she makes sure that she never gives any figures that she can be questioned on because they are never final. What we want is final monthly reports and final three-monthly reports, to give a complete picture about the real situation in Health. We want to show the community how badly you are going out there. We want to avoid the need to ask questions and cop the stream of abuse and vitriol either by way of press release or from your own mouth in this place.

Mr Speaker, it would be far better for the standing of this Assembly if Mrs Carnell were to put the reports together in a quarterly and monthly format to ensure that full information is coming to this Assembly. I expect another stream of abuse. Mrs Carnell offered to brief me in relation to these matters. I wrote to her yesterday and said, "I think it would be better if you gave me the information". That is what I am insisting on.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (6.11): Mr Speaker, it is actually a bit hard even to respond to that because it is very hard to believe that anybody in this place cannot add three figures together to achieve a quarterly report. As members of this house would know, yes, we did force the issue to require Mr Berry to report regularly.

**Mr Berry:** No, you did not.

**MRS CARNELL:** Yes, we did. But Mr Berry actually did not report at all for a very long time, Mr Speaker.

**Mr Berry:** No, you did not. Will you apologise for that?

**MRS CARNELL:** I have all the information, Wayne; it does not help. But the reality is that Mr Berry did not actually produce monthly reports. He produced only quarterly reports, which of course were averages. Mr Speaker, they were averages, so that we did not actually ever know exactly where we were up to. For all of that, quarterly reports were a great improvement on nothing, which is what we had for a very long time.

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Monthly information bulletins have been tabled in the past in a timely manner, about four to five weeks after the end of the relevant month, Mr Speaker. The bulletins contain information on activity levels in terms of the number of admissions, separations, non-inpatient occasions of service and, of course, waiting list data. They are very similar in many ways to the quarterly reports that Mr Berry produced - except, of course, that the quarterly reports were averages. The information is very similar. Mr Speaker, you will be aware that this financial year monthly bulletins have already been produced for July, August, September and October. As you would also be aware, the bulletins for November and December were tabled in the Assembly today. The reason that the November data was late was that the last sitting day in December was actually 12 December, which, unfortunately, the November bulletin was simply not ready for. It often does take that little bit of extra time.

**Mr Berry:** Do it out of session.

**MRS CARNELL:** I am very happy to do it out of session, but that is just not the way we have been doing it in the past. That is not a problem. As soon as we sat again, today we have November's and December's information for both hospitals. Members would also be aware that no data for Calvary Hospital was provided by Mr Berry - no quarterly reports; no monthly reports; nothing at all.

Mr Speaker, let us look at the actual information that Mr Berry has required in this motion. The request for the January report at this stage of the month just shows that he simply does not understand what he is asking for. This motion requires January figures to be presented this afternoon. This is only a couple of weeks after the end of the month. Mr Berry, if he knew anything, would know perfectly well that the data comes from various parts of both hospitals and from other parts of Health as well. He would also know that there is not some sort of magic computer in Health that all the information goes into every day and at the end of the month the computer spews it all out. The reality is that doctors and nurses put this together; people who are actually treating patients produce this sort of information. If Mr Berry is suggesting that what we should do is get our doctors and nurses, for the first week or two of each month, to spend their time putting together a report rather than treating patients, I think that is a totally unacceptable situation. If we can produce our monthly data, again something that Mr Berry never did, within four to five weeks of the end of the month - and I am happy to say four weeks, Mr Speaker - then I believe that is a pretty impressive exercise. It is certainly something that, to my knowledge, no other health system in Australia actually produces.

Mr Speaker, the thing that is actually amazing here is that Mr Berry wants quarterly reports that are just monthly reports added up. Why in hell's name we would get people in our Health Department to add up three lots of monthly reports so that Mr Berry could have a quarterly report, I have absolutely no idea. In fact, I think it is important right now to quote from a couple of Mr Berry's statements. I refer to a statement by Mr Berry in this Assembly on 19 June. It was when we were actually talking about the phantom patients. He said:

Mr Speaker, I never provided monthly figures in this place ...

On the same day Mr Berry also referred to his quarterly activity reports as “the only figures that were tabled in this place in relation to the performance of hospitals while I was Health Minister”. I am just quoting from Mr Berry last year. In other words, there were no monthly reports for either Calvary Hospital or Canberra Hospital; no actual waiting list figures, only quarterly averages; and no monthly financial reports, Mr Speaker. That is the reality of what we had under Mr Berry. Apart from the monthly report produced for November - and I have already acknowledged that the sitting period caused us a problem in that situation and we were a couple of days late - monthly reports have been produced four to five weeks after the end of each reporting period. Figures have been produced for Calvary. For Mr Berry to get up today and say that is not acceptable, when you consider what he did when he was Health Minister, is not acceptable.

We are also providing monthly data for the whole of the ACT financial system. Unfortunately, Mr Berry, when he talks about financial reports, forgot that he voted for the Financial Management Bill last year. Of course, that meant we moved away from cash-based accounting. All of the things that Mr Berry was talking about in a financial report simply are not even collected anymore, Mr Speaker. He voted for the Bill; he agrees with the new outputs-based accrual approach. He would not have voted for it if he did not agree with it. That information simply is not there; it does not exist.

I think you have to compare the whole situation under this Government with the situation that actually, really and truly happened under Mr Berry. Let us look at some of the dates involved. How timely were Mr Berry's quarterly reports, Mr Speaker? Remember that there were no monthly reports, just quarterly reports. The December 1993 quarterly activity report was actually tabled in the Assembly on 23 February, seven weeks after the end of the reporting period - not 15 days; seven weeks. It was a quarterly report. We actually had not had any figures on that particular quarter for three months plus seven weeks. The March 1994 quarterly activity report was actually tabled on 10 May, six weeks after the reporting period; again, not 15 days. The June 1994 quarterly activity report was tabled on 24 August, almost two months after the end of the reporting period - not 15 days; two months. The September 1994 quarterly activity report was tabled on 30 November, two months after the reporting period - not 15 days; two months.

Why was this the case, Mr Speaker? Why could not Mr Berry produce his quarterly reports - they did not even bother with monthly reports - in a more timely fashion than somewhere between six or seven weeks and two months? The reason was that the data does actually take a quite long time to put together. Mr Berry would know that; otherwise he was just stringing the Assembly along and was not willing to give us the information. That could have been the case, but the reality is that it does take time to put this data together; it takes time for information to come from each specialty area; it takes time for the various computer systems to have their information put together. If we were to report on a 15-day basis, Mr Speaker, I can tell you what: We would end up with the most patchy data you had ever seen. If Mr Berry is concerned that in some of the more complicated areas of our activity reports - that is, the individual reporting areas, such as the occasions of service area - if he thinks that is a bit of a problem now, I can promise that at 15 days it would be significantly worse.

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Mr Speaker, I come back to the real issue here. Mr Berry could not produce monthly reports, he could not produce any data from Calvary and even his quarterly reports ended up being tabled six, seven or eight weeks after the end of the reporting period. What is different now is that we have got better; there is no doubt about that. Our reporting systems are better; we have managed to move to monthly reports; we have managed to move Calvary Hospital into the reporting cycle as well; we are producing financial reports for the whole of the ACT Government on a monthly basis that actually gives real data, real information on where the ACT is up to. But what we cannot do is produce absolute miracles; that is, produce data from the hospital system in 15 days. Mr Berry found it was not possible when he was Minister. The reality is that it is still not possible if we want data that means anything at all.

Mr Berry said that he wanted the data because he believed that he had to expose the absolutely dreadful situation in Health in the ACT at the moment. Mr Berry might like to have a quick look at the December 1996 activity reports. He might like to move to the waiting list page. He might like to look at just about any part of the document at all. Mr Speaker, what he will see is that the number of people on the waiting lists has tracked down by over 1,000 now since we came to government. What Mr Berry will see, all the way through this report, is situations that are actually improving. You have a situation where, if you compare this year with last year, the number of admissions is up. All these sorts of things, I think, show that generally in Health things are improving.

The monthly financial statements to the end of November show that Health is some \$4m better placed than we expected, and tomorrow I will be able to table the December whole-of-government financial statements, after which I hope Mr Berry apologises. Mr Speaker, I would like everybody in this place to hold him on notice for the big apology tomorrow, when the December financial statements are brought down. The reality is that they show that Health is still tracking significantly better than we anticipated it would be.

Mr Berry also said, Mr Speaker, that there was something horribly unusual about writing into your starting position your finishing position from last year; in other words, starting your health budget from what you actually spent last year. The fact is that Mr Berry did it every year; he wrote every overrun into the starting point for the next year's budget, the whole four of them; the whole four overruns were written into the bottom line for the next year.

Mr Speaker, what we have here is a situation where there is a lot of hypocrisy floating around today. I am very willing to make sure that our monthly reports from both Calvary Hospital and Canberra Hospital are available in this place within 30 days of the end of the reporting period.

**Mr Berry:** You have stopped doing quarterly reports?

**MRS CARNELL:** I am saying that I do not think quarterly reports should be presented; they are just monthly reports multiplied by three. That is simply silly, Mr Speaker.

**Mr Berry:** You issued them up to June; so you are stupid, too.

**MRS CARNELL:** Because we have a new system, Mr Berry. We think monthly reports are what the Assembly needs. I understand that Mr Berry actually did produce some figures for Calvary while he was Minister, so I apologise for indicating that he did not produce any. He certainly did not, by the way, produce monthly reports as we are doing now.

Mr Speaker, I come back to the reality here. What we need to do in this place is make sure we pass things that are achievable. It is not achievable, as Mr Berry found when he was Minister, to produce health figures within 15 days of the end of the reporting period. He could not do it; and nor could we, with any confidence that the figures that we were producing were either complete or accurate. To pass something that Mr Berry could not do and that the system simply cannot produce would be silly. I am very happy, Mr Speaker, to agree to have information in front of the Assembly within 30 days, and that is better than we have done at the moment. It means we really will have to lift our game a bit. We have managed four weeks at times, but occasionally it has blown out to five weeks. We would have to work a bit harder to make sure we were inside 30 days. It is always good to have a challenge. I am happy to run with that challenge; but to take Mr Berry's motion on board now, Mr Speaker, would just ensure that the health system spent more time on bits of paper than with patients.

**MR SPEAKER:** The member's time has expired.

**MR MOORE (6.27):** Mr Speaker, when we are dealing with a motion that looks for more information it has been my practice, since first elected, to support that motion for more information; but to support it as sensibly as I can. Therefore, I move:

Omit "15", substitute "30".

**MR SPEAKER:** You can foreshadow it. Mr Humphries's amendment will have to come before yours, Mr Moore, under standing order 142.

**MR MOORE:** I must have been dozing a little, then, Mr Speaker. I did not realise Mr Humphries had actually put his. I am quite happy to foreshadow the amendment.

**MR SPEAKER:** It is just that Mr Humphries's amendment will be put before yours, Mr Moore. But you can speak to yours now.

**MR MOORE:** That is fine, but can I put it now, Mr Speaker?

**MR SPEAKER:** Yes, you can.

**MR MOORE:** I move:

Omit "15", substitute "30".

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That relates to the amount of time that the Minister for Health would have to provide the information that is available. While the debate was on the Chief Minister said to me, "Why do we want quarterly activity reports when we have monthly activity reports?". Indeed, that seemed to me to be a quite sensible notion. I said, "I suppose you can add up the three monthly reports and get the quarterly report". That seemed to be a reasonable way to go about it. Running the two did not seem to be appropriate. However, Mr Berry suggested to me that that is not the case; there is different information in the quarterly reports. If there is different information, then it would seem to me that would be a good reason to retain the motion as it is. However, Mr Speaker, if I can be persuaded that the quarterly activity reports are just the combination of the three monthly reports, then it does not matter. There is the issue, of course, that if there are three monthly reports it probably is very easy to put the quarterly report together anyway.

**Mr Osborne:** It is the old times three table.

**MR MOORE:** Times three; thank you, Mr Osborne; that is the one. It seems to me that 30 days is a reasonable time for the preparation of those. I think it would still put a bit of pressure on the department to get those reports done in that time, but it is reasonable. I can accept that 15 days is probably very tight. Mr Speaker, in general, I will be supporting the motion, but I still need to be persuaded that we do need these quarterly activity reports.

**MR SPEAKER:** The question is: That Mr Moore's amendment be agreed to.

**Mr Humphries:** I thought we were doing - - -

**MR SPEAKER:** We are now out of order. When you move your amendment, Mr Humphries, you will need leave; but you will get leave anyway. It is a procedural matter. Yours should come before Mr Moore's, but it is not the end of the world if we do it the other way round.

**MR HUMPHRIES** (Attorney-General) (6.30): Then I am speaking to Mr Moore's amendment. I simply indicate we would support it. The Assembly can require almost anything, and it is probably also true that the Assembly will probably receive almost anything that it requires. It could ask for a report to be available within seven days if it wanted to. But at the end of the day, if the Assembly imposes too short a period to be realistically able to get the information together, what will happen, very simply, is that there will be a compromise on quality; and either we will simply produce something too quickly to be assured of its accuracy or it will be issued with a disclaimer that it may not be accurate. Of course, then members of the Assembly are no better informed than they were before.

**MR BERRY:** (6.31): I will be supporting Mr Moore's amendment.

**MR SPEAKER:** You are speaking to his amendment at this point, are you?

**MR BERRY:** I was hoping to close the debate, really.

**MR SPEAKER:** There is another amendment to be moved.



**MR BERRY:** Mr Humphries, if you want to speak again, go for your life.

**Mr Humphries:** I have an amendment. You can speak to Mr Moore's amendment, but do not close the debate.

**MR BERRY:** I will speak to the amendment. I agree with Mr Moore's amendment. It is just a matter of finding a common date at which the information is provided at the same time regularly and is given to members rather than held over until the sitting periods. The amendment makes a bit of sense to me. I feel the same. As far as Mr Humphries's proposed amendment is concerned, it seeks to strike - - -

**MR SPEAKER:** It has not been moved yet.

**MR BERRY:** Okay.

Amendment agreed to.

**MR HUMPHRIES** (Attorney-General) (6.33): Mr Speaker, I seek leave to move the amendment which has been circulated in my name.

Leave granted.

**MR HUMPHRIES:** I thank members. I move:

Omit all words from and including "Assembly Members, by the close of business" to and including "editions of these reports", substitute "to each Member of the Assembly these Information Bulletins each month".

What this amendment does is basically remove the reference to the tabling of certain reports today. Some of those reports were tabled yesterday and some will be tabled tomorrow. It simply is not possible to table all of those reports today. I would say to members that it is foolish to require the Minister for Health to do what she simply cannot do. The Minister has undertaken to provide that missing information tomorrow. The information which is not provided, though, or is not proposed to be provided is the information about quarterly activity reports.

Let me make something fairly clear, Mr Speaker. Mr Berry's whole motion is clearly centred on a misunderstanding of the new financial accounting system, even though, in fact, he and all members of his party voted for the Financial Management Bill. There is a difference between what was provided in the old quarterly reports and what is provided in the new monthly reports. We would maintain it is going to be the monthly reports that are far superior, because they give you a month-by-month picture of what is going on, rather than a quarterly picture where averaging goes on and all sorts of distortions can be hidden. But that is another argument. We say that the monthly reports are better and that the information we are now providing in the monthly reports is the information being collected by the department pursuant to the Financial Management Act and the financial reforms the Government has already extensively briefed members of the Assembly about.

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Mr Berry pines for the old information in the old format. It is not collected in that format anymore. That is why we do not believe it is possible, at least not under the current formatting of the information, to provide the information in that way. What Mr Berry is really arguing in this place is that he wants different information to be provided. That is not a question of whether it is quarterly or monthly; that is a question of the nature of the information. Mr Speaker, even if Mr Berry's motion were passed, what Mrs Carnell, as Minister for Health, would provide would be the monthly activity for three months added together in a quarterly form. That would not meet Mr Berry's requirements, would it, because he wants different information.

With great respect, Mr Berry has misconceived his motion. If he wants to insist on this, he should go back and frame a motion which says, "I want this information in this form", blah, blah, blah, "that used to be in the old quarterly report". Then he could say, "That can be provided to the Assembly in either a quarterly form or a monthly form; it does not really matter what". Either way, it is going to be very expensive and difficult to collate, because it is not collected in that format anymore. Then Mr Berry will have what he wants. But if he thinks that simply by calling for quarterly activity reports he gets the information he had before in the old reports, he is quite wrong. That is not what he is getting. I would say to him that he should go back and think about what he actually wants.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (6.36): Mr Speaker, can I just add to that?

**MR SPEAKER:** Yes, Chief Minister.

**MRS CARNELL:** The one area of information that has not been in either of our hospital activity reports is the public health data, which I am very happy to provide monthly. I have no problems with that. No-one has actually ever shown a particular interest in the communicable diseases information. In fact, nobody has ever shown any interest in the data at all. But it is certainly, as I understand, available; and I am more than happy to make that available. Again, if there is anything that is now available in our new accounting system, like the communicable diseases information that Mr Berry wants, just ask; I am more than happy to make it available.

**MR BERRY** (6.37): Mrs Carnell was searching for ammunition in relation to this matter early in the piece. I accept her apology for saying that I had not collected Calvary Hospital figures, which of course I have and she has in the past. Now we come to the differences in information, and I am sure Mrs Carnell understands this. If you have a look at your last quarterly report, it talks about the appropriation for the Department of Health and Community Care. Look at the lines of information which are provided there. That sort of information is not provided in your financial management report to the Legislative Assembly. Indeed, what happens is that it is only one line, Health and Community Care. All of the information is not there.

**Mrs Carnell:** Because we do not collect it that way.

**MR BERRY:** You can break it down and supply it in much the same way in the context of the new system. Mr Speaker, it is very clear that Mrs Carnell, with her new approach to financial management, is keeping financial information which was provided in the quarterly reports before away from the eyes of people in this Assembly.

Mrs Carnell does raise the fact that the monthly reports do not include public health reports. You should include those in the quarterly reports. Now we come to a very important issue.

**Mr Humphries:** That is not in your motion, though, Wayne, is it?

**MR BERRY:** It is, because “quarterly reports” is included, Gary, if you bother to read the motion.

**Mr Humphries:** But that is not what you are asking for. You are asking for old-style reports, but you are just saying “quarterly reports”.

**MR BERRY:** Mr Humphries interjects, “You are asking for old-style reports”. It does not say “old-style”. Do not put words into my mouth. Mr Speaker, then we look at the monthly reports which are provided by this Government, which they claim to be the best thing since sliced bread. They are only preliminary figures. This Government provides only preliminary figures in relation to a whole range of issues. Let us look at some of them.

**Mrs Carnell:** That is not true.

**MR BERRY:** Mrs Carnell says that it is not true. Look at Table 3 in the November report, “Non-In-patient Statistics by Service”. For “Occasions of Service as at November 1996”, it states:

Preliminary figures only.

We are never provided with final figures. They are preliminary figures only. You do not get the final figures. Each time you refer to them you just get a mouthful of abuse in relation to the matter, in any event.

**Mr Humphries:** You get them in the next month’s figures.

**MR BERRY:** They are preliminary figures for the whole lot, if you look. Mr Speaker, there is a proliferation of “preliminary figures” throughout the report; there is not the same level of information in these reports as there is in the quarterly reports. There is no way that you can squirm out of that. If you look at the financial management report to the Legislative Assembly - this is the most important issue - you get one line, Health and Community Care, where you had a projected overspend of \$13.6m. If you look at the financial performance report - salaries, administrative expenses, accommodation, grants, legal settlements, cross-border expenses, major plant and equipment appropriation, and so on - that list of expenses can be framed in a quarterly report. I know why you do not collect them - because you do not want people to see them. Mr Speaker, this information is valuable information to see how Health is performing.

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Mrs Carnell sat on these reports, gave no explanation why she stopped issuing quarterly reports, and continually provided information which, on her own admission in this place, was two months out of date before members got hold of it. You get preliminary figures finalised in the next month and then you have to wait another 30 days before you get the information. It is two months out of date by the time you get hold of it. Mr Speaker, there is a different range of figures provided in each one. Mrs Carnell is responsible for providing a full range of information to the Assembly. She has been called upon by way of my motion to do so, and I urge members to support it. It will mean that this Government that promised accountability will be more accountable, and the community will be better informed as to their performance in that touchy area of Health.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (6.43): Mr Speaker, I seek leave to speak again.

Leave granted.

**MRS CARNELL:** Mr Speaker, what Mr Berry has now added to the debate is a requirement for a cash-based accounting system in these monthly reports. I think everybody in this place supported the Financial Management Bill, which makes quite clear the reporting that is required and the basis that the whole budget is put together on. As everyone in this Assembly now knows from the fact that we have been through an estimates committee consideration of one of these budgets, looking at how they are put together, we are not even collecting data on the cash basis anymore; we are buying outputs. Everyone, except Mr Berry, would know that that data or that sort of financial information is not available. By the way, what will be available is quarterly output statements from our hospital system, hopefully in the very near future, which will be quarterly reports against the contracts or the outputs agreements that we have with both hospitals. I have to stress again that the financial data that Mr Berry has asked for simply is not collected and is not available. What will be available, which is significantly more useful, I would have thought, to this Assembly, is a quarterly report on the outputs that have been achieved at each hospital; and, most importantly, not just on the number of patients that have been treated but actually on a case weighted basis. We will actually be able to assess the level and the acuity of the patients that we look after as well.

The bottom line here, Mr Speaker, is that I am more than happy to provide public health information because that exists. Nobody has shown an interest in it before, but I am happy to make it available. The reality of the financial management reports is that we will provide them in line with the Financial Management Act. We will provide quarterly reports on the outputs that are achieved at the hospitals, but that is all the data that exists under the new Financial Management Act. Even if the Assembly chose to ask us to produce this information, it simply would not be available. I think we have to understand that there is no benefit, no point, in this Assembly passing a motion asking for information that does not exist and that is contrary to a previous Bill passed by this Assembly, Mr Speaker. I think it is very important that we understand that if we pass any motion in this place it must be achievable; it must be in line with other pieces of legislation that we have passed; and it must be in line with the whole approach that the Government has taken and the Assembly has supported. That means a move to outputs-based reports, a move to contractual arrangements between the hospitals and our Health Department.

Yes, quarterly reports will be available, quarterly reports against our contracts with our hospitals; in other words, outputs-based quarterly reports, Mr Speaker.

**Mr Whitecross:** When will they be available?

**MRS CARNELL:** We are getting there; we will get there with those.

**Mr Berry:** You stopped producing these without - - -

**Mr Whitecross:** We are still waiting for the September one.

**MRS CARNELL:** They are not required under the Financial Management Act. But I am saying that when we have the systems right to do them they will be provided. The reality is that we are moving, certainly a step at a time, to have more and more data available in Health. Already we have moved to monthly reports for both hospitals and whole-of-government financial reports; I am happy to add the public health information to the monthly reports. But, Mr Speaker, we cannot undo the Financial Management Act that we all passed. We now operate on an accrual system; we do not collect data on a cash basis anymore.

**Mr Whitecross:** That has nothing to do with it.

**MRS CARNELL:** It actually has everything to do with it. We are providing monthly reports on where Health is up to, at hospital level, at community level and at whole-of-department level. All of that is there, Mr Speaker, so that everyone can see whether we are tracking up or tracking down. We will be providing quarterly outputs statements, assessing how our hospitals are tracking against the contracts.

**Mr Berry:** When?

**MRS CARNELL:** Hopefully, very shortly. In fact, if the Assembly would like, I am very happy to come back in the next couple of days with a date on that. They are almost finished. That is what I can say on that one.

Mr Speaker, I think that is a really big step in the right direction. I think this is all about politics, not about ensuring that the data that is required here is data that actually achieves something or actually means something. Again, Mr Speaker, the information that is provided in monthly reports tells us how the hospitals, Community Care and the department are tracking against their budgets on a pro-rata basis and on a year-to-date basis. All the other information is there. The outputs-based quarterly statements will be available as well. That is a damn sight more information than was ever available under the previous Government.

Debate (on motion by **Ms Tucker**) adjourned.

## ADJOURNMENT

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

That the Assembly do now adjourn.

### *Canberra: A Capital Future*

**MR MOORE** (6.50): Mr Speaker, I would like to share with members a situation where there has been what I consider to be a significant snub of the Assembly. If this had come from outside the Assembly, as somebody poking fun or whatever, the five of us who were in the First Assembly would be quite used to it, but when the snub of this Assembly comes from the Chief Minister I think we have a serious situation that the Assembly should be conscious of. This Assembly clearly rejected the so-called strategic plan of Canberra, "*Canberra: A Capital Future*".

Mr Speaker, I can tell you of two circumstances where I consider the Assembly's motion and the Assembly's attitude have been snubbed. The first is in reply to a letter that I wrote to the Chief Minister about a constituent who was concerned about the overdevelopment of Civic Centre. The reply came back from the Chief Minister saying, "That is all right; we have *Canberra: A Capital Future*". I am giving the general tone of the letter. I, in turn, sent that letter on to the constituent, with a copy of the letter I wrote back to the Chief Minister drawing attention to the fact that I considered that a snub to the Assembly and entirely inappropriate.

Then, Mr Speaker, tomorrow at 4 o'clock a public servant, the senior director of the Strategy and Information Group in the Chief Minister's Department, will be addressing the Property Council of Australia, ACT Division, on "*Canberra: A Capital Future*, the strategic plan for the ACT's development over the next 10 to 15 years". It is not, Mr Speaker; it is not, Chief Minister. You were told by this Assembly that it is not.

**Mrs Carnell**: I wrote to you and asked for input, and I have not got it.

**MR MOORE**: You were told it is not. Whether or not we give that to you is another question entirely. You were told that this is not the strategic plan for the ACT's development over the next 10 to 15 years. I hope this public servant is not sent along to misrepresent the view of the Assembly. It is an entirely inappropriate situation. Mr Speaker, it is a snub to this Assembly by the Chief Minister, and it ought not proceed.

*Canberra: A Capital Future*

**MRS CARNELL** (Chief Minister) (6.52): Mr Speaker, my understanding is that this event was organised many months ago, a long time before the Assembly indicated their view on this. I fully agree that the strategic plan is not the view of the total Assembly. It is still, by the way, the view of the Government as such, of the Liberal Party; and, on that basis, it has a status. The moment the Assembly determined what they wanted, I wrote to everybody in this place asking for their input so that we could rejig the document in line with the Assembly's approach. Again, that is exactly what I was asked to do. I have had some feedback from the Labor Party and from the Greens, and I thank them. I think some of the input the Greens gave was very sensible. They did suggest, from memory, that the report that the Commissioner for the Environment gives triannually, hopefully, now, should have been included. I agree with that totally.

There are some other good ideas as well. All of those things are currently being looked at as ways to improve the document, to bring it more into line with what the Assembly believes. But that does not in any way take away from the fact that the Government has a right to an opinion that may not be the same as the Assembly's.

**Ms McRae:** When will that be done?

**MRS CARNELL:** As soon as we get the feedback from others. We are moving very quickly to look at ways to improve the documentation in line with the Assembly's request.

Question resolved in the affirmative.

**Assembly adjourned at 6.54 pm**