



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

21 April 1999

**Wednesday, 21 April 1999**

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**Wednesday, 21 April 1999**

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The Assembly met at 10.30 am.

*(Quorum formed)*

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

### **TERRITORY OWNED CORPORATIONS (AMENDMENT) BILL 1999**

**MS TUCKER** (10.32): I present the Territory Owned Corporations (Amendment) Bill 1999, together with its explanatory memorandum.

Title read by Clerk.

**MS TUCKER:** I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill I am presenting today is primarily about changing the structure of the boards of Territory owned corporations and their subsidiaries so that they include people who represent the interests of the employees in the TOC, its customers and clients and the natural environment in which it operates. It is also about expanding the corporate objectives of TOCs to require TOCs to exhibit social responsibility and to promote ecological sustainability.

This Bill is an updated version of a Bill I tabled in mid-1996 to amend the Territory Owned Corporations Act. Unfortunately, that Bill was not debated during the last Assembly and it lapsed. Last year I requested the Parliamentary Counsel to update the Bill for re-presentation in this Assembly. This has been a slow process because of some complications that became apparent from a review of the earlier Bill, but these have now been overcome in the new version.

The Bill had its genesis in the debate over the corporatisation of ACTEW in 1995. At that time the Greens were greatly concerned that the corporatisation of ACTEW would lead it to pursue commercial objectives over and above its social responsibilities to the ACT community and its responsibility to protect the environment. The Greens successfully moved an amendment to expand the corporate objectives of ACTEW along these lines, and these are currently listed in Schedule 4 of the TOC Act.

However, there is no reason why these objectives should not apply to other TOCs. This Bill therefore extends the corporate objectives that currently apply only to ACTEW to all TOCs. The TOCs will now be required to exhibit a sense of social responsibility by having regard to the community in which they operate and, where their operations affect

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the environment, complying with the principles of ecologically sustainable development. These objectives are to have equal importance with the existing commercial objectives of TOCs.

However, to make sure that these objectives are put into practice, there needs to be a commitment from the highest management level of the TOCs, which is their boards. Otherwise, the objectives just become hollow promises that bear little relationship to the corporations' day-to-day activities. It is quite clear that the make-up of a board of a particular corporation can have a major influence on the corporation's priorities and performance.

My Bill will therefore require the boards of TOCs to include three persons who represent specific interests. One person must be an employee, former employee or union official who is committed to the protection of the interests of employees of the TOC. One person must represent the interests of the clients or customers of the TOC through having experience in consumer rights or provision of community services. Those TOCs such as ACTEW and Totalcare whose operations impact on the environment must have a person who is qualified in, and has a commitment to, environment protection. To avoid the situation of governments stacking the boards with their own supporters, the Bill will require the Government to seek three nominations for each of these positions from the relevant peak community organisations - that is, the ACT Trades and Labour Council, the ACT Council of Social Service and the Conservation Council of the South-East Region and Canberra. These groups work intensively in their areas of interest and have wide community networks and thus are best placed to know who are the best people for these boards.

The Government will still be able to make the final appointment of persons to fill director positions or to remove directors, and is not obliged to accept the nominations provided by the community organisations. This provision will maintain the Ministers' legal responsibility as shareholders of the TOCs. However, if the Government does not accept any of the groups' nominations, then it has to table a statement in the Assembly explaining its appointments and be subject to this statement being potentially disallowed by the Assembly.

This initiative is to inject some real industrial democracy into the operations of Territory-owned corporations and to make them more accountable to the community at large. Industrial democracy is often talked about as a way of minimising industrial disputes and increasing productivity, but unfortunately it is too little practised by corporations in this country. It is quite common for boards of statutory authorities to include representatives of particular interests, but there seems to be a general reluctance to extend this principle to corporations. There seems to be a belief that only accountants and business people can run corporations, but I think this approach is very narrow-minded and ignores the wide range of non-financial challenges that TOCs face, particularly in terms of managing their work force and responding to the concerns of their clients. I believe that the boards will be more effective by having on them a few people on them with a range of external perspectives, who may be able to pre-empt problems that could arise if the board just adopts a narrow economic perspective to issues facing the organisation.

The Bill also inserts a new provision requiring TOCs to apply equal employment opportunity principles to their employment practices. These principles are already included in the Public Sector Management Act covering the ACT Public Service but do not formally apply to the TOCs. This amendment corrects that anomaly.

The Bill does not override the TOC amendment Bill introduced by Ted Quinlan and recently passed by the Assembly, which requires the Government to consult with the relevant Assembly committee on appointments to boards. I do not think that my Bill is in conflict with what Mr Quinlan proposed. In fact, it will be quite complementary. Under my Bill, Mr Quinlan's provision will still apply to directors apart from the defined directors.

I do not believe that just because a government corporation has to be run on a commercial basis it can ignore its broader social obligations to the community, who ultimately owns the corporation through its elected members. I accept that it is a difficult task to balance competing objectives for corporations, but that does not mean that we should not try.

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

## **OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1999**

[COGNATE BILL:

DANGEROUS GOODS (AMENDMENT) BILL 1999]

Debate resumed from 24 March 1999, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

**MR SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Dangerous Goods (Amendment) Bill 1999? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2.

**MR OSBORNE** (10.40): This has been a very interesting debate for me personally. This is a piece of legislation I have given much thought to. The legislation is in response to one of the blackest days in the history of this city, the day of the hospital implosion. Quite clearly, all of us can recall the feelings we had on that day when the news came through about the death of Katie Bender.

It seems to me, Mr Speaker, that the main issue in this whole debate is the retrospective nature of what Mr Berry is proposing. I think in most cases retrospectivity is black and white. I do not think that any legislature would ever think of making illegal something that was once legal in the past. In this case I think it is a different matter. We are not

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talking about making illegal something that in time gone by was legal. We are talking about a very special and significant event. This whole debate is about the 12-month period.

This whole issue has quite a history. I do recall that very shortly after the implosion, if not on the day of the implosion, the Government proposed their own inquiry. I recall that debate went on for a number of weeks over whether that was the proper path to take. Then I believe that was put on hold, and I think it is still on hold at the moment. Then we had the coronial inquest, to which magistrate Shane Madden was appointed. I think we have all been intrigued at many of the things that have come out of that inquiry. Many witnesses have been called. Just as many solicitors and barristers have been at the inquest asking many questions. It has quite clearly gone on for a long time.

I have mentioned in this place my involvement in relation to this legislation. The Attorney-General wrote to me as chair of the Justice Committee in May or April of last year and indicated that the coroner and Mr Madden had raised this issue with him and sought my advice from my own perspective. He also asked me to raise it within the committee. We did that. I will not go over the next few months, because there seem to be differing stories. All of us on the Justice Committee are quite calm about the role that we have played.

Mr Speaker, the issue, to me, is really about the death of that little girl. As some of you may be aware, I ride my bike in to work at least three or four times a week, and I am constantly reminded of the tragedy of the day because I ride past the site of the memorial for Katie Bender. There are not many days that I do not at least give some thought to the events of that day.

It has been interesting to see how the perspective and the intentions of some people have changed in relation to this legislation. I think it would be fair to say that 12 months ago the Government was considering introducing this piece of legislation itself. That was certainly the impression that I got. Here we are 12 months later and they are vehemently opposing it. I think all members will appreciate that there is certainly no right or wrong answer in relation to what we do in relation to this piece of legislation.

I will be supporting the legislation. I have consulted within the legal profession. My initial reaction 12 months ago - and I still feel the same today - was that I felt that it would be a second tragedy if people who had cases to answer were not brought before the courts because the statute of limitation had expired. I have not changed from that initial reaction. It is a special case. As I said earlier, I have approached this as a special issue.

As I said, I am constantly reminded of the issue. I cannot imagine what the family of that little girl has gone through. Being a father myself, I could not imagine coping with the events of that day. I recall on the day, Mr Speaker, considering going there myself. It was only because my wife did not want to that we chose not to. It could have been any one of us sitting in that position. I read an interesting article in the *Age* a couple of weeks ago which went over the whole history of this case. Once again, I was moved and felt for the Benders and for the other family members and friends of Katie who have had to live with the tragedy, which is nearly two years old.

As I said, Mr Speaker, I have given this much thought and have consulted quite extensively with people I trust, not only within the legal profession but also without, and I think that there is overwhelming support for what Mr Berry is attempting to do. I think the community expects us to do all that we can to see that people who were responsible for this tragic event, no matter how minor the part they played, are brought before the courts. I apologise to members for adjourning this debate last month. I did feel that I needed to consult a little bit further. As I said, I will be supporting the legislation. I understand that the Government will oppose it. I think that this is a special case and I think it is something that all of us have approached with much thought. I think the vote will be quite close, but I think this legislation is a fair result.

**MR BERRY** (10.49), in reply: I thank members for their contribution to the debate. I note in particular Mr Osborne's reference to the hospital implosion and the impact that that has had on the ACT community. This Bill arises because of that and the unexpectedly lengthy inquiry which has followed. But it could just as well have arisen in respect of another event had there been a lengthy inquiry. In fact the Bill will forever ensure that lengthy inquiries do not inhibit the possibility of a prosecution being pursued under the pieces of legislation which I have set out to amend - that is, the Occupational Health and Safety Act and the Dangerous Goods Act.

Mr Speaker, we can make no assumptions about the outcome of the coronial inquiry, and neither should we, so I make no comment in respect of that. But it is, I think, a fair comment to make that no-one should be able to extend the debate in these inquiries so as to avoid prosecution, and nobody should escape notice under relevant legislation because of the failure of the legislation to allow an adequate time for a prosecution to be pursued. Those are the bases for the amendments which I have put forward to the pieces of legislation which are before you today.

Mr Speaker, this need not have happened. This was a matter that came to notice a long time ago. I trust that members will not be bored by having this repeated, but I think it needs to be repeated in my concluding remarks. It was a matter that need not have occurred. It was a matter that came to the Government's notice in time for the element of retrospectivity contained in the amendments to be avoided. In a most unsatisfactory way it has been left to the Assembly to pick up the job that the Government failed to deal with.

That is in the past. I think we have to move on now and make sure that the legislation is made effective. But I think this should serve as a message to the Government, and in particular to the Attorney-General, that these matters should not go unnoticed in the future. It is quite an unsatisfactory response from the Government, in my view.

Mr Speaker, I need to say no more in relation to this legislation. I thank those members who have risen to support it, and I look forward to its speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail Stage

Bill, by leave, taken as a whole

**MR BERRY** (10.52): I move:

Page 2, line 15, clause 4, at the end of proposed new section 35A, add the following subsection:

“(2) Subsection (1) applies in relation to an offence against this Part whether it was committed before or after the commencement of this section.”.

Mr Speaker, this amendment arises from some advice I received from the Parliamentary Counsel's Office in relation to a matter which came before the High Court of Australia. That was the matter *Rodway v. the Queen*, a case in Tasmania which was appealed to the High Court. In the decision of the High Court, the court raised the issue of the application of the retrospective operation of procedural matters. The advice that I received from the Parliamentary Counsel's Office was that it would be prudent to pursue some amendments to ensure that challenges to this retrospective operation of those procedural matters could not be tested in the future and to make clear the intent of the amendments to the legislation which were brought before this chamber.

Mr Speaker, the amendment to the Occupational Health and Safety Act adds a new section 35A to make it clear in the legislation what the intent of this Assembly is so that there can be no argy-bargy in the courts in future in an assessment of its application, if that were to be pursued. That is not to say, Mr Speaker, that the amendments would not stand in the courts if they were left as they are, but this is a prudent measure to make sure that they do stand and that we do not have wasteful court cases in the future in relation to this particular point.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.55): Mr Speaker, the Government, as we indicated earlier in the debate on a previous occasion, supports the Bill which has just been agreed to in principle by the Assembly but opposes most vehemently the amendment which has been put forward by Mr Berry and the amendment which will be put forward in relation to the Dangerous Goods (Amendment) Bill.

Mr Berry indicated that for a surfeit of caution he was putting forward the amendment to make it clear that this Bill did have retrospective application. I might point out that, although that advice came from Parliamentary Counsel, in fact it originated in my department. My department examined the Bill that he had brought forward to this place and officers in my department contacted Parliamentary Counsel and pressed the point that the *Rodway* case would make this amendment to the legislation ineffective in a retrospective sense unless it was further amended. That is the origin of the amendment that Mr Berry has brought forward today.



This is another illustration of why we sometimes need time to look at Bills very carefully and cannot assume that on all occasions Parliamentary Counsel is perfect in the way in which it drafts legislation. Sometimes mistakes are made, and on an occasion like this it is useful to have a second set of eyes examine the particular piece of legislation.

I have to reiterate very firmly the Government's view that what we are doing today is unprecedented and very dangerous.

**Mr Berry:** It was not dangerous when you first wrote about it, though.

**MR HUMPHRIES:** It was most certainly very dangerous when I first wrote to members. That is why when I wrote to members on that earlier occasion, particularly members of the Justice Committee, and in turn the Leader of the Opposition, I said - and I quote my letter:

... I am loath to present a Bill to the Assembly which potentially and retrospectively alters the grounds for the prosecution of an offence without seriously considering the implications of such an action.

The concerns that I had before the limitation period had expired are even greater today, because the limitation period has expired and any people who at the stage when this correspondence took place had some prospect of being prosecuted before that period had expired have, since that time, faced the reality that their period of liability has ended. That period of liability is to be revived by the Assembly today.

**Mr Berry:** No, it is not.

**MR HUMPHRIES:** Yes, it is. Most clearly it is to be revived. Let us be clear. We are taking a person, or possibly several people - these are notional people at this stage; they are people who do not have names at this stage - and we are saying of those people that today, at this moment, they are immune from being prosecuted under the occupational health and safety legislation and that because of the operation of the law of this Territory they have no liability to face in the court for anything they may have done but after today, with the passage of this amendment and the legislation, they will now be subject to that prosecution. That is clearly retrospective and that is clearly reviving a criminal liability retrospectively. The Assembly has never done that before. I think it is most sad and regrettable that we are doing that today.

This is an issue of principle. It is an issue which has difficult application on occasions. The Assembly has flirted with retrospectivity in the past. In the past it has certainly taken the step of removing people's civil capacity to sue, for example. The decision was made in 1994, I believe, to allow a person who might have had a right to sue a lottery company over a lottery ticket to have that right removed retrospectively, after the right might have accrued. That is true. It has occurred at that level before.

It has never been the case that this Assembly has retrospectively revived or imposed a criminal liability on a person. If such an offence has been committed, it was committed in the course of people's working lives and therefore this is very much the imposition or

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reimposition of a penalty on people who are workers - the workers Mr Berry talks about quite frequently, the workers whose rights Mr Berry is prepared to discard because he sees political advantage in doing so on this occasion. That, in my view, is shameful.

Members of the crossbench are not listening to this. Obviously they have made up their minds already. It is unfortunate that the acts took place in the first place, if indeed any acts took place that may have given rise to subsequent prosecutions that would be possible under the amendment of the legislation that is now proposed. It is unfortunate that those acts ever took place, but the law of the Territory is presently couched in such a way as to give people who have committed those acts the protection of the law when a certain period of time has run. That protection is being removed. We are taking from people a protection which they enjoy at law at the moment. I think that the Territory Assembly is letting down the community in taking that step.

In my remarks on the Bill I posed a number of questions which have not been answered by Mr Berry or by other people - Ms Tucker or Mr Kaine - in the course of this debate. One of those questions is: Where do we draw the line in this kind of activity? I pose the question, the very real question, of people who may be immune from prosecution in relation to certain sexual offences because a mistake by the Federal Government in enacting legislation back in, I think, 1985. Almost exactly the same issue arises. I ask members of this place to consider the question I now put to them and maybe answer it when they get up to speak. Ms Tucker might be able to answer this question. Mr Kaine might be able to answer this question. I do not know whether they can. What will you do when someone petitions you to revive criminal liability in respect of those people as well? Will you accept that responsibility as well? Will you agree that that liability should be revived in those cases as well? It seems to me you will have no choice but to do so, because you have opened the gate on this issue.

You have established a new principle - a principle which, I might point out, in some countries of the world is actually unconstitutional. Were we a legislature that existed in the United States, what we are doing now would be constitutionally impossible because we would be imposing or reimposing a criminal liability on those who presently enjoy the protection of the law.

I have no truck with people who break the law and cause loss or inconvenience or even in some way may have caused death to people as a result of their actions, but I do support the principle that the law ought to be fair and ought to operate consistently and not be changed in such a way as to cause liability to be revived or imposed after it has ceased to exist. That is a principle this Territory Assembly has defended consistently until today. Today it is prepared to discard that principle.

The other question I ask is: If, as Mr Berry maintains, there was some negligence on the part of the Government, or me in particular as Attorney-General, in not dealing with this particular amendment before the end of the expiry of the limitation period - and I emphatically reject that that is the case - on what basis are we saying that these individuals out in the community, these workers, should be penalised because of an omission on my part? Why should these workers be penalised, have their rights removed, because I neglected to bring a certain Bill to the Assembly at a particular time?

*(Extension of time granted)* I raised that question in the earlier debate, and nobody has answered it as yet. Why should they be penalised in that way? I hope Mr Berry will attempt to answer that question.

Let us assume that I made a terrible mistake and I did not act to amend this legislation before the end of the limitation period, last July. Let us assume for this debate that I am terribly guilty of that. This amendment does not hurt me. It does not criminalise anything that I have done. It criminalises the activities of other people, perhaps employees of the Territory, certainly people who are workers, people doing their job on a day-to-day basis, who at the moment enjoy the protection of the law. They are the ones this legislation targets. On what basis do you say, "Mr Humphries made a mistake, but you wear the consequences of it."? That has not been explained. I look forward to someone explaining why they feel that that is an appropriate course of action.

Let me make two points. First of all, we have had inconsistent views about whether this is retrospective or not. Mr Berry actually told the ABC this morning, when he was on the radio, "This is not retrospective. I do not understand what Mr Humphries is on about. I cannot understand what Mr Humphries is talking about. It is not retrospective at all". Today he said that it does contain retrospective elements. Which is it, Mr Berry? Is it retrospective, as you told us today, or is it not, as you told the ABC's listeners today?

**Mr Corbell:** It sounds like you are misrepresenting him again, Mr Humphries.

**MR HUMPHRIES:** I think not, Mr Corbell. You look at what he said on ABC radio this morning.

**Mr Corbell:** You have a record of misrepresenting people, Mr Humphries.

**MR HUMPHRIES:** I do not think so. Mr Speaker, I ask that Mr Corbell withdraw that remark.

**Mr Corbell:** I withdraw the comment, Mr Speaker.

**MR HUMPHRIES:** The fact of the matter is that although this is targeted at certain individuals, individuals who are not yet named although we have some idea who they may be, this does not cover just those individuals. You can laugh, Mr Berry, if you want, but the fact is that this is very serious. We are not talking about just those individuals Mr Berry clearly has in mind.

**Mr Berry:** I do not have anybody in mind.

**MR HUMPHRIES:** You do.

**Mr Berry:** I do not have anybody in mind.

**MR HUMPHRIES:** Mr Berry, you moved this for one reason and one reason only. You want to embarrass the Carnell Government because you believe that you can widen the net that this particular inquest might cast and catch more individuals and possibly

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even snare a big one. That is what you are all about, Mr Berry, and you know perfectly well that that is what it is all about. But you neglect one factor. This is retrospective but not limited in time. This affects also individuals who may be subject to future coronial inquiries.

For example, if an inquest in the future were to uncover an act which took place some time in the past, an act for which in the view of the inquest someone ought to be prosecuted, then that will be revived by this amendment as well. It is not just necessarily about these individuals. However, those individuals are the ones being very specifically targeted by Mr Berry, and that is very unfortunate, in my view.

I say to members again that today we take an unprecedented step. I think it is shameful that the Australian Labor Party in particular takes action today against workers of the Territory, people who are more than likely the ones who will be targeted by this kind of action. I make no claim today to defend the actions of people who have done the wrong thing in the law, but I do say that if people have the protection of the law, whether that is right or not, whether in principle it should be there or not, the fact is that the principle stands. You do not change it retrospectively. You do not pull that rug out from underneath people after they have already started to enjoy it. Mr Speaker, I think it is extremely unfortunate that today we take the step to do so.

**MR MOORE** (Minister for Health and Community Care) (11.10): Mr Speaker, T.S. Eliot wrote something to the effect that the world ends with a whimper, not with a bang. I apologise for slightly misquoting him but it is something to that effect. What we are doing here is that very thing. It is the whimper. Change to precedent always happens on a very small matter and a relatively minor matter. In this case there is perhaps some perceived political gain that somebody is trying to achieve. That is usually a good motive to change a precedent.

I think it is incumbent on each and every one of us to be very conscious of what we are doing in terms of this particular precedent. For me, it has to do with what we attempt when we talk about the statute of limitations. There is a limitation within legislation as to how long something can operate. One of the difficulties with the amendment that we have before us now is that it will undermine the faith that anybody ever has from now on that their rights are being respected in terms of any limitation in any Bill.

**Mr Berry:** Rubbish!

**MR MOORE:** It is not rubbish, Mr Berry. I understand the motivation for what you are doing. If it was simple, Mr Humphries would not have written to Mr Stanhope and said, "We have these issues to deal with. How do you feel about them?". He would not have written to Mr Osborne. If it was simple, we would not have been through that process. I am not arguing that it is a simple thing that we are dealing with. I am arguing that it is quite a complex thing that we are dealing with, but it does have very long-term ramifications.

To me, the downside, the worst part, of the ramifications is that from now on somebody may believe that legislation has been passed and they are beyond the time limit for prosecution but the Assembly can change that. That is the broad ramification of this

small step that we are taking. I think that we have to make a balanced decision on whether that is justifiable. In my view, it is not justifiable. I know that in Mr Berry's view it is justifiable. I am asking members to rethink their position, not just to consider whether it is justifiable in this small matter but to think of the broad ramifications that this will have in terms of other legislation.

The question in my mind is: Why would we continue to put limitations on when we can prosecute, on when we can carry something through? Relatively recently, when we put a public health Bill through this Assembly just prior to the last election, and when we put some environmental Bills through the Assembly, we put a series of limitations on when you could prosecute. We had reasons for doing that.

**Mr Quinlan:** There is still a limitation here.

**MR MOORE:** Mr Quinlan interjects, "There is still a limitation here". But the difficulty is that we are prepared to change that limitation retrospectively. If this amendment passes, nobody can ever feel totally confident that they are beyond that area where they now have the protection of the law. One thing fundamental in our society is that people are entitled to the protection of the law.

As I say, this is a relatively small matter. I am sure it is a big matter for three or four people, if indeed the coronial inquest finds that a prosecution should be made and a prosecution is made. For them it will be a very big matter. But in terms of the law as we look at it and the way we deal with it in this Assembly it appears on the surface to be a small matter, but it is the way that we come up with the worst outcomes, the way that the world ends with a whimper, not with a bang. That is one of the issues that we really have to deal with very carefully in making this decision. It is a decision that is fundamental in terms of civil liberties. It is fundamental, because it is about protection of the law. Once we have a law, how does that law apply, and are we safe under that law? How does it apply to us?

Mr Speaker, I know that members, in making these sorts of decisions, always seek to get the best outcomes in the particular situation. What I am asking you to do is reconsider your decision, put it in the context of what happens in terms of the broad law and recognise that this is a precedent that is being set in this Assembly, interestingly almost on the anniversary of 10 years of the Assembly. A precedent is being set in terms of civil liability, but I think in terms of criminal proceedings we have to be much more careful.

We make the decision on a cost-benefit analysis. All of us make our decisions on those terms - the costs in setting this precedent, which I believe will be quoted many years into the future to justify other actions that are deemed politically convenient or necessary at the time but which will mean that somebody who has the protection of the law loses that protection of the law. That is what we are talking about and that is why I would strongly urge members, while supporting in principle the broad legislation that Wayne Berry has put up, to oppose this amendment.

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**MR BERRY** (11.16): Mr Speaker, I heard what the Attorney had to say. This is very clear. The letters that Mr Humphries referred to were a fishing expedition to see whether Labor would agree with him to retrospectively patch up the legislation which had been criticised by the coroner. Labor told him they would, and then he did nothing. That is the reason why the legislation has been so delayed and is here today.

Mr Humphries made the accusation that I had some people in mind and I was widening the net to capture some of those people. I have nobody in mind, Mr Humphries, and I have said that repeatedly. I have nothing to say about what might come out of the coronial inquiry. But if what you were saying is true, then it is true also that your inaction was intended to narrow the net. I would be a little bit careful about drawing those conclusions, given your behaviour.

**Mr Wood:** What was that?

**MR BERRY:** His inactivity, in not doing anything with the legislation when it was first brought to his attention, had the effect of narrowing the net. If what you say about me has any element of truth, there is a stronger element of truth about your inactivity - that is, you intended to narrow the net by doing nothing. I have nobody in mind in relation to this matter, but I do criticise the Attorney-General for doing nothing. I have him in mind in relation to this, because his performance has been below par, below standard.

I was reminded by my colleague Mr Quinlan that the law is an ass if people can escape it by these sorts of means. It was never intended in the Occupational Health and Safety Act - Mr Moore draws to our attention that it is about 10 years ago that that Act was introduced in this parliament - that anybody would escape the net because of a long coronial inquiry. Indeed, the issue is only an issue because the Magistrates Court Act has a provision in it in relation to time limits and the Occupational Health and Safety Act does not.

What I seek to do is repair that oversight in the Occupational Health and Safety Act and then to put it beyond doubt that the intention of this procedural matter - and I accept that there is an argument about what is procedural and what is not - and of the amendments before the Assembly today is to ensure that the Occupational Health and Safety Act and the Dangerous Goods Act have application to the events which are the subject of the inquiry but are not ruled out because of the length of the inquiry. It is also unfair law if learned lawyers are able to exploit time limits in order that their clients may escape notice under the law.

**Mr Humphries:** It is the clients who are using it, not the lawyers.

**MR BERRY:** Mr Humphries advises that it is the clients using it and not the lawyers, but I am sure that it would be on advice. I am sure that the clients would be acting on advice. These are straightforward matters. All of the issues are clear to everybody. The amendment which we are now debating puts beyond doubt the intention of this Assembly. If this amendment is not carried, there are still cases which could occur under the legislation but, as recommended by Parliamentary Counsel, this is a prudent move to ensure that there are no future challenges to our intention or the wording of the legislation. I urge members to support the amendment.

**MR MOORE** (Minister for Health and Community Care) (11.21): Mr Berry argued that this legislation was primarily about repairing an oversight. That is why we did not oppose the legislation in principle. It is perfectly reasonable to repair an oversight for the future. If we find a problem with the legislation, it is entirely appropriate to repair the legislation for the future. Therefore, it seems to me that the appropriate course of action here is not to introduce this precedent, the first in 10 years in this Assembly, a precedent that will undermine the rights of somebody under the law.

That is highlighted by another comment made by Mr Berry that lawyers will exploit time limits. It depends how you use the word “exploit” and how lawyers do. Lawyers will use the law in whatever way they can to protect the rights of their clients. It is their responsibility to do that very thing. I do not think it is reasonable to say they will exploit the legislation for this reason. If there is a problem with the legislation, then we have the responsibility to change the legislation. That is what we agreed to do when we agreed to this legislation in principle. That will do it prospectively.

This amendment creates the retrospectivity that has the potential to catch three or four people who today, at this very minute, and up until this amendment is gazetted, have no liability under law. If we pass this amendment and retrospectively change a piece of legislation, we will be pointing the finger at people who at this minute have no liability under law and saying, “Yes, you will have liability under the law”. That is what is wrong with retrospectivity.

**Ms Carnell:** And at some low-level public servants.

**MR MOORE:** The Chief Minister also indicates - she can have a say if she likes - that there is the potential for this legislation to involve some relatively low-level public servants who at this minute under the law have no potential liability. The law had a time limit and that time limit expired.

**Mr Wood:** Because of him.

**MR MOORE:** It may well have been. I am not getting into a debate about whether it was because of Mr Humphries or not. That is a second issue which he has dealt with. Whatever the case, at this stage we are at that situation. Think of the long-term consequences. Think of the precedent set. If we set this precedent, it will mean that we can let laws go through this Assembly which result in somebody who had no liability under the law for something they had done in the past when it was legal then incurring a legal liability.

**Mr Wood:** Were they liable at one stage?

**MR MOORE:** Yes, they were liable at one stage. But we have legislation in this place and they passed beyond it.

**Mr Wood:** Tell Mr Humphries that.

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**MR MOORE:** That is the case, Mr Wood. Why do we put these delays into law? We have it in a number of pieces of law, as I mentioned earlier. Why do we put these in place? We do it because we think there is good reason. In the past this Assembly has believed that there were good reasons to limit the amount of time that a liability existed. If we have got that wrong, it is correct to prospectively correct that. There is no question about it. If we have got it wrong, prospectively correct it, but do not retrospectively change things by this sort of amendment, because it is an appalling precedent that we set, even though it is on a small matter.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.26): Mr Speaker, I want to make one small contribution in response to an interjection from Mr Wood. Mr Wood suggested that the reason that these unnamed people who will now potentially be subject to prosecution were once subject to liability but then passed out of that phase was some act or omission of mine.

**Mr Wood:** You were going to fix it but you did not.

**MR HUMPHRIES:** That is not the case. They passed out of a period of liability because of the operation of the law of the Territory.

**Mr Wood:** Which you were going to fix, but you did not.

**MR HUMPHRIES:** Whether I was going to fix it or not, Mr Wood, does not alter the fact that these people had that protection.

**Mr Wood:** It is sophistry.

**MR HUMPHRIES:** It is not sophistry. It is an important point. Members in this place can giggle. Ms Tucker can laugh about this, but it is an important principle. We are dealing here with people's liability to criminal action. It is a very important matter. You still have to address the fundamental issue. Even if I had been grossly negligent in my duties in not bringing forward a Bill of that kind - I did not believe in such a Bill; that is why I did not bring it forward - why should these people be targeted? Why should they be facing the liability? It is they who are being punished, not me.

**Mr Moore:** It is about civil liberties.

**MR HUMPHRIES:** That is right. It is about civil liberties, the sorts of things that people in this place generally argue very strongly for. Now, today, you apparently do not care about them. Mr Speaker, it is a shameful exercise in using the power of the law to create a liability in people who presently do not have to face that liability.

Question put:

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



The Assembly voted -

*AYES, 7*

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

*NOES, 6*

Ms Carnell  
Mr Cornwell  
Mr Hird  
Mr Humphries  
Mr Moore  
Mr Stefaniak

Question so resolved in the affirmative.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

### **DANGEROUS GOODS (AMENDMENT) BILL 1999**

Debate resumed from 24 March 1999, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Bill, by leave, taken as a whole

**MR BERRY** (11.32): I seek leave to move two amendments together.

Leave granted.

**MR BERRY**: I move:

Page 2, line 12, clause 4, paragraph (b), omit “subsection”, substitute “subsections”.

Page 2, line 23, clause 4, paragraph (b), after proposed new subsection 33(4), add the following subsection:

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“(5) Subsection (4) applies in relation to an offence against this Act whether the act or omission alleged to constitute the offence occurred before or after the commencement of that subsection.”.

Mr Speaker, these amendments are similar in operation to the amendment last voted on in relation to the Occupational Health and Safety (Amendment) Bill. They merely confirm the intent of this Assembly in respect of the operation of the Dangerous Goods Act. I need say no more.

**MR MOORE** (Minister for Health and Community Care) (11.33): Mr Speaker, I take this opportunity, thanks to the efficiency of my colleague Mr Smyth, to read the correct quote from T.S. Eliot’s *The Hollow Men*. It makes the point I am making here, and how appropriate it is. The quote is:

This is the way the world ends  
This is the way the world ends  
This is the way the world ends  
Not with a bang but a whimper.

Mr Speaker, it is very interesting looking at this legislation, because I think this is a particularly sad day for this Assembly, with the precedent that we have set almost on the tenth anniversary of this Assembly. Since I have the T.S. Eliot poem in my hand, it may bode well if I just read the first stanza. People here can see how it applies to themselves where it is appropriate. It reads:

We are the hollow men  
We are the stuffed men  
Leaning together  
Headpiece filled with straw. Alas!  
Our dried voices, when  
We whisper together  
Are quiet and meaningless  
As wind in dry grass  
Or rats’ feet over broken glass  
In our dry cellar.

It seems to me that members who support these amendments ought to think about that poem from T.S. Eliot.

**MS TUCKER:** Mr Speaker, I seek to make a personal explanation under standing order 46.

**MR SPEAKER:** Yes, proceed. You can speak to the amendments.

**MS TUCKER:** I do not know whether it is relevant to these amendments. I just want to put it on the record that Mr Humphries was saying that I found this debate amusing or something to that effect. That is not correct. I have taken this piece of legislation very seriously. I was laughing at a particular exchange between two members on the floor.

I am certainly aware of the seriousness of what we have done in the Assembly today. Obviously, we have a different view from the Government, but we have taken it seriously.

Question put:

That the amendments (**Mr Berry's**) be agreed to.

The Assembly voted -

*AYES, 8*

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

*NOES, 7*

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

Question so resolved in the affirmative.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

### **GUNGAHLIN DRIVE EXTENSION**

**MS TUCKER** (11.38): I move:

That:

- (1) the Government report to the Assembly on its proposals with respect to:
  - (a) the completion of the Future Public Transport Options Study initiated in response to the Parliamentary Joint Committee on the ACT's Report on Gungahlin's Transport Links;
  - (b) the development and implementation of a detailed strategy of measures to facilitate the use of public transport and other non-car models of transport by Canberra residents, particularly including Gungahlin residents;

- (c) 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;
  - (d) the development of a plan for an 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;
  - (e) the release and implementation of its Integrated Land Use and Transport Strategy announced in 1997;
  - (f) a cost-benefit analysis of the two options for the route of the Gungahlin Drive Extension to the east and west of the Australian Institute of Sport; and
  - (g) a review of the adequacy of the preliminary assessment into the route of the Parkway undertaken by Maunsell, and whether further environmental assessment of the proposed route is required;
- (2) Upon the presentation of the Government's proposals to the Assembly, the Speaker forthwith put the question - "That the paper be referred to the Standing Committee on Urban Services for inquiry and report." and if resolved in the affirmative, the Committee, pursuant to the resolution of the Assembly of 28 April 1998, have access to the full records (including written submissions and supplementary material and the transcript of public hearings) of the Third Assembly's Standing Committee on Planning and Environment's consideration of the John Dedman Parkway inquiry; and
- (3) the Committee present its report on the proposals to the Assembly;

before the Draft Variation to the Territory Plan relating to the route for the Gungahlin Drive extension (the John Dedman Parkway) can be released for public consultation pursuant to section 19 of the *Land (Planning and Environment) Act 1991*.

Mr Speaker, this motion is not so much about the road itself, but is more about finishing some unfinished business in this Assembly and about following a proper process for assessing this proposal. I first need to provide some history for the benefit of members who were not here in the last Assembly, and for other members who may have short memories.

In late 1996 the Government announced that it had commissioned Maunsell as consultants to undertake a preliminary assessment in determining a route for the John Dedman Parkway, which was to join Gungahlin to central Canberra. I note that the Government is now calling this road the Gungahlin Drive extension, but I will keep to its old name as this road has been known as the John Dedman Parkway for many years, and many people in the community are aware of the previous debate over the parkway. Changing the name will not change the fact that the work has not been done, that it is still going to have a major effect on the inner north of Canberra, and that the problems are still there. You cannot just change the name and hope that it will all go away.

In February 1997 the Greens put up the motion to delay work on the parkway until the Government had completed a number of other transport studies which would impact on the need for the road. This issue goes back to 1991, when the Joint Parliamentary Committee on the ACT undertook an inquiry into Gungahlin's transport links. It recommended 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.

Our reason for putting up the original motion was our concern that the Government was rushing ahead with setting up a timetable for building the John Dedman Parkway without taking full regard of the recommendations of the JPC report. What I find most appalling about this whole process is that, while various transport studies have been going on over the last seven years and the hard decisions have been put off, Gungahlin has been getting bigger and bigger and more and more cars are 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.

In the end, our motion was amended by the ALP to require the issue to be referred to the then Planning and Environment Committee before any decision was taken on the route of the parkway. The Maunsell study proceeded and the preliminary assessment was released in about October 1997. The Planning and Environment Committee called for submissions and held one public hearing, but was unable to complete the inquiry before the Assembly rose for the 1998 election. However, and this is very important, it was quite clear that the Planning and Environment Committee intended that this inquiry continue in this Assembly. Mr Moore made a statement to the Assembly on 4 December 1997 about the inquiry. I quote:

We think it should be a high priority for those members -

of the new committee -

to take up the John Dedman Parkway inquiry where we left off.

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My motion is really doing just that. It is asking the Government to provide a response to the earlier terms of reference, plus a couple of additional items that have come up since the earlier motion, and then referring this response to the Urban Services Committee for review. We have had informal discussions with Mr Corbell and other members, and I do realise that this motion is going to be amended by Mr Corbell. I have worked with him on how he wants it amended and am agreeing to it, but I will still refer to our original motion to some degree because I think the arguments need to be put on why we did put it up in that way. Only once this process is finished should the Government be allowed to proceed with its recently announced intention to release a draft variation to the Territory Plan to confirm the route of the parkway.

The comment has already been made in the media by the Minister that we do not need an inquiry now as the draft variation will eventually be referred to the Urban Services Committee. That is the totally wrong approach and it shows a lack of understanding for the intent of our motion and the motion in the last Assembly. It is too late in the process to have this broader discussion as the route of the parkway will already be set by the variation. Let me quote from Mr Moore's statement again:

... we would be very concerned if consideration of the draft variation was the only occasion for people to comment on the broad range of matters set out in this committee's terms of reference. We remind members that those terms of reference, which were set by the Assembly, involve considering not just the Maunsell study and the Government's detailed response, but also the full range of transport studies and inquiries that have been done to date, the appropriate place for public transport, the usefulness of strategies to boost local employment in Gungahlin, and the alternative proposals, in the minds of some, for an eastern ring road from Gungahlin.

We do not think that a full airing of these issues will occur in the consideration of a draft variation to the Territory Plan to preserve the Option 3 route reservation -

the one the Government has chosen -

and to delete the reservation to the west of the AIS. Therefore, we consider that our successor committee should be allowed to fully examine all these issues and report to the Fourth Assembly before it is asked to consider that draft variation.

I could not have said it better myself. My motion is really just implementing what Mr Moore was proposing at that time. It is unfortunate that the Urban Services Committee did not immediately take up this inquiry after the election, but it was probably the case that no sense of urgency was felt, as I recall the former Minister for Planning, Mr Humphries, saying before the election that he did not expect the road to be built for about 10 years.

However, the issue has now become urgent with the announcement by Mr Smyth that a draft plan variation will be released in mid-May. It is therefore very important that the Government first explain to the Assembly and the community why the road is needed in the first place, and the basis of its decision to proceed with this road alignment, through providing a formal response to the points in my motion.

The first four points in my motion were taken from the original motion. The last three points are new. Subparagraph (e) is included because the Government made an announcement about this strategy, but nothing has been heard since. Subparagraph (f) is included as the Minister has already talked about the possibility of building tunnels under Bruce and O'Connor Ridge, which obviously is going to have cost implications. So the community needs to know what we are getting in for here in the future in terms of payment for this road, whether the expense is worth it, and what is the comparative cost of the other alignment. It seems basic to good business management to do that kind of cost analysis before we make a decision. Subparagraph (g) relates to the Minister's decision not to do any further environmental assessment on the parkway, which I find amazing. If a major road going right through a section of the Canberra Nature Park is not significant enough to warrant an EIS then I do not know what is.

I was hoping that these points in my motion would be referred to the Urban Services Committee for inquiry so that these broader issues can be adequately considered by the committee and commented on by the community, but I understand that as Mr Corbell's amendment will get up it will just go straight to the committee. But they will still have the opportunity, obviously, to look at how the Government has responded to these issues. Critically, however, this work does have to happen before the draft variation is released. I am very concerned that once this variation is released the debate will then become narrowly focused on the route of the parkway, and the broader issues of the appropriate transport strategy for Gungahlin and North Canberra will be overlooked.

The main justification for the Government proceeding with this plan variation appears to be to give developers in the Bruce precinct the go-ahead with development to the west of the AIS. Really, what is more important - getting the transport strategy right for Gungahlin and Canberra, and North Canberra in particular, for years to come, or getting a few more buildings started in Bruce? I think the community would want the transport strategies sorted out first. There can be no argument to support pushing this through in a hurry.

It is quite cynical to have called it the Gungahlin Drive extension because people in Gungahlin actually are of the view that this means something is going to happen for them immediately, and I do not believe that is the Government's intention at all in terms of actually building the road. Mr Smyth wants to tell us they are considering starting next year. We will be interested to hear that, but, as far as I have heard from the Government, it is still about 10 years off.

**MR SPEAKER:** Mr Corbell, do you want to move your amendment now? I think it might expedite debate a little.

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**MR CORBELL** (11.48): Mr Speaker, the Labor Party will be proposing an amendment to Ms Tucker's motion which I will move at the end of my speech. Mr Speaker, quite clearly, the issue of John Dedman Parkway is a contentious one, and it is one which has significant interest not only for residents in Gungahlin but also residents in North Canberra and across many areas of Belconnen.

It is important, Mr Speaker, that this Assembly ensure that the John Dedman Parkway is considered in an appropriate way and with a full canvassing of all the issues that it raises. That was the intention of the last Assembly in its last year when it initiated an inquiry by the then Planning and Environment Committee into issues surrounding the John Dedman Parkway. Unfortunately, as Ms Tucker has already alluded to in her speech, the inquiry was not able to be completed, at least in respect to the parkway issue. In making a statement at the end of the last Assembly, the chairman of the committee at that time, Mr Moore, made the following comment:

We do not think that a full airing of these issues will occur in the consideration of a draft variation to the Territory Plan to preserve the Option 3 route reservation and to delete the reservation to the west of the AIS. Therefore, we consider that our successor committee should be allowed to fully examine all of these issues and report to the Fourth Assembly before it is asked to consider that draft variation.

Quite clearly, Mr Speaker, the intention of the committee was made crystal clear in the last Assembly, and what Ms Tucker is endeavouring to do is initiate that process. I have spoken with Ms Tucker, and with Mr Moore and Mr Kaine briefly, about this issue. Whilst we are supportive of Ms Tucker's intent, we believe that the process she has outlined for how this inquiry should take place is a rather complicated one and does not allow the committee, which really should be doing the work, to get to the heart of the issue straightaway. That is why I am proposing my amendment.

My amendment, Mr Speaker, once I circulate it, will delete the provision for the Government to report on the range of issues that Ms Tucker has outlined in her motion and instead request that the Standing Committee on Urban Services inquire into and report on proposals for the John Dedman Parkway, taking account of a range of issues. This will then allow the committee to get on with the job of picking up the 52 or more submissions that already have been received on this issue. I have them here, Mr Speaker - 52 submissions plus numerous other expressions of interest. They have been made and they have not been considered by the Assembly, or by a committee of the Assembly. For that reason it is appropriate that those be allowed to be considered in relation to this contentious issue, but it should be done, Mr Speaker, in the context of the terms of reference as put forward by the previous committee. My amendment effectively reinstates those terms of reference agreed to by the P&E Committee in the last Assembly and to which 52 citizens or organisations have made representation but have not yet had their views considered. That, Mr Speaker, I believe is a more straightforward and more sensible process.



The second element of my amendment directs the Government not to proceed with proposals for a draft variation to the Territory Plan for the John Dedman Parkway until the committee, if it has a successful referral today, has presented its report and the Government has tabled its response to that report. That, Mr Speaker, is a sensible process. There are a range of issues that need to be considered about John Dedman Parkway. As a Gungahlin resident myself, I am perhaps more conscious than most of the traffic issues surrounding that area, but I think it is incongruous of the Government to present John Dedman Parkway as the solution to transport issues and not to address the range of other transport issues that surround transport in Gungahlin.

There is no doubt, Mr Speaker, and the Labor Party has this view, that the ACT Government must plan for the provision of the John Dedman Parkway. Our position has been, consistently, to support planning for the road. We believe, however, that in planning for the road you must take account of the issues surrounding its potential location and the impact that its location will have on existing residents and other areas, and the environmental issues that Ms Tucker raised earlier.

Mr Speaker, clearly, that is why we are supporting this inquiry. We do not believe that the Government has adequately addressed those issues. In fact, we would argue that it has taken action in a pre-emptive way on a particular route. It is selling that position to the community of Gungahlin as though it is going to be built tomorrow, when everyone in this place knows that that is simply not the case. We have to be honest about that. Even if a route is resolved today for the John Dedman Parkway, you will not see any action on that road for another five to 10 years. So the urgency with which the Government is pressing ahead with this process is disappointing when quite clearly it has not addressed the range of issues that we believe need to be addressed.

I would envisage that if the Assembly agrees to this inquiry the Standing Committee on Urban Services will be able to take into account all of the submissions that were previously received, hold public hearings on those, and draw from the transcripts and evidence that it had already initiated but has not completed. It will look at the very broad range of issues that need to be addressed, including the Maunsell study, the adequacy of the preliminary assessment, other transport studies, including public transport studies and rapid transport system studies that have taken place over a period of time, the impact of the proposal on other arterial roads, and issues to do with an employment base in Gungahlin, which is central to dealing with transport issues. All of these things need to be addressed.

We are of the view that the Government has not adequately addressed those issues. Therefore, an inquiry is warranted. Mr Speaker, I move the following amendment which has been circulated in my name:

Omit all words after "That", substitute the following words:

- "(1) the Standing Committee on Urban Services inquire into and report on proposals for the Gungahlin Drive extension (John Dedman Parkway) taking account of:

- (a) the Maunsell Study, particularly regarding the adequacy of the preliminary assessment and whether further environmental assessment of the proposed route is required, and the Government's response;
  - (b) other transport inquiries and studies held in the ACT, and the Government's response;
  - (c) the impact of the proposals on arterial roads;
  - (d) the desirability of improving the use of public transport and other non-car modes of transport;
  - (e) the desirability of reducing the number of vehicles needing to travel between Gungahlin and southern destinations;
  - (f) the desirability of siting an eastern ring road from Gungahlin and the Barton Highway to other parts of Canberra via an upgraded Majura Road;
  - (g) a cost-benefit analysis of the two options for the route of the Gungahlin Drive extension (John Dedman Parkway), to the east and west of the Australian Institute of Sport; and
  - (h) any other related matter;
- (2) that the Government not proceed with proposals for the draft Variation to the Territory Plan for the Gungahlin Drive extension (John Dedman Parkway) until the Standing Committee on Urban Services has presented its report and the Government has tabled its response to the Committee's report in the Assembly.'".

**MR MOORE** (Minister for Health and Community Care) (11.55): Mr Speaker, in the last Assembly I stood and made a statement on behalf of the Planning and Environment Committee on this very matter. The amendment put up by Mr Corbell to the motion of Ms Tucker is consistent with the unanimous recommendation of that committee in the formal statement made in the Assembly. Mr Speaker, it seems to me that we have an appropriate time now to consider this.

Members are conscious of the fact that, in light of a looming election, it is very difficult to consider an issue like this out of the political context. We know that committees work best when people put aside, as far as possible, their political hats and get on with the work that needs to be done. We know that within our committee system, Mr Speaker, people come from the party which was elected and with the platform which they represent, and we always take that into account. But, beyond that, committees in this

Assembly, in the vast majority of cases, have worked very carefully to try to ensure that the outcome they are looking for is the best outcome based on the evidence that is presented to them, taking into account the consultative process with the people who are concerned.

It seems to me, Mr Speaker, that the method put up by Mr Corbell is consistent with the method that was recommended by the committee and it really continues the work that the committee began. That is why it is that those submissions that were made to the Planning and Environment Committee should be available. In fact, they are available to anybody because the committee authorised their publication. That material ought to be available to the Standing Committee on Urban Services so that it can look at these issues in an open and appropriate way and make sure that these decisions are made without the very narrow pressure of a variation to the Territory Plan.

The downside of that, Mr Speaker, is that we are then going to have to deal with them a second time. The variation to the Territory Plan will have to be dealt with, and, if we are looking at pure efficiency, that is not the most efficient way to do it. But we are talking about a route that is not critical for a number of years. We do have time to look at this properly, and I think it ought to be done in that way. To look at the issues broadly, as is proposed by Mr Corbell, I think is an appropriate way, and then move to the draft variation.

The report of the committee should help inform the Minister as to what ought to appear in the variation to the Territory Plan. The draft variation will just cover all the ground again. That can relatively easily be resolved. If the Minister responds positively to the work of the committee and the general view, and the draft variation is consistent with that view, I think we will see a fairly easy passage of the draft variation through the committee. The process does not have to double up unless Mr Smyth decides that he still wants to continue in a way that is inconsistent with those recommendations.

Mr Speaker, it seems to me that wide-ranging and different groups of people have an interest in this issue. People in Gungahlin do need to have appropriate transport to and from the city. We have to make sure that we are taking the best steps we can to protect the environment. The people of Lyneham, O'Connor, Kaleen, all of those areas, are entitled to have their areas protected. It has an impact for people who live in Aranda. It has an impact for people who live in Tuggeranong and who wish to go to Gungahlin, or even through to Yass and other areas. This does have very broad ramifications in terms of transport, in terms of the environment, and in terms of that whole range of issues that have been identified by Mr Corbell. I think it does require very careful consideration. That is why I am supporting the motion put up by Ms Tucker, with the amendment moved by Mr Corbell.

**MR SMYTH** (Minister for Urban Services) (12.00): Mr Speaker, the Government will be opposing this motion and the amendment simply because it is delivering an unnecessary level of process that we do not need. Mr Corbell and Ms Tucker are today delivering a slap in the face to the people of Gungahlin and their future. Mr Corbell says that the Government thinks that the only solution is to build John Dedman Parkway and

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we need to look at the whole picture. The Government has looked at the whole picture. We are aware of the growth of Gungahlin, the timeframe in which that growth will take place, and what initial infrastructure will be required to support that growth.

It is curious, Mr Speaker. We are talking about the need for this reference to the Standing Committee on Urban Services to look at the issue of the Gungahlin Drive extension and yet yesterday, in respect of the capital works program, Mr Corbell was lauding recommendation 22 that says that the Government should bring forward for planning the roads around the airport and Majura Road. Where is the inquiry there? Where is the consistency here? What we have are inconsistencies.

I believe that the Labor Party and the Greens are simply against this extension and will do anything to slow it down. The Government is fully behind the people of Gungahlin. We believe that the people of Gungahlin deserve the infrastructure that they need to be a part of Canberra. They deserve the same level of infrastructure and support that the rest of Canberra has.

Mr Speaker, we will not be supporting this motion as there is a clear process for dealing with this, and that is through the draft planning variation. There is a clear role in that process for the Urban Services Committee to view all of these issues in the one inquiry. We do not believe that there is a need for two inquiries. Essentially, Mr Speaker, this motion proposes a doubling up for the committee's consideration. It is a motion simply to delay proper planning process by adding another layer of unnecessary process.

Mr Speaker, let us make no mistake about this. This motion says to the people of Gungahlin, "You simply don't deserve the same level of infrastructure that other Canberrans enjoy and you can just wait". That is not fair, Mr Speaker. This process is quite clear. We understand the needs of the people of Gungahlin in terms of planning. We understand that when certain population levels are reached other roads will be necessary - Horse Park Drive and then Majura Drive or Majura Parkway or whatever it will be called - because we have done the figures on this. We have done the work. We understand the capacities of other roads like Northbourne Avenue. This can all reasonably be done in one inquiry.

It becomes quite clear, when you take this motion in the context of what is proposed in the capital works program, that it is the intention of the Greens, and clearly now the ALP, to decide the future of Gungahlin Drive before the community consultation takes place. That community consultation is most appropriately considered in the context of the draft variation.

We will not be supporting this motion, Mr Speaker. I think it is merely a delaying tactic by the Labor Party or the crossbenches to stop the Gungahlin Drive extension going ahead. Why do I know this, Mr Speaker? Because I wrote to the chair of the Standing Committee on Urban Services some weeks ago, saying that all the material that was presented to Mr Moore's committee in the last Assembly should be taken into account. It must be taken into account. A lot of people have put a lot of effort, time and hard work into those submissions and they should be considered in the context of a further inquiry. We believe that the most appropriate place for that to go ahead is in the context of the inquiry that will look at the draft variation.

In that letter, Mr Speaker, I made the suggestion that all the submissions should be made available to the Urban Services Committee when the draft variation is considered, and they should consider calling before the committee the people who have done that work or have made that effort in order to hear their views again. I would expect that the standing committee would request many of the details on the issues that are contained in Ms Tucker's original motion and in Mr Corbell's amendment.

Mr Speaker, many things are happening. The Government is aware of its obligations and it is working towards providing the infrastructure that the people of Canberra deserve. For instance, the third stage of the future public transport option study was originally envisaged as an implementation stage. The stage two work determined that the most appropriate implementation approach was progressive enhancement of bus-based systems. This work has been under way, with bus enhancement work being included in the capital works program over the last five years. The most recent of these, for example, has been the upgrade of the Heydon Drive and Belconnen Way intersection, which was specifically improved to assist with bus travel times.

Things like the integration of the intertown public transport routes are also continuing. That study, managed by Totalcare for Infrastructure Management, on the Belconnen intertown public transport route, is almost complete. So we are doing this work, Mr Speaker, and we are getting on with the job. The Government has also progressed the planning implementation of the Gungahlin Town Centre, ahead of market demand, specifically to encourage the growth of local employment opportunities. We are doing this work, Mr Speaker. For example, the development of the centre includes, at government insistence, second-floor commercial space which would not otherwise have been provided. At the same time the Government remains committed to fostering a vital and vibrant Civic as a focus for the whole of the metropolitan area.

Mr Speaker, planning of Gungahlin and its connection to the rest of the city includes completion of the Eastern Parkway by the extension of the Monaro Highway - I think we all know it otherwise as Majura Parkway - and that will connect to Horse Park Drive at the Federal Highway. That planning has been included in the upgrade to the Federal Highway. Horse Park Drive will ultimately connect through Gungahlin via Gungahlin Drive, Gundaroo Drive and Clarrie Hermes Drive to the Barton Highway, and we are aware of that infrastructure as well. But these roads, Mr Speaker, are no substitute for the extension of Gungahlin Drive. The Majura Parkway will be required in addition to the Gungahlin Drive extension and it cannot be considered as an alternative to it.

The Government is committed to the integration of land use and transport planning as the most efficient and environmentally friendly approach to the development of the city. A good example of this is the proposal for more intense urban development in some parts of inner-North Canberra, which would support the Northbourne Avenue public transport spine as well as encourage walking and cycling to Civic as a place of work.

It is also proposed that a further discussion paper on the progress of the integrated land use and transport planning will be released shortly, and this will have in it a draft strategy.

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Mr Speaker, I am also happy for the committee to have considerable detail on the cost benefits of the extension of Gungahlin Drive and would expect them to call and ask for that material. They should have that, but it should be in the context of the draft variation to ensure the place of the Gungahlin Drive extension. The draft variation is intended simply to confirm and preserve the road alignment; it is not to build it yet. The need for it is still some time off, but, having done the work that the previous Minister, Mr Humphries, has done - - -

**Mr Corbell:** How long?

**MR SMYTH:** They are still saying 2005. But it is still appropriate to preserve that reserve so that, for instance, the Bruce precinct can have some certainty in its planning process; so that the AIS can know what they are going to be able to do and what they are not going to be able to do; so that Bruce Stadium, as well as the educational and commercial developments around that area, as well as a growing residential population, know that they will not have a parkway through the middle of their cities.

What Mr Corbell and Ms Tucker are saying is that we will continue to have the rat-running through Lyneham and O'Connor while we sit and ponder these matters. It is very important that we get on with the draft variation so as to give as many people as we can as much certainty as we can, and as early as we can.

Mr Speaker, the proposed variation to the Territory Plan will be submitted by me to the Standing Committee on Urban Services for consideration in the normal course of events. The Government believes that this process should be augmented by having the material made available to the previous committee now made available to the Standing Committee on Urban Services. I think this will afford the community an opportunity to examine the proposal and, should they wish, to examine all the material that was before the previous committee. I am sure the committee will also conduct public hearings. I would be extremely surprised if they did not. It is appropriate that we do this without the additional layer of process. We can do this in one step, in one inquiry. There is no need for two inquiries. For these reasons, we will not be supporting this motion.

**MR KAINE (12.10):** Mr Speaker, the Government's position and its reason for opposing this motion is a bit puzzling. It seems to be based on two propositions. One is: "We have done all the work and we do not need you to check it". The second is that somehow the committee looking into this matter is going to delay the provision of an access road to Gungahlin. I think most of us in this place would question both of those assumptions.

I do not know that the Government has necessarily done all the work or that it has necessarily come to the right conclusion. There are certainly a lot of people in the public out there around O'Connor who think it has come to the wrong conclusion. I do not see that there is any great problem in having a committee take the work that the Government has done and submit it to some further scrutiny. If we are going to accept the proposition that because the Government has done the work the answer is the right one and there is no need for scrutiny, I think we are going to be making a lot of policy mistakes in the future.

I personally have no difficulty with the notion that the committee should review, and the Minister has said already that he is making available all the previous history so that the committee can look at it. Well, if the committee is going to look at it, I suggest it needs to do a good job and look at it comprehensively, and that is what this motion is seeking.

The second part of the argument rests on the proposition that somehow this inquiry is going to delay the provision of the Gungahlin Parkway extension, or Dedman Drive or whatever we choose to call it. That is obviously not the case. The Minister has not indicated that they are standing at bay out there with the bulldozers ready to start shifting dirt. They are not going to for years yet. I do not see how a look at the whole problem by the committee can delay in any way the provision of such a facility. So I am not persuaded by the Government's argument as to its reasons for opposing this.

I think it boils down to the simple fact that it does not want its decision-making questioned, and that is the end of the matter. I do not think that any opposition or any crossbencher ought to accept that position from any government at any time, regardless of the colour of the government. The Minister needs to look a little bit ahead. In a couple of years' time he may well be sitting on this side of the house and the Labor Party might be sitting over there, and he may well want to review and question what the government of the day is doing. I think he might well be closing off an option by taking the position that the government's decision is not to be questioned. It is not persuasive, Mr Speaker, and I support the proposal put forward.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.13): Mr Speaker, I oppose the amendment put forward by Mr Corbell and the substantive motion. To take up, first of all, the two points made by Mr Kaine, the Government is not afraid of scrutiny at all and is quite prepared to have an extensive amount of scrutiny over issues of this kind. But the fact is that on this particular issue there already has been the most extraordinary degree of scrutiny that you could possibly imagine. In fact, I would be hard-pressed to name, and I ask other members to consider whether they would be able to do so, any issue which has not been more thoroughly canvassed in a variety of reports, at different levels, than the desirability of settling on a route for the John Dedman Parkway, or the Gungahlin Drive extension as it is now being called.

There is no issue that has been more extensively canvassed. There are reports into this question going back 10 years. There was the GET study, which I think was chaired by Mr Langmore, whom Mr Corbell would know very well. There was an NCDC or NCPA inquiry as well. There was the inquiry in the last Assembly. There was the Maunsell study. Mr Speaker, what more do we need to do before we make a decision on this matter?

Mr Kaine poses the question: "How can a further inquiry delay the matter any more greatly, given that it is some years out before work is expected to begin on it?". The fact is that after years of debate on this issue, in this place and outside, we have yet to settle on the route for the road. People living in Gungahlin have made the point very forcefully

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to the Assembly, and to Ministers in this place and to others, that they want the route settled. They want the decision made to settle on the route so that they can have some certainty that when the time comes to build the thing it will be built.

Mr Speaker, I was Minister for Planning in the last Assembly. I have looked at that issue now at great length. I have little doubt that the route for the road needs to be settled, and in due course inevitably the road will need to be built. In saying to the people of Gungahlin that I believe that that is the case and that the road needs to be built, and that we need to get on with the task of settling on the route, in particular, as an important symbolic stage, at least, in that process, I believe I have been consistent.

Mr Corbell went to the last election saying very clearly to the people of Gungahlin that he supports that road as well. He wants that road to be built. I ask members to have a look at the words of this amendment. This amendment calls for an inquiry by the Standing Committee on Urban Services into, among other things, other transport inquiries and studies held in the ACT and the Government's response; the impact of the proposals on arterial roads; the desirability of improving the use of public transport and other non-car modes of transport; and the desirability of reducing the number of vehicles needing to travel between Gungahlin and southern destinations. What does that sound like? Does that sound like we are going ahead with the road but we want to think about some other things at the same time, or does it sound like issues that may put the road into question in the first place?

**Mr Corbell:** Is this the same man who released the greenhouse strategy? Are you the same man who released the greenhouse strategy, Mr Humphries?

**MR HUMPHRIES:** Does it sound like an issue which puts the question of the road up for grabs? I know you are upset Mr Corbell. I know you are upset because you know very well that I am going to go back to the people of Gungahlin and say, "This Mr Corbell, who said he was in favour of the parkway, now wants all these issues to be inquired into".

I pose a further question to members of the Assembly. Supposing that the inquiry shows, as Ms Tucker would be hopeful it would show, presumably, that the improvement of public transport might obviate the need for the road, or that reducing the number of vehicles needing to travel between Gungahlin and southern destinations might obviate the need for the road, or the siting of an eastern ring-road from Gungahlin might obviate the need for the road. There are two different purposes being pursued here. Let us be clear about this.

**Ms Tucker:** Do you want to close off the option? To help you reduce greenhouse gases and help you reach your target.

**MR HUMPHRIES:** Ms Tucker would like there not to be a road. I listened to you in silence, Ms Tucker, and I ask you to give me the same courtesy. The fact is that Ms Tucker would like there not to be a road at all. You said so many times, Ms Tucker. Do not look quizzically at me as if to say, "Butter would not melt in my mouth".

**Ms Tucker:** Have you got a problem with that? No good?



**MR HUMPHRIES:** You are opposed to the road, are you not, Ms Tucker? Just nod, Ms Tucker. I will put words into her mouth since she is not prepared to put any into her own and say yes, she is opposed to the road, and she would like this process to lead to the road not going ahead. Mr Corbell claims, at least when he is in Gungahlin, to be in favour of building the road.

The argument is that this somehow serves both purposes. It satisfies Ms Tucker because it might result in the road not being built, and it satisfies Mr Corbell because it might mean the road is changed in some way. How you can change the road so that it does not have an impact on public transport and the number of vehicles passing down the route and so on I do not know. The reality is that we have a little game being played out to facilitate people satisfying some part of an agenda which at the same time leaves the people of Gungahlin in continuing uncertainty about where they stand on their road.

They have been told by members of the Labor Party, particularly Mr Corbell, that the Labor Party is in favour of building that road. Now he wants an inquiry into the impact of the proposals on arterial roads, into the desirability of reducing the number of vehicles travelling on that road, the desirability of an eastern ring-road, and a cost-benefit analysis. Why do you do a cost-benefit analysis about whether you should build a road if you have decided to build the road anyway?

**Mr Corbell:** “Two options”, it says, Gary.

**MR HUMPHRIES:** “Two options”, says Mr Corbell. This is all just about whether we do the eastern arm or the western arm. That is what it is all about.

**Mr Corbell:** That is what it says.

**MR HUMPHRIES:** Is that right? No, that is not what it says, Mr Speaker. No, Mr Speaker, let us be clear about this. Mr Corbell says this is what this inquiry is all about. It does not say that. It says:

... the Standing Committee on Urban Services inquire into and report on proposals for the Gungahlin Drive extension ...

It does not say the Gungahlin Drive extension, eastern or western parts. This is an inquiry about the whole of the extension, from Barton Highway right down to Belconnen Way. If I move an amendment, Mr Corbell, to try to make it clear we are only inquiring into that part of the road from the point where the fork occurs, just near the Institute of Sport, will you support my amendment? I do not think so.

This is not an inquiry just into which of the eastern or western routes of the road, once it gets down to the Institute of Sport, should be supported. It is not about just that matter. It is an inquiry into whether we have the road at all. That is the only reason Ms Tucker is supporting it, because that is what she wants to see happen. She wants an inquiry into whether this road happens at all. That is what any reasonable reading of the language of this amendment actually says.

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It also refers to the desirability of improving the use of public transport. How does the use of public transport have any impact on whether we use the eastern or western arm of that particular extension?

**Mr Kaine:** Have you taken this matter up with Mr Moore, because it is his amendment?

**MR HUMPHRIES:** Yes, Mr Moore knows very well my views. We have a government that can accommodate those different views without falling apart and going to pieces. While we are talking about different views, my recollection of discussions about these issues in the party room of which Mr Kaine was a member was that Mr Kaine was very much in favour of the government strategy at the time of pushing ahead with the Gungahlin Drive extension. That was my recollection, Mr Speaker.

Without divulging the secrets of what happens in our party room, when we discussed this matter it was always the view that we should simply work out a way of pushing ahead with this proposal. When there were people willing to block it, that was always the strategy we pursued. That was why the Government, in the last Assembly, took a submission to the Planning and Environment Committee proposing that we proceed with the next step of the process. I have not gone back and checked but I would not be surprised if the government response to the P&E Committee report, which presumably Mr Kaine would have put on the table, said we do not support this. I will have to check that, Mr Speaker. I will do that over lunch. (*Extension of time granted*) I thank members.

The fact is that this does amount to yet another inquiry into whether there should be a road there. There is no way you can dress this up and put pretty language around it and pretend this is actually an inquiry just into whether we go over O'Connor Ridge or whether we go down and join with the road going past Aranda, Caswell Drive. It is not about that. Caswell Drive and O'Connor Ridge are not mentioned in the motion. It is not about that. It is about the road itself. It is about the road from Barton Highway right down to Belconnen Way. That is what it is about.

Mr Corbell is going to have to do some fancy footwork next time he goes up to the people of Gungahlin to explain why he is now in favour of further delaying this process with yet another inquiry. I certainly intend to bring to the attention of people in Gungahlin the rather dramatic change of heart he has had about proceeding with this road. They certainly would have been under the impression, after the last election campaign, that they had a champion in Mr Corbell who was going to be in favour of pressing ahead with this road at the earliest opportunity. They will soon be disabused of that notion.

**MR CORBELL (12.24):** Mr Speaker, let me quote something to you which was said by a very well-spoken member of this place: "This is not a plan to build the road, nor is this a plan not to build the road". Who said that, Mr Speaker? The person who said that is Mr Gary Humphries. I repeat: "This is not a plan to build the road, nor is this a plan not to build the road". That is crystal clear, isn't it? That is crystal clear. That is exactly what the Minister for Planning said in the last Assembly.

The patronising comments from Mr Humphries and Mr Smyth about how they are doing all these wonderful things for the residents of Gungahlin really do turn my stomach. They turn my stomach, Mr Speaker, because for the past four years this Government sat on its hands and did absolutely nothing for the people of Gungahlin. Time and time again representation was made about the problems with roads in Gungahlin. Time and time again representation was made about the need for a service station in Gungahlin. Time and time again representation was made about the need for a town centre in Gungahlin. Now, at the end of the day, after five years, they suddenly realise that Gungahlin exists, Mr Speaker. Well, that is simply not good enough. I will not copy the patronising comments from the present Minister for planning. He was not here in the last Assembly. He clearly does not understand the debate, and clearly is making a terrible attempt to play catch-up, Mr Speaker.

Let me put it on the record, loudly and clearly: Labor supports the need to plan for the John Dedman Parkway. We support the need to plan for the provision of that road for the Gungahlin community. We said that at the last election, and we are saying it again now - - -

**Mr Smyth:** Just not now. Just not yet.

**MR SPEAKER:** Order, please! Mr Corbell has the floor. Order! Have you finished, Mr Corbell?

**MR CORBELL:** No. It is quite clear, Mr Speaker, what Labor's position has been in relation to that road, and that position has not changed. You would think, Mr Speaker, that in a civilised society, in a sensible and articulate society like the Canberra community, you would make sure that any provision for any major piece of infrastructure is done in the way that accommodates the interests of all the communities affected, and, indeed, takes into account the interest of the environment. There are plenty of people whom I meet on a daily basis in Gungahlin who say, "Well, of course; that is a reasonable thing to do". It is reasonable to look at how it affects the communities that it is going to serve and impact upon, and how it is going to impact on the environment.

This man, who released a greenhouse strategy and campaigned hard on a greenhouse strategy in the last election, stands up and says that he thinks the desirability of reducing the number of vehicles needing to travel between Gungahlin and southern destinations is somehow a hidden agenda not to build the road. The hypocrisy is bizarre, Mr Speaker.

Mr Smyth stood in this place and said he could not understand why I was moving this amendment when a committee of which I am a member, which inquired into and reported on the draft capital works program, said that the Government should be planning for the provision of Majura Drive. There is nothing inconsistent in that, Mr Speaker. There is nothing inconsistent in that at all. Quite clearly, as this Government knows, that road also needs to be planned for. That road also needs to have work done on it so that at some stage in the future it too is developed. When this Government goes around talking about the wonderful things that the upgrade of the airport will provide, why are they not doing the work involved in planning for the Majura Parkway as well? That was what the committee was saying. Clearly, like the debate in 1997, Mr Smyth has not read the report, Mr Speaker. He simply has not read the report.

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Mr Speaker, this Government, has something to answer for in terms of public transport in Gungahlin. I live in the suburb of Palmerston. Residents in the suburb of Palmerston who want to catch a bus between Palmerston and the city have just faced a 100 per cent fare increase. Before this Government goes around and talks about the wonderful things it is doing for public transport, and all those other issues that need to be addressed in Gungahlin, let us think about how a 100 per cent fare increase encourages people to catch the bus.

**Mr Smyth:** It is also fair that everybody pays their share. You know that.

**MR CORBELL:** Does a 100 per cent fare increase encourage people to catch a bus? You know that the patronage levels on buses in Palmerston have declined since that fare increase has come in. They have declined, and the Minister knows that. That is a real plus for buses, is it not, Mr Speaker? A resident I know who lives in Ngunnawal had a broken-down car the other day. He could not drive his car into Civic and he had to catch a bus. It took him 45 minutes to get from Ngunnawal to the city. The same journey in a car would take, at peak hour, no more than 25 minutes.

**MR SPEAKER:** Would this be on the Gungahlin Drive extension, Mr Corbell? If not, please get back to the subject.

**MR CORBELL:** Mr Speaker, you can attempt to be flippant about this, but the point I am attempting to make is that this Government has no credibility when it comes to providing for the transport needs of residents in Gungahlin. For the Government to stand in this place and speak holier than thou is simply ludicrous, Mr Speaker.

I know they do not like it, Mr Speaker, but let me reiterate the point. Labor supports the need to plan for the provision of the road. Labor supports the need to do that, just like this Government does.

It is interesting, Mr Speaker, that there was only one little mention, in all of Mr Smyth's and Mr Humphries' diatribes, about why they are pushing ahead with this draft variation now. It has nothing to do with the interests of residents of Gungahlin. It has everything to do with selling Territory land in the Bruce precinct that they can get some money from by deleting one of the road transport corridors. That is exactly what the agenda is here. What a dash for cash for land, Mr Speaker. That is what this agenda is. That has always been the Government's agenda. They want to delete the provision of a corridor so that they can sell the land. That is what they want to do, Mr Speaker, so let us not see any more crocodile tears from the Government over the poor citizens of Gungahlin.

I am very well aware, perhaps more than anyone in this place, about what Gungahlin citizens face day to day because I live there. I know exactly what the issues are and I understand the impact, because I face that impact every day.

You have to remember that this same Government, six months ago, was not even prepared to contemplate a duplication of Gungahlin Drive. They said there was no need. Less than six months ago they said there was no need to duplicate Gungahlin Drive.

Interestingly, they have decided now, in the capital works program, to duplicate a bit of it. That is certainly welcome, Mr Speaker. But if you spoke to any citizen in Gungahlin about the duplication of Gungahlin Drive they would say, "Well, why aren't they doing all of it? Why do they keep doing it in bits? Why do they keep digging it up, building it, tearing it up again and rebuilding it? It doesn't make any sense". We agree with them, Mr Speaker. We on this side of the chamber agree with them.

Mr Speaker, to finish off, this amendment will complete the work that the Legislative Assembly Planning and Environment Committee in 1997 started. It will allow all of those citizens who have made representations to have them included in an inquiry. As Mr Moore said earlier in the debate, once the Assembly committee has reported, Mr Smyth, if he is a sensible Minister, if he is a conscientious Minister, will take the recommendations of the report and they will form the draft variation. They will form what is in the draft variation. That is a consultation process, Mr Speaker, as you know.

Mr Smyth wrote to the Standing Committee on Urban Services asking the committee not to consider an inquiry into the John Dedman Parkway as proposed by Ms Tucker, saying that instead it should be done through the draft variation process. Mr Smyth only did that when he realised what Ms Tucker was proposing. He did not do it beforehand, so I would have to question, first of all, Mr Smyth's intention in that regard. Nevertheless, let me put it on the record once and for all, and I am sure my colleagues on the committee can confirm this. *(Extension of time granted)* I thank members. The committee made a very conscious decision that it would not respond to Mr Smyth's correspondence until the Assembly had considered the motion proposed by Ms Tucker. The committee decided that it was the appropriate courtesy to extend to the Assembly that the Assembly should make up its mind on the motion before it, being subservient to the Assembly, decided what it would be doing in relation to the John Dedman Parkway. That was an entirely appropriate course of action, and it was a course of action agreed to by all members on the committee.

Mr Speaker, this is a sensible proposition. It is a proposition that will allow the question of the John Dedman Parkway to be resolved in a clear and open way. It will allow all of the questions surrounding the provision of the road to be resolved in the most effective way possible. It will still allow the road to be built at the time that Mr Smyth has estimated it will be built - 2005. It will still allow that to happen. But we have to do it in the right way, Mr Speaker, and we have to take into account the concerns and the issues that confront modern societies today, not the NCDC when it was building parkways in the 1960s.

**MR SPEAKER:** Order! The debate is interrupted in accordance with standing order 74. The resumption of the debate will be made an order of the day for a later hour this day.

**Sitting suspended from 12.36 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### ACTEW - Financing Deals

**MR STANHOPE:** Mr Speaker, my question is to the Chief Minister. On 14 April, the Chief Minister told ABC radio that people were “lining up out the door” to put proposals to the Government about the future of ACTEW, including in particular “major banks with proposed financing deals”. Can the Chief Minister tell the Assembly the basis on which banks are proposing financing deals when, we understand, there are currently no proposals about ACTEW’s future that require financing?

**MS CARNELL:** Mr Speaker, we have gone out into the marketplace for expressions of interest after having a number of entities put proposals on the table which, as I said, I think, in a number of interviews, include securitisation and other things. They were all informal proposals, so we went out into the marketplace to seek firmer proposals. Those proposals are due by mid-May; it might be 10 or 11 May, but I will certainly get the exact date. When those proposals are in they will be assessed by ACTEW and the Government to determine how they stack up and whether they are in the best interests of the people of Canberra.

One of the things that we have made clear in those expressions of interest is that the Assembly has decided that ACTEW must stay in public ownership. That is one of the requirements in those expressions of interest. But, underneath that, we have asked people like major banks and others to look at ways where we can minimise the risk, maximise access to capital and assure the future of ACTEW.

**MR STANHOPE:** Mr Speaker, I have a supplementary question. I thank the Chief Minister for that and wonder whether the Chief Minister can give the Assembly more information on the nature of the proposed financing deals offered by the major banks and the major banks involved.

**MS CARNELL:** Mr Speaker, I just answered that question. I said that the initial proposals were informal proposals and that we have now sought formal proposals that are not in yet. Quite simply, people do not put proposals in, usually, until proposals close. There we are, 10 May; I was nearly right. So, they need to be in by 10 May. They will then be assessed, along with the proposed merger with Great Southern, to determine which is the best approach for ACTEW in the future. Obviously, that final decision will rest with the Assembly.

### Bruce Stadium

**MR OSBORNE:** Mr Speaker, my question is to the Chief Minister. Chief Minister, could you tell me how the plans are going for the staging of the John Farnham concert next week? Are you able to tell us how many tickets have been sold?

**MS CARNELL:** I have to say that, if Mr Osborne wants one, it is a bit late. Unfortunately, the concert promoters cancelled the concert this morning. They cancelled because the ticket sales as of this morning were under 5,000. I think they were after in the vicinity of 12,000 and they perceived that it was impossible to sell that number of tickets in the run-up to next week.

Mr Speaker, I think it is really quite tragic that the concert has been cancelled. It is tragic because it was an opportunity for Canberra to get on the national concert circuit. It really would have given us an opportunity to attract new events to the ACT. Unfortunately, Canberrans decided that they did not want to buy tickets early. I think it really shows again that, if Canberrans do want to go to concerts, they have to buy their tickets before the last couple of days. We simply cannot expect concert promoters to wait until the last minute to know whether the concert is a goer or not.

**MR OSBORNE:** I am very disappointed to hear that, Chief Minister. Chief Minister, what is it that National Venue Management have done to fulfil their part of the bargain in relation to the marketing of Bruce Stadium, given that their first big event has been a balls-up? One of the commercials that I saw on a bus on my way back before lunchtime said that there would be more balls up than ever at Bruce Stadium and I think we have seen the first. What is it, Chief Minister, that National Venue Management have done? Have they sold the naming rights? How many boxes have they sold? Do they have any more concerts planned? I believe that they are - - -

**Ms Carnell:** Is this a supplementary to the first one?

**MR OSBORNE:** It is a supplementary question.

**Ms Carnell:** It has nothing to do with the first question. Mr Speaker, if Mr Osborne wants an answer to the second question, which I have to say has nothing to do with the John Farnham concert at - - -

**MR OSBORNE:** I take a point of order, Mr Speaker. It is relevant to the first question because National Venue Management were promoting the John Farnham concert and I asked how the plans were going, and that relates back to them.

**Mr Moore:** Mr Speaker, speaking to the point of order: Now that Mr Osborne has raised a point of order about whether his supplementary question is relevant or not relevant, you probably ought to rule on it. If that is the case, Mr Speaker, the relevance is tenuous at best.

**MS CARNELL:** Mr Speaker, it does raise an issue about supplementary questions actually having to have something to do with the first one. Mr Speaker, I think it is important in answering the second question to say that there is no financial risk at all for the stadium or, indeed, the Territory from the concert being cancelled. It is though, as I said before, an opportunity lost. The financial risk resided with the promoters, so the people who would have lost money on the concert were the actual promoters, not the ACT Government. They have done the advertising, they have done all of those sorts of

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things, and unfortunately have had to cancel the concert simply due to a lack of ticket sales. So, any view that this cancellation of the concert in any way impacted upon the Territory or, for that matter, the stadium financially is simply incorrect.

**Mr Osborne:** I take a point of order, Mr Speaker. My question was: What have they done? Have they sold the naming rights? Have they sold any boxes? That was the question that I asked as a supplementary, Mr Speaker, and the Chief Minister ignored it.

**MR SPEAKER:** As members would be aware, Ministers answer questions as they see fit.

### **ACTEW – Proposed Merger**

**MR QUINLAN:** Mr Speaker, my question is addressed to the Chief Minister, who, I might add, threw in the rhetorical interjection about a year ago in an ACTEW debate, “Is a merger not a sale?” - page 169 of *Hansard* of 29 April 1998.

**MR SPEAKER:** I trust this profundity will be followed by a question, Mr Quinlan.

**MR QUINLAN:** I did not want to get back to leases and blocks, customers and sites, and stuff like that, but we do have a differentiation problem from time to time.

**Mr Hird:** Where is the question?

**MR QUINLAN:** Coming, coming. Great Southern Energy, ACTEW’s potential merger partner, managed and operated water reticulation networks in part of its geographical base area for the first years of its existence. By direction of the responsible government Minister, the water business was passed out of the control of Great Southern Energy at the end of 1996. Does the Chief Minister consider that it is logical to consider electricity individually, apart from water and sewerage, before attempting to enter into a merger, which could be a sale, with an enterprise that has no water and sewerage operations?

**MS CARNELL:** Mr Speaker, I do not know how often I will have to answer this question, but I am happy to do it lots of times. Mr Speaker, we have a working party looking at whether a merger between Great Southern and ACTEW is a goer. At the moment it is in its very early days. The terms of reference of that working party are currently being formulated and put together. Work will continue, in cooperation with the New South Wales Labor Government, on a merger of all, part or whatever we are talking about of the entities. Remember, Great Southern does have gas, which we do not have. They also have a number of other rather unique facilities, such as a wind generator, which we do not have. There are a number of things that Great Southern have that we do not have and a number of things we have that they do not have, which makes a potential merger of water, sewerage, electricity, wind generators, gas - in other words, a broad-ranging approach to utilities - - -

**Mr Hird:** A good range of product.



**MS CARNELL:** Yes, a good range of product generally, potentially worth looking at. But at this stage, Mr Speaker, it is in its early days. We will look at it seriously. This Assembly will be the final arbiter on whether we go ahead or do not go ahead. If it turns out that a merger does stack up financially for ACTEW and for the ACT, it will come to this Assembly for, I am sure, fulsome debate.

**MR QUINLAN:** I have a supplementary question. Will the Chief Minister concede that the administration of water and sewerage services is more closely related or akin to the administration of land rates and land rent than to electricity? Will she accept that the database for water and sewerage administration is more highly correlated to that for land rating than for electricity billing? Will she ensure that this consideration is factored into the merger deliberations - or is it still a dash for cash?

**MS CARNELL:** No, I do not accept that at all. In fact, I think it is rubbish, quite simply. Mr Speaker, I think that Tu Pham, our revenue commissioner, would be very unhappy about having to run water and sewerage along with rates. The only thing that they may have in common is a database, Mr Speaker. Obviously, things like meters, maintenance approaches and capital works approaches have totally escaped Mr Quinlan. The only thing that they may have in common is a database, but even that is not the case, Mr Speaker, because, as everybody but Mr Quinlan probably knows, ACTEW does provide water - and I think sewerage as well, but certainly water - across the border to an area that we do not rate at all. In fact, as I think others also would be aware, negotiations are in their early phase at this stage on whether ACTEW should buy the electricity and sewerage entities in Queanbeyan. Again, Mr Speaker, that shows that ACTEW as a multi-utility works very well - water and sewerage, along with electricity and a capacity to move over the border. If Tu Pham were running it, somebody whose job is purely to collect revenue - land rates and so on in the ACT - that would be a significantly difficult thing to do.

### **Bruce Stadium**

**MR KAINE:** Mr Speaker, my question also is to the Chief Minister and it relates to earlier questions that I have asked the Chief Minister in connection with marketing costs of Bruce Stadium. I thank the Chief Minister for responding to a series of questions that she took on notice on 25 March. The answers, however, raise some further questions. I note that an amount of \$774,000 has been paid for direct marketing costs. According to the Chief Minister's answer, that covers five different categories of payment - marketing materials, advertising, marketing campaign and design, administration and professional services. Chief Minister, your answer is silent on to whom that payment was made. Could you tell me to whom the \$774,000 has been paid and from whose bank account the payments are being made? Secondly, what proportion of the \$774,000 represents payments for professional services, for which half a million dollars has been budgeted?

**MS CARNELL:** Mr Speaker, I thought I was quite clear in my answer to Mr Kaine, but I am sorry if I was not. The \$774,000 has been paid to NVM because NVM are the people that won the contract to provide the marketing for the stadium. We did go out to tender for the marketing rights for the stadium. The selection panel included

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a representative of the Raiders and, I think, of the Brumbies and, of course, the ACT Government. NVM were the successful tenderers and won the rights to market the stadium. The operating budget, I understand, is \$1,795,820 for the direct costs of the marketing and advertising program, of which, Mr Kaine rightly says, \$774,000 has been paid. I cannot tell Mr Kaine off the top of my head what the break-up of that money is at this stage, but I am happy to take it on notice.

**MR KAINE:** Thank you, Chief Minister, and I know that you will come back with the answer. In answer to an earlier question from Mr Quinlan you said that it was on a commission only basis and, no commission, no payment. Your reply now indicates that an amount of \$774,000 has been paid up front and that no commission has yet been paid. Would you not agree that when you answered that question from Mr Quinlan some months ago you actually misled the Assembly?

**MS CARNELL:** No, not at all. Mr Speaker, there is an absolute fundamental difference between marketing and advertising and sales and there are actually two separate budget approaches. The \$1.795m is for marketing and advertising. On top of that, the actual sales attract a commission on completed sales. As Mr Kaine rightly says, at least at my last advice, no commission had yet been paid on completion of sales, although I understood that some commission was due to be paid quite shortly on receipt of completed sales information. So that stands. There is no payment up front for sales as such; it is done on commission. Members would, I am sure, have seen advertising on television. We have seen direct marketing - not just in the ACT but right round Australia. That has been paid for or would need to be paid for. So far, \$774,000 has been paid of the \$1.795m which was part of the contract which, again, went out to tender and was subject to a full tender process, including the Raiders and the Brumbies.

### **Calvary Hospital - Pathology Services**

**MR CORBELL:** Mr Speaker, my question is to the Minister for Health and Community Care. Can the Minister confirm that the value of public pathology work at Calvary Hospital, currently up for tender, is approximately \$1.2m and that this amount represents about 10 per cent of the total work undertaken by the public provider, ACT Pathology? Is it the case that private pathology firms operating in Canberra do not have the capabilities to undertake locally the range of work required by Calvary Hospital?

**MR MOORE:** I have been informed by Calvary Hospital that they did decide to put out to tender their pathology services to assess whether they could deliver their pathology services at a price cheaper than they currently handle. My understanding is that the tender process is being done at arm's length - certainly it is at arm's length from me. As I understand it, the Canberra Hospital pathology service is one of the tenderers for that service. As to details of the money involved, the figure you are looking at of just over \$1m is in the right order, from my recollection.

When a tender like that is put out the private pathology laboratories do not, as I understand it, rely just on the services they have in Canberra at the moment but would look at putting in a tender to see how they would provide those services. There are also

particularly complex services that they may seek separately from the Canberra Hospital - not the ordinary, run-of-the-mill services, but more complex ones. If that is the case, they would need to negotiate with the pathology section of the Canberra Hospital.

I am very comfortable that Calvary has the right and prerogative to do that. I am sure, because I have spoken to Mr Dyer about it, that they will not just look at pathology services in isolation, but will make sure that they can deliver the full service, if they have to, by this tendering process. All our tendering processes have to take into account quality as well as cost because our highest priority is patient care, care for our clients, care for our customers. That is our highest priority in health and that is the highest priority for Calvary Hospital as well.

**MR SPEAKER:** Do you have a supplementary question, Mr Corbell?

**MR CORBELL:** Yes, thank you, Mr Speaker. Minister, can you say whether the Calvary pathology contract represents, in fact, the thin end of the wedge in terms of contracting out, indicating the Government's determination or decision to privatise specialist medical services currently undertaken by public providers?

**MR MOORE:** Calvary Hospital is both a public hospital and a private hospital. They carry out pathology services in both their private capacity and their public capacity. I emphasise once again that our priority is the care of our patients, the care of our clients, the care of our customers, and it will remain that way. If we can wind up getting a better service from an organisation, whatever the organisation, for our patients, for our clients, for our customers, I have no ideological objection to that. There is no broad commitment to privatise anything. What we are concerned about is ensuring that our pathology services and all our hospital services are benchmarked as well as we can so that we can determine when we put in extra money - and we are happy to put in extra money and we do put in extra money above the benchmark - that we are getting for it better patient care, better client care, better customer care, because that is our priority.

### **Privatisation of Legal Services**

**MR HIRD:** Mr Speaker, my question is to the Minister for Justice and Community Safety, Mr Humphries. I refer the Minister to a media release of 1 April this year of the shadow Minister for Justice and Community Safety, Mr Jon Stanhope, in which he raises the spectre of a secret plan by the ACT Government to privatise legal services in the ACT, and ask: Is there such a plan and has it been a secret hitherto?

**MR HUMPHRIES:** I thank Mr Hird for that question. Mr Speaker, I have been accused in the past of not having a sense of humour; so, if Mr Stanhope's press release of 1 April was meant to be an April Fools' Day joke, I apologise for not getting the joke.

**Mr Stanhope:** It was not.

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**MR HUMPHRIES:** It was not. In that case, Mr Speaker, I am afraid that all the laughing I might have been able to do on this matter has gone by the board. Mr Stanhope suggests in his press release of 1 April that he has uncovered some great government plot to - - -

**Mr Stanhope:** I did not suggest that. You are misleading again, Minister.

**MR HUMPHRIES:** I ask that he withdraw that statement, Mr Speaker.

**MR SPEAKER:** Yes, please.

**Mr Stanhope:** I will withdraw it, but the Minister should be careful in what he says, Mr Speaker.

**MR SPEAKER:** You have the opportunity at the end of question time, if you feel that you have been misrepresented, to take it up.

**MR HUMPHRIES:** Mr Speaker, what Mr Stanhope said in an interview with the ABC on this subject was that he had come across a contract with the Acting Chief Solicitor of the ACT and he had discovered in it information about a proposal to outsource legal services in the ACT. Goodness, gracious, he wanted to know what was going on; these secret deals needed to be exposed. He made much play of that in the course of interviews elsewhere. Mr Speaker, if the Government is going to keep a secret about its plans to expose legal services of the Government to contestability, the place you would not put anything would be in the annual report. But if you look at the annual report, in at least two places, it is there in black and white that the 1998-99 target - - -

**Ms Carnell:** It is on the basis that they can read anything.

**MR HUMPHRIES:** Obviously, they do not read anything, Mr Speaker. It is to develop options and appropriate work plans for the contestability of legal advice and representation services. That is on page 16 of the annual report. It is pretty rich when you get accused of keeping things secret when, in fact, they have been published for more than six months in the form of the annual report of the department.

The other extraordinary thing about this matter is the lack of awareness of how the system works at the moment. In that interview I referred to before, for example, Mr Stanhope makes reference to the possibility that the Government is starting to privatise prosecution services in the ACT. He mentions that with breathlessness and suggests that it is some sort of terrible plot. I quote:

The Attorney is wedded to a private prison. Perhaps he thinks that we could have private prosecutors as well.

For Mr Stanhope's information, we have had private prosecutors for years, probably decades, in the ACT. The Director of Public Prosecutions has never conducted all the prosecutions by himself. He has generally gone out to the private bar and obtained the assistance of private barristers for that purpose, as does the Legal Aid Commission for a number of matters that it engages in, and a whole range of other government services.

Mr Speaker, the level of ignorance about these proposals is quite extraordinary, but there is not just ignorance but hypocrisy as well, because the idea of outsourcing government legal services was not one that originated in this Government. In fact, to be frank, the ACT Government is one of the last governments in Australia to move on the outsourcing of legal services. One of the first governments to do that was the Keating Government in 1992. More specifically, it was the Attorney-General in that Government, one Mr Michael Lavarch. That name may ring a distant bell to Mr Stanhope because Mr Lavarch's adviser, chief of staff indeed, was one Jon Stanhope.

**Mr Stanhope:** And a very good adviser, too.

**MR HUMPHRIES:** If you do say so yourself.

**MR SPEAKER:** And a modest one at that, I think, Mr Stanhope.

**MR HUMPHRIES:** Who was privatising legal services at that stage in the Commonwealth? None other than Mr Lavarch, aided and abetted by Mr Stanhope. So what, exactly, is the problem, Mr Stanhope, in doing in 1998 what you were doing back in 1994 and 1995? I think absolutely nothing. If we want talk about hypocrisy, it is pretty clearly in evidence in opportunistic press releases like this one.

### **Canberra Hospital - Anaesthetic and Intensive Care Services**

**MR BERRY:** My question is to the Minister for Health and Community Care, Mr Moore. Minister, are you aware of a letter published in the *Canberra Times* of 19 April from Dr Philip Cumpston in relation to anaesthetic and intensive care services at Canberra Hospital? Do you share Dr Cumpston's concern that these services have been seriously run down and too great a load has been put on the remaining specialist staff? If so, what have you done about it?

**MR MOORE:** I am aware of the letter. Indeed, I am also aware that Mr Rayment has prepared for the *Canberra Times* a response to that letter. There is no doubt that the previous director of the intensive care unit is unhappy with some of the changes that are proposed for the intensive care unit. But there has been, and there need to be, some administrative and managerial changes at the Canberra Hospital to both the intensive care unit and the anaesthesia and pain management unit to obtain best practice levels in both quality of service and management.

It is true that change in the directorships of both positions is needed. It is occurring in the case of anaesthesia and it will occur in the case of the intensive care unit. These decisions are not being made in isolation by the medical director of surgical services. The decisions have also been ratified by the executive of the hospital, and that does conflict with one of the issues raised in that letter, Mr Berry. Recruitment is under way for both positions and both jobs will be oriented differently. People accessing these services at the Canberra Hospital do not need to be concerned as there certainly will not be a decrease in the quality of the service that they will receive. They will, in fact,

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receive better service because, Mr Berry, our priority one is patient care, client care, customer care. That is our priority. Sometimes in seeking to get that as priority one it is, unfortunately, necessary to make some changes.

In fact, both courses of action were suggested by a recent review of the critical care services at the Canberra Hospital. An external review of critical care beds was conducted on 1 and 2 December 1998 by nationally recognised expert intensivists from John Hunter Hospital and St George Hospital. The objectives of the review of intensive care were, firstly, to advise on the number, distribution and location of critical beds for the Canberra Hospital and the surrounding region, and to determine the distribution and location of specific critical care beds, that is, the critical care unit, the intensive care unit, and the high dependency unit; secondly, to undertake a review of the resourcing levels and functions of the medical staff, including intensivists, registrars and junior medical officers; and, thirdly, to assess the work practices of the intensive care unit, including quality outcomes, taking into account the preceding care at patient admission, continuity of care within the ICU and continuity of care between referring specialists, admission and discharge practices.

Unfortunately, Mr Berry, the review did not fully comply with the terms of reference that were set out for it. Because of that, it has not been accepted by either the reference group overseeing the project or Mr Rayment. Acceptance of the report now would lead to industrial action due to the terms of reference not being strictly followed. The new director of the intensive care unit, when appointed, can choose to work further with the ideas outlined in the report or to mould the service in the ways he or she sees best fit.

The need for managerial and administrative practice change in these two areas has been raised over a significant period of time. As the Canberra Hospital is undergoing a number of changes at this point in time, it is appropriate that these changes be made now. A continuing problem for the intensive care unit is the availability of appropriately trained intensive care unit nursing staff. As you know, we have raised this issue a number of times.

To attempt to address this problem, ICU nurse training short courses were conducted during 1998. Three courses were run in 1998 and this program has been extended into 1999. A postgraduate diploma in acute care nursing was established in 1997 in partnership with the University of Canberra. Nursing staff have attended this course since it commenced. Five funded places have been provided for staff for the course commencing in April. Over the last two years the hospital has been associated with five training programs in relation to intensive care nursing. Funding has been provided for this course, which is also due to commence in April.

Mr Berry, remembering that our priority one is patient care, client care, customer care - that is our priority one - you can see that a great deal of action is going on to improve this service.

**MR SPEAKER:** Do you have a supplementary question, Mr Berry?

**MR BERRY:** It is not abundantly clear yet. Minister, would you deny Dr Cumpston's suggestion that anaesthetic and intensive care services have been allowed to run down in favour of privately-provided services in order to transfer the cost to patients, as part of your publicly-acknowledged penny-pinching approach to cost cutting in health? When you say, as you just did, that you give priority to patients, does that mean that you give priority to patients' wallets?

**MR MOORE:** Mr Speaker, it is a good opportunity for me to say to members that at one stage, in response to a comment from, I think, Dr Collignon in his role as head of ASMOF, I said that penny-pinching was the name of the game. In fact, I used the word very poorly because penny-pinching is not what I actually meant. Being wise with the way we spend was what I meant. I apologise to the community for that. As many of you will have read, I was taken to task over that issue in an editorial by the *Canberra Times*.

I would also add, Mr Berry, that this was not a penny-pinching approach. This approach that I have described carefully for you was one about patient care. It was about client care. It was about customer care. We asked the college of intensivists to nominate two intensivists to come and review the intensive care unit, the high dependency unit and the critical care unit beds at the Canberra Hospital to determine what is the best way to deliver the best possible service for the people of Canberra - not the best possible service for the doctors, not the best possible service for the nurses. Of course we have to work to keep them happy because the best possible service that we are interested in is one that delivers the best - - -

**Mr Berry:** I rise to a point of order, Mr Speaker. Mr Moore may not have heard my question in relation to the transfer of the costs to the private sector - - -

**MR SPEAKER:** There is no point of order, Mr Berry. I have no doubt that Mr Moore heard your question.

**Mr Berry:** I wish he would answer the question, then.

**MR SPEAKER:** He is answering it as he sees fit. How many times do I have to say that?

**Mr Berry:** I suppose I will have to consider a censure motion or something for not answering the question.

**MR MOORE:** Mr Berry mentions raising a censure motion, Mr Speaker. It is his prerogative to put up a censure motion, but I would argue to members of the Assembly that I am answering this question, as I always do, as carefully as I can in order to explain to you the full situation. The full situation is that we are putting patient care as our first priority. I am saying to you that we have done all these things that I have just outlined to members to ensure that we can get the best possible intensive care unit services and the best possible services in the high dependency unit and the critical care unit for the people of the ACT, and we will continue to work in that way. I must say that I am absolutely delighted, tickled pink, with the work that Mr Rayment has been doing at the hospital to achieve the sorts of changes that he has been achieving to get the best possible services for our patients, for the people of the ACT, because that is what we are on about.

### **Totalcare Incinerator**

**MS TUCKER:** My question is to the Minister for Urban Services, Mr Smyth, and relates to the recent announcement by Totalcare that it is spending \$300,000 on installing new air pollution control equipment for its high temperature incinerator at Mitchell to eliminate a range of pollutants, particularly dioxin. Minister, Totalcare has said that it has worked closely with Environment ACT over the past two years to ensure that it follows best practice emission control methods. I draw your attention to statements made by the former Minister for the Environment, Mr Humphries, in early 1997, in response to concerns raised by the Conservation Council about emissions from the incinerator, that no dioxin was being produced in the incinerator because the waste was burned at a high enough temperature and that checks of the incinerator for dioxin revealed none present. Can you tell the Assembly whether the former Minister's statements were wrong or that Totalcare is spending money to eliminate a pollutant that is not supposed to be produced at the incinerator?

**MR SMYTH:** Mr Speaker, I am not aware of the circumstances in which Mr Humphries made that statement, but I am sure that the information he gave the Assembly was correct at that time. But this Government has always said that it will continue to monitor these things. As Ms Tucker has pointed out, Environment ACT and Totalcare have been monitoring and keeping a close eye on the incinerator. Some results were gained recently that showed that there was some measure of dioxin being produced. I would congratulate Totalcare for spending the \$300,000 to keep our atmosphere as clean as they possibly can.

**MS TUCKER:** I have a supplementary question. Minister, how much dioxin has been released into the air from the incinerator up to now, to justify the need for this new pollution control equipment? Could you table for members any reports of testing done at the incinerator for the presence of dioxin which provide this information?

**MR SMYTH:** Mr Speaker, this arises from meetings that I have had with Greenpeace. I have met with Greenpeace several times. Indeed, Greenpeace asked that I raise this issue at forums such as ANZECC, which I have done. There are two places in the ACT where dioxins may be found. The first tested was the ACTEW site, and they were producing 0.0104 nanograms per cubic metre, effectively zero. The emission from the Totalcare incinerator was, in fact, 3.35 nanograms per cubic metre. It is with that in mind that I am sure that Totalcare is spending the money to ensure that we keep the dioxin output to a minimum.

It is interesting, though, that opinions do vary on the effect of dioxins and the implications of dioxins in the environment. It is curious that the Germans have set a standard of 0.1 nanograms per cubic metre. The Americans, for instance, have set a standard of 2.3 nanograms per cubic metre. The opinions as to the long-term effect of dioxins vary. That is something that I am sure Totalcare will continue to monitor.



### Canberra Hospital - Outpatient Services

**MR HARGREAVES:** Mr Speaker, I have a question because of the Labor Party's commitment to patient care, client care and customer care.

**Ms Carnell:** It didn't work when you were in government.

**MR HARGREAVES:** Yes, it did. It did work when we were in government. Mr Speaker, I ask the question of the Minister for Health and Community Care. Last Wednesday, Canberra Hospital's CEO, Ted Rayment, announced several initiatives aimed at containing the hospital's projected \$10m overrun. Among those is a review of outpatient services in which privatisation of the service is an option. Does the Minister agree with Dr Peter Collignon, president of the ACT Salaried Medical Officers Federation, who said in the *Canberra Times* of 24 March that pursuing this option would make it difficult for medical staff to follow up their patients, leave patients out of pocket, downgrade the level of service and contribute to a cost-shifting exercise from the Territory to the Commonwealth?

**MR MOORE:** On this issue and many other issues I do not agree with Dr Collignon. Dr Collignon's interest, apart from his medical practice, in his role with ASMOF is primarily to look after the interests of his members. He is entitled to do that and his response there is about the interests of his members. Our interest is in patient care, our client care and customer care. That is what we are putting as priority one and that is why it is that I do not agree with him.

**Mr Stanhope:** Are you saying that he doesn't care? That is pretty rough.

**MR HARGREAVES:** I have a supplementary question. Can the Minister say who will be conducting the review, how much will it cost, and when it will report?

**MR MOORE:** Mr Speaker, I shall take that part of the question on notice. Just to clarify my comment about Dr Collignon, whom I respect as a very good doctor, in his role in his area, which is not to do with this area, I am sure that he puts his patients as priority one. I am not in any way being critical of Dr Collignon in those terms. What I actually said was that in his role with ASMOF he has to look after his members; that is what he is there for. On those issues, I disagree with him. I just want to make sure that in no way did I denigrate Dr Collignon and I do not intend to. I know that he is a very good doctor, and I do not mind saying that, within his area. But in this respect he is talking about his members and the interests of his members. What we are interested in here is the interests of the patients. That is what we are going to put first.

### Community Safety Grants Program

**MR WOOD:** My question is to Mr Humphries and relates to the community safety grants program. Minister, on 23 March, in answer to a question from my colleague Mr Quinlan, you said that you had not been convinced that there was a satisfactory level of benefit to the community for the Government to proceed with funding for recommended community safety grants for 1999 and that you had asked for further work

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to be done on the targeting of particular issues from this grants program. You said that you expected a submission from the department in a couple of weeks about the way in which the Government could deliver those grants. That has passed. The question I ask is: Is it a fact that the Government has decided to cut the funding for the community safety grants program from \$70,000 to \$30,000, in spite of all the earlier rhetoric? In particular, Minister, how was that decision taken, by whom and how and when was it conveyed to the department?

**MR HUMPHRIES:** Yes, it is the case that I said on the previous occasion that I expected to receive a brief from my department on a revised set of recommendations for allocations under the community safety grants process. I did receive that recommendation and I have since made decisions in respect of that. The amount being allocated this year for community safety grants is much reduced from what it was in the previous year. It is in the order of \$30,000, rather than \$70,000 as in the previous year. That does not connote, Mr Speaker, a permanent cut to the size of the community safety grants program. What it does connote is that, in my view, there was not sufficient quality in the applications for this year to warrant the full allocation of \$70,000.

I do not want to elaborate on what I see as the shortcomings in the applications, because all the applications were made with the best of intentions and certainly directed themselves at worthwhile purposes, but not necessarily to an order of priority that would warrant the allocation of the full \$70,000. For example, there was one proposal to make a video about public behaviour issues for the influencing of young people. Although I think that that is an issue which is quite important, I was not convinced that the opportunities to distribute a video or have it seen by a large enough number of young people would warrant the quite substantial amount of money that was being proposed in that application.

That is an assessment I made as Minister and it is one which every Minister needs to make. The philosophy we take in government is that, merely because there is a pot of money and a list of applicants, you do not necessarily say that the applicants must get what is in the pot of money. There is an overriding consideration on the part of the Government to make sure that what we spend is being spent well and in a cost-effective way. If we are not satisfied about that, it is our duty to make sure that the money is reserved until some better use can be made of it, or some other purpose should have the money applied to it. The decision was made by me, Mr Speaker, in my office and it was conveyed back to the department by way of a minute to me which I annotated.

**MR WOOD:** I have a supplementary question. I would like to follow up with a couple of points on that, Mr Speaker. Firstly, Minister, was your decision based on recommendations made to you? I assume that there was some sort of committee or process by which these applications came to you. Did you agree or disagree with what came through to you? Secondly, is that \$40,000 still available? Will it carry over? Can it be applied for in the future?

**MR HUMPHRIES:** Mr Speaker, I think that either the community safety committee or a subcommittee of the community safety committee had made the original recommendations. Obviously, I disagreed with those recommendations to that extent and conveyed back to the - - -

**Mr Wood:** So, they spent the \$70,000 but you did not agree with that?

**MR HUMPHRIES:** That is right. Mr Speaker, the community safety committee is a committee which gives the Government advice. It is not a statutory committee. It does not set or allocate government resources. It simply gives the Government advice and it is appropriate that on occasions governments reject advice in those circumstances. It should not happen often. If they are good committees, it should not happen; but occasionally it will happen, and this is one occasion where it did happen.

Mr Speaker, I cannot answer the question as to what will happen with the other \$40,000. I expect that we will allocate it in other areas of community safety priority. Whether we would roll it over to next year's grants is a matter I will have to give consideration to.

### **Concession Bus Passes**

**MR RUGENDYKE:** Mr Speaker, my question is to Mr Smyth, the Urban Services Minister. Minister, last week I was contacted by a family in my electorate who were seeking to purchase all-zone concession term bus passes for their children for the start of the new term. They were unable to do so because there were two new requirements on the application form which they were not made aware of. Apart from producing a letter from Centrelink, school identification and a Medicare card, they also have to obtain now a principal's signature and school stamp. That, obviously, was not possible for the family during the school holidays. The family was not informed of the change by ACTION or in school newsletters before the school holidays. Minister, what steps were put in place by ACTION to inform the public of this decision to change the arrangements for purchasing concession bus passes and why was this family not informed?

**MR SMYTH:** I thank Mr Rugendyke for his question, because it is very important that those available to pick up these concessions be able to do so easily and efficiently. The revised application form was circulated to all schools in the ACT during term one, to enable schools to provide the form to parents or to students so that they would not have to go through this problem. ACTION interchange ticket offices were also given the revised form for distribution prior to the end of term one. That is the normal process for keeping the schools and students up to date. We would tell all the schools and the schools are very good in their cooperation with ACTION. They also want things to run smoothly. I am disappointed that the family in this case was not informed. Perhaps the message did not get home from the school.

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

### **Bruce Stadium**

**MS CARNELL:** Mr Speaker, I have some further information about Mr Osborne's question in question time with regard to the status of marketing at Bruce Stadium at the moment. Mr Speaker, my advice is that suite occupancy for matches to date has been around the 20 to 25 mark. Seven of the suites have been sold on a year-round basis.

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Another seven have been sold to the Raiders for use during the season by their sponsors and management. The Brumbies have bought three on a similar basis for the season. Another two long-term prospects are about to be signed up. The remaining suites have been sold under a range of seasonal and short-term packages. Fifty-one of the 60 corporate boxes have been sold and serious negotiations are now under way for potential naming and video replay board sponsors. Mr Speaker, if those opposite had not started their ridiculous scaremongering campaign through the media, just imagine how many could have been sold.

### **Hepatitis C**

**MR MOORE:** Mr Speaker, I have answers to questions that I took on notice on 24 and 25 March from Mr Berry, including a supplementary, and Mr Stanhope, including a supplementary, on hepatitis C and the lookback program. I table them and seek leave to incorporate them in *Hansard*.

Leave granted.

*The answers read as follows -*

#### MINISTER FOR HEALTH AND COMMUNITY CARE LEGISLATIVE ASSEMBLY QUESTION TAKEN ON NOTICE

**24 March 1999**

#### **Mr Berry asked the Minister for Health:**

Material tabled by the Minister yesterday in relation to the potential infection of Canberra Hospital patients with Hepatitis C from contaminated blood showed seven or six individuals had so far tested positive to the virus. Given that the same material revealed that three people tested from within the period designated for compensation tested negative to the virus, can the Minister explain why his spokesperson told the Canberra Times on 11 March last that the Government was processing claims from about 35 people. Could you explain how we are getting these wild fluctuations?

Supplementary: Would the Minister, rather than me pursuing a supplementary, would the Minister try and explain the disparity in figures he tabled yesterday between the estimate that possibly 50 per cent of patients already identified by the donor trigger look back program may have died and the two thirds proportion of the 94 cases already identified who have died, and could the Minister in turn assure the Assembly that none of these people died from Hepatitis C or Hepatitis C related problems?

**My answer is as follows:**

As previously stated, it is very difficult to accurately predict the number of persons who will fall into the compensation category and the level of compensation to which those persons will be entitled.

Based on information provided by third parties, there are approximately 30-35 individuals to date who have registered an interest in pursuing a claim for compensation. I stress however, that this information is changing on a regular basis and that there is no necessary correlation to the number of individuals who will ultimately benefit from the compensation scheme as very few of these claims have been investigated or substantiated. At the same time, the Lookback Program has not to date identified any person who received blood within the compensable period from a donor who subsequently tested positive to hepatitis C. This situation is certain to change.

**My answer to the supplementary question is as follows:** In answer to the first part of the question concerning the estimate of a 50% death rate of persons who have received blood from a donor who subsequently tested positive to hepatitis C. This estimate is based on the experience of the Lookback Program in other states and on the clinical estimate of mortality rates among individuals who have received a blood transfusion.

There has been a higher than expected proportion of deaths so far with the tracing of the identified units of blood from donors who have subsequently tested positive to hepatitis C. However, this is primarily related to the 'donor triggered lookback' component and the numbers may well even out once all recipients are identified. I stress again that there are no **absolutes** to be categorically stated at this stage of the Lookback Program.

In answer to the last part of the question. Any individual who is deceased as a result of hepatitis C is likely to have contracted the virus at least two decades ago and outside of the compensable period.

Hepatitis C is an infectious disease caused by the hepatitis C virus (HCV). It causes inflammation of the liver and can be transmitted via blood. Chronic infection occurs in the majority of people infected by HCV (70%-85%). Studies to date indicate that the disease has a long lead time, the mean period for onset of symptoms being 13 years following exposure. A small proportion of people with persistent infection develop liver failure and/or hepatocellular carcinoma after two or three decades.

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The experience in other states is that approximately 50% of those individuals who have received blood from a unit where the donor subsequently tested positive to Hepatitis C are deceased. The cause of the death has not been related to hepatitis C but to the trauma or condition that warranted the blood transfusion in the first instance. While only limited perusal of cause of death through medical records, has taken place in the ACT, this has been the case here also.

Consistent with the practice in other states, we will not be pursuing information on cause of death.

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MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION TAKEN ON NOTICE

2 March 1999

**Mr Stanhope asked the Minister for Health:**

In August last year the Chief Minister told the Assembly that the Government would introduce amendments to the Blood Donation (Transmittable Diseases) Act to provide access to compensation for people who might have contracted Hepatitis C in the ACT from contaminated blood transfusions. Can the Minister say when the Government will introduce the legislation foreshadowed by the Chief Minister to enable access to the compensation package?

Supplementary: Minister, can you then table the details of the compensation scheme that will apply now that we are advised that it is not to be a legislative scheme? Can you advise whether the scheme will be administered by your department or the Department of Justice and Community Safety and can you advise on whether the Government's compensation scheme will consider claims from families of infected people who have died? And can you tell me whether the scheme will consider claims from people who may have contracted Hepatitis C from others who may have contracted Hepatitis C from others who contracted the disease from infected blood, but went for years without knowing their risk?

**My answer is as follows:**

As previously stated, at the time the Chief Minister made that statement it was the Government's intention to introduce legislation to achieve access to compensation. Since that time we have taken legal advice that suggests to us that we do not need to use legislation to achieve the goal, and in fact, that it would be a more effective and fairer way to manage

this without introduction of legislation. For that reason we are not intending to introduce legislation to give people access to the Hepatitis C LookBack Program.

**My answer to the supplementary question is as follows:**

At this point in time, the details of the compensation scheme have not been fully agreed between the ACT Red Cross Blood Service, the legal firm representing cases in hand and the Department. I understand that explicit details of the compensation scheme are confidential. However, as I have previously indicated, the settlement of claims will be based on the same principles as any legal settlement and will include proof of infection, effects of the disease on the lifestyle and earnings of the individual concerned and most importantly the establishment of a 'forensic link' between the disease and the receipt of transfused blood from a donor who subsequently tested positive to hepatitis C.

The ACT Government component of the Financial Assistance Program will be jointly administered by the Department of Justice and Community Safety and the Department of Health and Community Care. Settlement of claims under the Scheme will be managed in the same manner as 'out of court' settlements are currently managed by the ACT Government Solicitor. Medical evidence will be perused by the Chief Health Officer and agreement to the level of financial settlement offered will be required of the Chief Executive of the Department of Health and Community Care. The Australian Red Cross Blood Service will be the primary 'owner' of the Scheme and will need to agree to each proposed settlement as will the Commonwealth Department of Health and Family Services.

Settlement schemes are proposed for almost all Australian States. The most advanced of these is South Australia. No other States are at this time providing compensation/financial assistance to the spouse of a deceased person. Any individual who is deceased as a result of hepatitis C is likely to have contracted the virus at least two decades ago and outside of the compensable period.

Hepatitis C is an infectious disease caused by the hepatitis C virus (HCV). It causes inflammation of the liver and can be transmitted via blood. Chronic infection occurs in the majority of people infected by HCV (70%-85%). Studies to date indicate that the disease has a long lead time, the mean period for onset of symptoms being 13 years following exposure. A small proportion of people with persistent infection develop liver failure and/or hepatocellular carcinoma after two or three decades.

The experience in other states is that approximately 50% of those individuals who have received blood from a unit where the donor subsequently tested positive to Hepatitis C are deceased. The cause of

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the death has not been related to hepatitis C but to the trauma or condition that warranted the blood transfusion in the first instance. While only limited perusal of cause of death has taken place in the ACT, this has been the case here also.

The Commonwealth has made clear that it will only contribute to the settlement of claims on the following basis:

- evidence of the liability of the ARCBS;
- agreement of the Commonwealth to the settlement offered on each individual case; and
- entry into a settlement scheme with all litigants.

The Commonwealth has also insisted on a consistent approach with all states if the states wish to obtain the Commonwealth contribution of 40% of settlement costs. At this time, the Commonwealth has indicated that it will not contribute to any settlement to the spouse of a deceased person.

As previously stated, the ACT is required to be consistent with other states in the application of eligibility guidelines for compensation under the financial assistance scheme. While prevention guidelines warn an infected person against sharing toothbrushes or razors in the home, the virus will not be spread through normal family contact and is rarely transmitted through sex.

There is however, around a 6% chance of a HCV positive mother transmitting the virus to a child through contact with blood during the birth process. This risk would increase if the mother is HIV positive or has another sexually transmitted disease. While there have been no reported cases to date, it may be possible for a breastfeeding mother to transfer the virus to a child if she has cracked nipples which would expose the baby to blood. The hepatitis C virus has not been found in samples of breast milk taken from hepatitis C positive women.

No state has yet experienced a case of vertical transmission but it is likely that this situation would be compensable.

In summary, any individual applying to have their case assessed for compensation will be given that opportunity, however, in the case of horizontal transmission, it is unlikely that the case would be compensable due to the difficulty in establishing the forensic link to prove transmission.

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## **AUTHORITY TO BROADCAST PROCEEDINGS**

**MR SPEAKER:** Pursuant to subsection 8(4) of the Legislative Assembly (Broadcasting of Proceedings) Act 1997, I present an authorisation to broadcast given to a number of television and radio networks in relation to, firstly, proceedings of the Assembly for today, 21 April 1999, concerning debate on the Occupational Health and Safety (Amendment) Bill 1999 and the Dangerous Goods (Amendment) Bill 1999; and secondly, a public hearing of the Standing Committee on Health and Community Care inquiry into hospital waiting lists, both surgical and non-surgical, on 29 April 1999.

## **PUBLIC SECTOR MANAGEMENT ACT - EXECUTIVE CONTRACTS** **Papers and Ministerial Statement**

**MS CARNELL** (Chief Minister and Treasurer: Mr Speaker, I present, for the information of members and pursuant to sections 31A and 79 of the Public Sector Management Act 1994, copies of long-term contracts made with Mick Lilley and Megan Smithies, short-term contracts made with Brian Johnson and John Wynants, a schedule D variation made with Ken Horsham, performance agreements made with Linda Webb, Guy Thurston, Paul Rayner and Stewart Ellis, and performance agreements and schedule D variations made with Sue Birtles, Elizabeth Fowler, John Thwaite, Gordon Davidson, Allan Eggins, Beverley Forner and Glenys Beauchamp. I ask for leave to make a very short statement, Mr Speaker.

Leave granted.

**MS CARNELL:** Mr Speaker, as always, I alert members to the issue of privacy and personal information that may be contained in these contracts. I ask members to deal sensitively with the information and to respect the privacy of individual executives.

## **FINANCIAL MANAGEMENT REPORT** **Paper**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, I present the consolidated financial management report for the month and financial year to date ending 28 February 1999, pursuant to section 26 of the Financial Management Act 1996. The report was circulated to members when the Assembly was not sitting.

## **SCHOOLING IN THE NEXT CENTURY** **Discussion of Matter of Public Importance**

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

The importance of options for schooling into the next century.

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**MR HIRD** (3.24): Mr Speaker, I rise this afternoon to raise a matter of public importance - the needs of the ACT education system as it moves forward into the twenty-first century. The ACT enjoys an enviable reputation within the Territory and outside for its education system. We have the highest levels of retention in the country for Year 12 students - and not just by a little bit, but by a whopping 30 per cent. Mr Speaker, I think I should repeat that very important statistic. The ACT is 30 per cent ahead of the next closest State or Territory for Year 12 retentions.

Mr Speaker, not only do we have these exceptionally high retention rates; we also have the unique system which splits education in the high school years into two. We have the only universal secondary college system for our Years 11 and 12. This system prepares our students for their tertiary activities, whether they might be in university, TAFE or the workplace. Our students have an enviable reputation at the tertiary levels for their success rates in comparison to their State counterparts.

However, these successes do come at a price. We also have one of the most expensive school systems in Australia today. The Commonwealth Grants Commission and the Productivity Commission have both recently reported that the ACT has the most expensive system in the country after the Northern Territory. Given that we have none of the isolation problems which face most of the States and Territories, this is a factor of some concern.

Of further concern is the report of the Auditor-General last year, tabled in this place, in respect of repairs and maintenance in government schools. The Auditor-General revealed that we currently have about 7,000 vacant places in our schools. The Government acknowledges that you cannot expect to run a school system at 100 per cent capacity. But even at a conservative level of usage there is no doubt that we have about 12,000 places too many in our system.

When we add to this the problem of an increase in school facilities at the same time as our school enrolments continue to decline, it is obvious that we must do something. In this environment it is important that governments take careful note of the concerns and interests of the major players in this type of debate. Let us therefore look at some of the comments made by the general secretary of the ACT branch of the Australian Education Union, Mr Warren Lee. In an article in the March edition of the *ACT Teacher*, he wrote on the question of access:

... there are several suburbs in the ACT which have never had a school. Is there any evidence that the children in these suburbs have suffered detriment? It seems they have been well served by nearby schools.

Mr Lee went on to say:

Interestingly some of the new areas do not have the same density of government school sites as in older parts of Canberra. So, whilst it is apparently too far to travel to the next suburb in Belconnen, should a school close, it is okay to travel a similar distance to the nearest school in say Tuggeranong or Gungahlin.

This is a very cogent argument, Mr Speaker, an argument not only put in this debate by the Government but also put by the representative of the Education Union.

The opponents of school amalgamation use the issue of access as a central theme in their opposition. Governments cannot guarantee that the distances which students will have to travel to schools will be the same across all suburbs. But there is an issue of equity when some families have access within their suburb whilst other children are required to travel across suburbs. Let us ensure that we do not provide unfair advantage to the older parts of Canberra, simply on an historical basis, whilst the newer areas are expected to make do with greater travel distances.

There is another important aspect to this debate which I want to raise, and that is the matter of funding. There is a terrible imbalance between funding for small schools and funding for larger schools. The president of the Primary Principals Association, in an article in the *Canberra Times* on 24 February last, wrote:

... examples of resource dilution are abundant. For example, the initiative by the ACT Government to support schools and the establishment of student computing facilities -

a wonderful initiative, if I may say so, Mr Speaker -

gave to schools with more than 150 students a minimum grant of \$10,000 pa. Larger schools received a small *per-capita* supplementation. Thus one school with 165 students received \$10,000 pa (\$60 per student) whilst another with an enrolment of 410 students received \$11,500 pa (\$28 per student).

As can be seen from this illustration by Mr Griffin, there is considerable inequity in the way money is distributed on a per capita basis to schools and can be distorted between small and large schools. There are some other problems that arise with small schools. Staff report that they have quite different experiences in small schools. There are limited resources available to undertake playground supervision in small schools, it is more difficult to release staff for professional development, and general system responsibilities are shared between fewer people. This is not to say that small schools do not also have some advantage. They can provide a more professional form of teaching, and it is easier to concentrate on the individual student rather than on the whole class or a student group.

Mr Grant Battersby, in an article in the *Canberra Times* on 24 February this year, indicated that schools play a wider role in the community, acting as a focal point for the community. However, Mr Speaker, others have argued that such activities and costs should not be borne by the education system. At a time when resources are tight, the ACT economy is still in deficit and there are increasing demands for more efforts in educational fields such as literacy, numeracy, vocational education and information technology, should the education budget also meet the social costs of community activities? Can we afford to continue to provide the same level of access to services to the established parts of Canberra while the new areas are expected to do with less? Where is the equity in this?

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Mr Speaker, there are still many challenges facing the ACT education system. This Government has a proud record of achievement over the past four years. We have more than maintained our commitment to funding in real terms, with \$26m over inflation in the ACT provided in the last four budgets. We have undertaken massive changes to vocational education, with vastly improved opportunities for our students. We have provided more than \$20m extra for the information technology package announced before the last election.

We must ensure that this record is not eroded because of a blinkered approach taken by those opposite. If Mr Berry, the opposition spokesman, had his way, we would stick our heads in the sand like an ostrich and hope that the problem went away. I have bad news for Mr Berry. Not only will this problem not go away; it is going to get worse. Mr Grant Battersby, whom I have quoted earlier from an article in the *Canberra Times*, said on ABC radio that he thought it was "good that the Government is trying to actually work towards something positive on this".

All the planning indications are that the decline in student enrolments in the older suburbs is going to continue. We have a falling demand for places in the older suburbs. Conversely, we have a rapidly growing need for more schools in Gungahlin. If those opposite were in government - the Leader of the Opposition, I am sure, is interested in this - how would they tackle the issue? I would suggest that what they would do is in no way different to what we are doing, because there is no other solution. Wait until you are on the treasury bench and see how you tackle this problem.

**Mr Wood:** It will not be long.

**MR HIRD:** I have just heard an interjection from Mr Wood. He did the same thing when he was sitting on the treasury bench. We have to come to grips with the issue, and as quickly as possible. It is a pressing concern, not just for the students but for their families.

**MR BERRY (3.43):** This matter of public importance is titled "The importance of options for schooling into the next century", but we have heard nothing from Mr Hird other than about the need to close schools. It struck me that this MPI was an attempt to debate the justification for school closures. On the evidence the community has because of its experience, this Government's approach on school closures has been appalling, as has been that of this Government's predecessors.

Let me refer to Mr Hird's own electorate. I know two schools in his electorate that would have been closed if the Liberals had had their way. Flynn school, a very successful school, is still operating. Cook school, a very successful school, is still operating. They are not there just by accident. They are there because the local people and the students at those schools were active in defending their education system. Flynn school was one of the great chunk of schools that Mr Humphries was going to close back in his days as Education Minister. The Cook school was one of them as well.

Let us look at a couple of other examples of school closures by the Liberals, again in Mr Hird's electorate. The high school at Charnwood was closed by the Liberal Government. There is no question about that. They will say that the board

closed the school, the same as they say about the Spence school. The high school was closed by the Government by withdrawing funds from it. It was therefore not able to proceed and was forced to close the doors. That school was a successful school. The community said that they wanted to keep the school open. Two hundred and fifty people attended a public meeting and said, "Do not close the school" - Charnwood High School.

**Mr Humphries:** Griffith school?

**MR BERRY:** The Minister ignored them. He closed the school. It was his decision to close the school, nobody else's. Schools are only closed by Ministers, not school boards. They might act on the recommendations of school boards, but you cannot keep hiding behind school boards. That suburb will never have a high school again. Neither will Dunlop as it develops. The school was kept open in the first place to cater for the growing suburbs west of Charnwood.

It is not a matter of Labor being opposed to school closures per se. In fact, we have a very clear position in relation to schools. I will read to you from our platform. We will:

Ensure that any amalgamation of schools takes place after a process of open and early consultation which involves the local and regional communities.

That is where we differ a great deal from the Liberals opposite. Our platform also states:

The consultation process should consider agreed demographic projections, the unique characteristics of particular schools, the impact of closure on local neighbourhood networks and the delivery of an acceptable educational program.

Closing a school just because of the distance one has to travel loses sight of many of the real problems that face families in suburbs. Mr Hird paid no regard to the social circumstances of the particular demographics of a suburb. In certain circumstances examination of a small school could result in the need for that small school to continue because of the social circumstances of the community. I did not hear him mention that. All I heard him mention time after time was how justifiable it can be to close a school. Never did I hear Mr Hird talk about the quality of education that the school system delivers.

The success of a school system is based, to a large part, on access, and that is an important feature to preserve. It is not simply a matter of dollars. Ever since this Minister from the Liberals announced his interest in the number of spare spaces in schools, we have had this focus on empty spaces in schools instead of a focus on quality education. We have to switch the focus back to quality education. Let us look at another school in your electorate that was closed by your Minister, your colleague. It is in his electorate as well - Spence school.

**Mr Hird:** Amalgamated.

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**MR BERRY:** It was closed.

**Mr Hird:** Who amalgamated it?

**MR BERRY:** It was closed.

**Mr Hird:** Yes, but who amalgamated it?

**MR BERRY:** It was closed. Spence school was closed, with the approval of the Minister. Of course, the school board there got the blame as well, because the school board recommended to the Minister that they close it. That school was closed without the consultation with the broader community that would have occurred had Labor contemplated the closure of that particular school. People are still saying that the wrong campus closed. That is where the difference is.

**Mr Wood:** That is what the community decided, if I can interject, Mr Berry.

**Mr Hird:** They did that at Spence, too.

**Mr Humphries:** That is a Labor closure, is it? The community does it for you?

**MR BERRY:** Labor's position in relation to schools has always been about consulting with the community. Mr Humphries should not interject. He should hang his head in shame, given his performance in education. He had the population of the ACT in uproar over his position in relation to schools. I was one who joined the campaign against those closures. Happily, it was a successful campaign. Happily, Flynn school in your electorate, Mr Hird, is open because of that campaign. Happily, Cook school is open because of that campaign, a campaign which Labor freely joined.

Under Labor governments schools might close, but I can tell you this: They will never close unless the community is consulted under the terms set out in our policy. It will be the community that close them in the end, not the Government. That is the important difference between us and the Liberals. We are not absolutely opposed to closing schools. We are keen to keep them all open, and we will keep as many open as is possible in the circumstances.

We endorse a broad-based school system. We are not infatuated with the dollar and school closures. When we say something, we mean it. When we say that we will preserve education funding, we will preserve education funding and not do as this Government did last budget, when they cut education funding. Education funding was cut and the self-proclaimed guru of education, Mr Moore, stood by and applauded it and pretended it did not happen. There were substantial cuts to the education budget which in the long run will affect schools.

Mr Speaker, I return to the matter of public importance, the importance of options for schooling into the next century. There is no doubt that there need to be clear options for the community in relation to schools. We need a broad-based school system, an accessible school system, one which encourages high levels of education for our community, because the success or otherwise of our community will largely depend on

the quality of education that is delivered by the government of the day. Two important planks of a successful society are the education and the health of the community. That is why Labor is rusted onto those basic planks. They play such an important role in society's development, in the development of a civilised society which provides for its members.

Education is one of the fundamentals for Labor. You can bet that the importance of options for schooling into the next century will not be lost on Labor. We will not be infatuated by the almighty dollar and reduce the debate to the closure of schools, as has happened here today. This is turning into a disgraceful debate because of the continual focus on the justification for closing schools. Time after time, Mr Hird, you referred to the reasons to close schools instead of the reasons to maintain them. The reasons to maintain them are the important ones to focus on.

This was proven in the community campaign in relation to the Downer Preschool. All of a sudden, out of the blue, it was announced that Downer Preschool would close. The community, thankfully, were articulate and organised, and were able to prevent the closure of that preschool. I am happy that that occurred, because that will strengthen the community and strengthen the preschool education system in the ACT, because it will draw more of a commitment to that particular education. We all know the savings that flow from preschool education. It is something like \$8 for every dollar spent.

If that particular community had been less articulate, less organised and perhaps not so well off, it is quite possible that there might not have been a loud and organised protest about the closure of the preschool and it might have been difficult to preserve it. That articulate, well-organised population were able to lobby members of the crossbenches and others who needed convincing. There were some who did not need any convincing at all. Ms Tucker was one of those and I think Mr Kaine was one. It did not take long for the crossbenchers to be won over, because it was an easy argument to run. If it were not for the articulate and well-organised campaign of that community, it might have been a harder argument to win.

Mr Speaker, I hope that when the Minister gets to his feet we hear more about quality education in the future and less about the need to close schools. I do not want to hear any more about school closures. I want to hear a little bit more about the quality of education that you are going to provide and I want to hear how you are going to stick to your election promises when you make them. You have not stuck to your education commitment. You have cut education funding, and you have been allowed to do that by Mr Moore. In fact, you have been applauded for cutting education funding.

**Mr Moore:** Do not mislead the Assembly, Wayne.

**Mr Corbell:** I take a point of order, Mr Speaker. Mr Moore has suggested that Mr Berry is misleading the Assembly. He should be asked to withdraw that.

**Mr Humphries:** It is true.

**Mr Corbell:** Mr Humphries should be asked to withdraw, too, Mr Speaker.

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**MR BERRY:** I will wait until they withdraw. I am happy to stand for 48 seconds. I would like to see them withdraw.

**MR SPEAKER:** Would you mind, please?

**Mr Humphries:** If Mr Berry is upset about it, I will withdraw it.

**Mr Moore:** In the interests of the procedures of the Assembly, Mr Speaker, I shall withdraw the accusation I made that Mr Berry misled the Assembly when he suggested that we had cut education funding. I expect that people will just look at the budget.

**MR BERRY:** That will do. I am less upset now, Mr Speaker. Again I say that when the Minister climbs to his feet I want to hear him talk about quality education and quality options for the future - no more of this nonsense about school closures. Your record on it is appalling and I suggest you find another method when you are dealing with the community. The Charnwood community and the Spence community are still stinging at the performance of the Minister as a result of school closures, and they will never forget it.

**MS TUCKER (3.51):** I am a bit disappointed, too, by Mr Hird's presentation this afternoon. The matter of public importance is:

The importance of options for schooling into the next century.

I thought we would have had a very broad discussion about this important matter. It is indeed an important matter, and the question of school closures is a very small part of the discussion. I am not saying it is not significant but you would not think it was of major importance in a discussion of this nature.

Just for the record, the Greens certainly do not say, as Labor did, that there shall never be any school closures. We have a policy which requires, first of all, pre-emptive action by government to look at how it can ensure that schools stay viable. If that is not possible, then we are asking for full community involvement in any decisions about closures. Because there are a lot of difficulties for local communities, we also want broader aspects of school closures taken into account. That did not happen with the Spence-Melba merger.

You just cannot look at the closure of a school in isolation without recognising that there are going to be other impacts on the community. In this case definite impacts were going to be felt by the local shopping centre. The traders there were already struggling. There are some important issues about viability of local shopping centres which we have debated many times in this Assembly. In that area there were quite important issues about people not being able to access their shops - people who do not have transport, people who are disadvantaged in various ways. A broad discussion is necessary as well when we are talking about closure of schools.

I would like to pick up some of the broader issues, because I was under the impression that that is what we were looking at this afternoon. In particular, I am concerned about how the Government has moved into school-based management and how it keeps



throwing up models for the delivery of public education which look to the current economic orthodoxy of economic rationalism, free market economics and privatisation of public sector functions to solve problems. This is very much the debate of the day. I notice that APFACTS' budget submission argued for competitive neutrality to be applied in the area and in fact suggested that the Department of Education was confused about its role because it saw itself as a provider rather than just a purchaser. This, to me, is a very significant issue to be discussed.

If it is to be argued that competitive neutrality should be applied in the education system, then that is suggesting a very radical change in how we in Australia have regarded education and valued public education as basic to equity and to achieving a society that is not polarised. We see free, high-quality public education as a force for equity - if you like, for equalising members of the community. It is obvious that we have a growing problem with inequality within Australian society. Inequalities are growing dramatically, and the public school education system is the one institution that can mitigate these inequalities and ensure that every child has an equal chance at developing skills for life and work and also an equal chance at becoming an active participant in democracy.

It might be interesting to have a quick look at what is happening in the United States. They have gone very enthusiastically with this model of applying the market to education. The *Background Briefing* program on Radio National recently looked at this issue. It gave the example of Michael Millikin, the United States junk bond king in the 1980s. He served two years of a 10-year gaol sentence for insider trading. But that is history. It is the 1990s now and he has discovered education, specifically kindergarten to Year 12 public education in America. Radio National's *Background Briefing* program quoted him as saying, "We're creating a brand name in education". His brand name is Knowledge Universe and his goal is to try to do to education and training what Rupert Murdoch did in the media world. Another commentator observed that Millikin and his Knowledge Universe are looking to vertical integration in public education as their pot of gold, so that the company that publishes textbooks and provides the computers is also the company which builds the schools, trains the teachers and develops the curriculum.

I think we need to look at what is happening internationally in this area, because this is where this Government is going and the Federal Government is going. We are not going that far yet, of course. We are just talking about efficiency, and the independent school sector is arguing competitive neutrality, but we would never end up like the United States, would we? Why not? We need to raise these issues and say, "What is it you are heading towards here?" and "What is it that you are giving up?"

In Australia funding to public schools has decreased dramatically over the last 25 years. Between 1974-75 and 1994-95 total government outlays to government schools increased by 49 per cent, while total government outlays to non-government schools increased by 171 per cent. During that time the proportion of students attending non-government schools increased from 21.5 per cent in 1974 to 28.5 per cent in 1994. So government funding to non-government schools over that time increased disproportionately in relation to the number of students attending non-government schools.

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The amount of money raised through fundraising by schools and parents has also increased markedly, so that public schools have come to rely on fundraising to provide essentials for schools. We have had this debate several times in this Assembly, particularly around voluntary contributions and sponsorship. I have always expressed concerns about this, because it is clearly not going to improve equity of access to education when public schools vary according to location because of their fundraising ability. Students in the ACT will have different choices according to their ability to pay. The latest newsletter from the P&C people made that statement very clearly. Expensive electives that are made available to students are not being picked up by children who come from families which do not have a high income, so we are already seeing growing inequity within our public education system.

I would like to raise in this discussion about future options for education the committee work that was done in the last Assembly by the Social Policy Committee. In its inquiries that committee looked at a number of issues related to education. We looked at how schools work as community organisations and facilities. We are having a discussion on drugs tomorrow and these issues will come up again then. In the last Assembly we looked at violence in schools, the closure of the School Without Walls, services for people who have a mental illness and services for children at risk. All these issues are very important in this broad discussion about what schooling does in our society. I obviously do not have time this afternoon to go through what was highlighted. I think members are pretty aware of those sorts of issues anyway, because we have had many debates in this place about them.

If we do not look at how schools sit in the community and how we can integrate other services with education, we are losing an opportunity. It is not just about ensuring that we have a high-quality, free public education system. It is also about what that education system looks like and whether or not we can improve the plight of teachers, who more and more are being given the task of social workers, which is unfair. It is not effective or efficient either. If we are interested in outcomes, we need to look at these broader issues as well as at whether or not we close schools. It is quite appalling that that is all Mr Hird focused on.

**MR STEFANIAK** (Minister for Education) (4.01): I thank members for their comments. Mr Temporary Deputy Speaker, as you indicated, we certainly can be very proud of our education system. We have put in train a number of things which place us in a very good position for options for education into the next century. Of course, we hear about the Y2K bug. That deals with information technology. I think we lead the country in such areas as information technology. We have provided modern computers for every teacher in the government school system and will make up to 20,000 computers available to our students by 2001. All schools in the government sector and I think all but five or six in the non-government sector have been connected to the Internet. There might be one government school which is not connected, and that is by choice.

We have introduced literacy and numeracy testing for Years 3, 5, 7 and 9. We have gone even further by considerably boosting support mechanisms to our schools by introducing literacy support teams and literacy plans in all our schools.

I am proud to say that 12 months before it was even mentioned by the current Federal Government we had placed a greater emphasis on vocational education and training. That is something that is terribly important as we go into the twenty-first century. From the 1970s through to about the mid-1980s there was great emphasis on preparing children to go to university and, in fact, only about a third did so. The other two-thirds entered the work force or went to the CIT or undertook other training. I think we had our system a little bit askew. There was not enough emphasis on preparing kids for the work force. I am very proud of the efforts we have made in enhancing vocational education and training. We have gone from a few hundred students in Years 11 and 12 in the government sector taking a vocational education and training course in 1995 - and there are about nine courses - to about 3,500 of the 6,800 kids in college now having options for vocational education and training courses. I think that is going to be shown to be more and more important as we go into the twenty-first century. We have done a lot of things and there are certainly a lot of challenges.

I am interested in some of the comments Ms Tucker made. I would correct one thing she said. Education is specifically excluded from competition policy. We have introduced school-based management. Ms Tucker touched on that. Schools are now starting to reap the benefits of having greater flexibility as a result of that. Obviously, more things need to be done in those areas and others as we go into the twenty-first century. We need to keep education current. We need to be at the forefront in adopting innovations that will assist our students to lead productive lives in the work force. I have raised at MCEETYA meetings such things as the need for more male teachers in primary schools, recruitment needs and the ageing teacher force which we face here, perhaps to a greater extent than in some other States and Territories. They are the challenges we face going into the twenty-first century.

Education is a very demanding area. I would agree with Mr Berry that it is a crucial area in terms of the wellbeing of our community. If you do not have an educated work force, you simply do not get anywhere. If you do not prepare your students for life and for the work force, you are not doing the right thing by society as a whole. So education is a crucial area of government. That does not mean that there are not things we can do better.

I think the points Mr Hird raised are valid. We are blessed with excellent schools. Most of them are relatively new, having been constructed in the last 30 years. We have a teacher cohort that is professional, well qualified and constantly renewing itself through professional development. We have all those good things I indicated earlier. We have a system which keeps up to date with curriculum development. Contrary to what Mr Berry says, we do spend a considerable amount on education. We have maintained education funding in real terms.

In fact, OFM has done a detailed study which indicates that we have gone past that. Over the last four years we have provided an increase in real terms of about \$26m. To say that this Government has not put in the dollars is quite ludicrous. You just have to look at the budget papers since we have been in government to see that. You just have to look at the considerable investment we have made. It is above the national average, as Mr Hird said. In fact, it is the highest for anywhere except for the Northern Territory, which is higher for obvious reasons. That indicates the importance we place on education.

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Mr Hird raised some very real issues. There are things we need to look at. I do not think we can get away from such issues as the potential for school amalgamations. We have seen over the years a number of things happen. We have seen planning that once provided a school in every suburb. We have now seen a number of suburbs - McKellar and Dunlop are examples - where schools were not provided. Unfortunately, we have seen a reduced rate of growth in the ACT, and that does provide us with challenges. In 1978 we had about 40,000 students in the government system, in about 84 schools. Mr Wood raised that in an Estimates Committee meeting. He was quite right. Despite some closures and amalgamations since then, 20 years on, last year, we had 95 schools and 750 fewer students.

A demographer has forecast further declines in the next five years of 0.6 per cent per annum. The forecast was pretty well spot on for this year because between February 1998 and February 1999 we saw a decline of some 272, or 0.7 per cent, in the government sector. That indicates the accuracy of the forecast. Over the last 10 years the accuracy and demographic projections have been confirmed by the real figures. It is stupid to stick our heads in the sand and try to ignore this very important issue.

In five years' time, on current trends, we will have about 1,200 fewer students than we do now. At the same time, the demand for new facilities, and rightly so, in the new areas of Gungahlin is expected to grow by about 47 per cent. In other words, we are going to need to build at least one new primary school and perhaps one new high school over this period if those projections are right - and there is nothing to indicate that they are not. Schools are a huge investment. As Mr Hird said, we do have a lot of unused space, and demographic predictions, backed up by actual figures, indicate that in many parts of Canberra the population will continue to decline. We cannot stick our head in the sand. I am not going to repeat what Mr Hird said in relation to the comments made by the persons he quoted. We have to do something. As Mr Warren Lee said, the debate has to be had; doing nothing is not an option. That is quite so.

I turn now to comments made by other members. Mr Berry mentioned Flynn school. I would have to scratch my head on that one. I do not know whether that was one of the schools about which there was a lot of contention in 1991. My recollection of Flynn school is more recent. When the library burnt down in 1995, this Government acted very quickly to ensure it was replaced. It is an example of a school without a suburb.

Several people mentioned Griffith. That is a case of a school which withered on the vine. I think it is important to do things before that happens.

Mr Berry criticised the Government for the closure of Charnwood High School. Charnwood had only a little over 200 students in 1995, and the projections were that the next year it would have 190. Clearly, that was of great concern to a number of people in the community. When the figures went down from about 650 to less than 200 as they would have been in 1996, I do not think it was terribly viable to continue. I think a lot of people realise that. We do need to look at quality education. That is especially important when you get to the high school years. I do not know that Mr Berry is right about there

being a lot of angst in the community. I notice that my vote in 1998 and yours, Mr Temporary Deputy Speaker, were a little bit up on 1995, so I think Mr Berry might be wrong.

Spence school was also mentioned. When the community picks one campus rather than the other, the decision is not going to be unanimous. I can recall a number of letters. I received about six. Some people were not happy with what happened. You have to expect that. But there was an excellent community consultation effort. It was perhaps a model of how a community can itself look at what is best for it, go through quite a lengthy process and come up with a recommendation to government. I would have been a complete fool and derelict in my duty if I had not acted on what the community wanted.

Mr Berry and Ms Tucker indicated that we should look at more than just the school community. We are running a school system. I think in what they said about shops they are wrong. I will just read out a list of suburbs that have very good, vibrant local shops but do not have schools: Griffith, Spence, Hackett, Holder, Downer and Fisher. Suburbs where shops are struggling or where there are very few shops in the shopping centres are those where there are schools, quite often reasonable sized schools. I instance my own suburb of Macgregor, as well as Rivett, Weetangera, and Aranda, which has both a Catholic primary school and a state primary school very close to the shops. Maybe that argument needs to be looked at further by my colleagues opposite.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.11): I want to enter this debate because I think it is important that we look at how we develop a plan, a vision, a strategy, for our schools going into the twenty-first century. This is a matter of more concern to me today than ever before. This year my eldest child entered the school system and my youngest child entered the preschool system, so I am finding myself more and more drawn to issues to do with the way in which schools are run, the way in which boys and girls interact in schools, the way in which leadership is provided by teachers and the way in which schools are organised. I think it is timely for the Assembly as well to come back to a debate which we have had on a number of occasions over the last 10 years but which we need to restate and to re-engage in because it is fundamental to the way in which our community operates.

The structure of our school system and the capacity of the school system to provide an effective path for young people to become responsible citizens are critical to the effectiveness of our community - not necessarily today, but if we get it right it will have a major and very direct impact on the way in which our society operates and facilitates participation in 20 years' time or sooner.

Fundamental to that debate is the allocation of resources. Mr Berry, in his remarks, made reference to what he called the continual infatuation with the almighty dollar. It is unfortunate that we need to talk about dollars in connection with issues of educational vision, but it is fundamentally impossible to separate the question of educational vision from the resources we put into the exercise of determining, articulating and

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implementing a vision for education. I see schools in the future as being very much more flexible places than perhaps traditionally we have conceived them to be. I believe schools need to be places to interact in a more flexible way - - -

**Mr Berry:** With big golden arches over them?

**MR HUMPHRIES:** Mr Berry can ridicule, but the reason that Mr Hird put this issue on the table today is that we need to examine ways in which our system is going to change, not that we want change for the sake of change but that change will be inevitable, as it is in every area of operation of our community. Unless we are prepared to manage that process and deliver better outcomes with it, then we will be marginalised in the debate and, much more importantly and more worryingly, we will find our system and the products of that system unable to cope with the resulting changed world. I am not prepared to let that happen. I want to see that change managed in a productive way.

Having more flexible schools entails the concept of schools capable of interacting with a whole series of other institutions in the community in a better way. In the last few years we have focused a great deal on more effective interaction between the school system and the world of training, if I might put it in that way. The interlinking between the CIT and other training organisations and bodies outside of the traditional school model has been a very important development. It has focused on the role of schools as preparing people for the workplace. That, of course, is a very important consideration when across Australia there are still too many people without work.

There are a whole series of other interactions between schools and the community which we need to develop. It is important to look at the way in which money plays a role in that. Quite frankly, I think it is true to say that we still have too much money tied up in the concept of a school for a suburb. That puts a school into the position of being principally a community facility designed to play some sort of neighbourhood role for a particular part of the city. That is not a bad thing in itself. It is appropriate that schools play the role, if you like, of lungs or heart or something of that kind in the operation of a particular suburb or neighbourhood in the city. But it is not the only role that schools play. They also have to be capable of being flexible institutions able to interact with a range of other parts of the community - work-based institutions, or businesses, if you like.

Mr Berry made reference to the golden arches. That is perhaps taking it to far too great an extreme. But the idea of businesses feeling that they have a vested interest in the effectiveness of their schools is not a repugnant notion. It is a very important notion. It is a notion about developing schools which are outward looking and focused on the way in which they serve the community. I would hope nobody in this place has any problems with, or misgivings about, that concept. It is very important.

There is a capacity for schools to develop stronger links with universities and other secondary and tertiary education institutions. We need to create in schools the resources to be able to do that. This Government, in the last few years, has focused a great deal on computer literacy, the capacity to take on board the information technology revolution, as an issue for schools. It is an issue for schools, because it is there that we shape the preparedness of our community to be part of the changing world. Information processing

is a hugely expensive item. Giving students access to computers is a major challenge for our education system. I would suggest to people in this place that, instead of focusing on the maintenance of a school within each suburb of the city because there has always been a school in each suburb and perhaps it has certain nostalgic resonances for members of the community, we should be looking at making sure that schools, wherever they may be, have the resources to be able to put their students fully onto the information highway and fully into a path of aptitude for, and conversance with, that information revolution. Is that not a more important consideration? Do we not have to make those choices now?

We have a generously funded school system. There is no debate about that. It is a very well-funded school system. It is the best funded school system per capita in the whole of Australia and must rate as one of the best funded in the entire world. But do we have schools where every student is equipped with a computer in front of him or her? No, we do not. We are working towards that and huge gains have been made in the last couple of years in moving towards that goal. But I would argue that that is one of the places we should be looking to put resources. Yet we are hung up about a debate about where schools are located in the Territory, as if the distance a person travels to their place of learning makes any difference whatsoever to the quality of the education they get when they get there. That is a highly irrelevant issue.

We have put this debate on the table because we believe it needs to happen. We need to get away from the idea that the education debate is purely about school closures. It should not be about school closures. It should be about asking where the areas of priority for our education dollar are. I have said it before in this place, and I will say it for as long as I am here, that education is not about bricks and mortar. It is not about making sure that at the end of your street in a suburb in Canberra you have a building calling itself a school. It is about how it operates, how it achieves its goals, how it interacts with its community, how it builds links and how it develops the necessary skills for the students who pass through it to cope with the world into which our society is changing. That necessitates a big shift in the debate we have had in this Assembly over the last few years about education resources. I hope that we do have a vision - if not the one that I have put forward today in this debate, then some other vision - which will take us to that next level of debate. If we do not move to that level, we do our community, who use those schools, a great disservice.

**MR STANHOPE** (Leader of the Opposition) (4.21): I support and agree with much of what the Deputy Chief Minister has just said. I think he spoke some sense, but in articulating a vision, as the Deputy Chief Minister did, just about the future of education there is of course a great potential for differentiation in the way you reach the ultimate aim. The vision that the Deputy Chief Minister has is one which I am sure we all share for an equitable public education system that is strong and that recognises the essential equality of all children and all people within the community and their right to the same level of resourcing, to the same level of education and to the same opportunities in life.

This was very much the theme of the contribution by my colleague, that by Ms Tucker in the context of the debate that we should be having and, to be fair, much of the contribution by the Deputy Chief Minister. The Deputy Chief Minister did concentrate to some extent on the need for us to ensure that children in our schools in the ACT -

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I assume he was talking about the public education system as much as he was about other schooling - had every opportunity to be information wise. Not only do teachers need to have computers available to them but there is also a need for increased IT literacy amongst our students, the point that the Minister was making.

Of course, the Deputy Chief Minister would point to the Government's election promises in that regard. To some extent they have boasted that promises in relation to the provision of computers were met, but they were met at the cost of central office jobs. Hence the difficulty I have with the analysis that he made is that in meeting one part of his vision for education in the ACT this Government cut a great swath of jobs out of the central office. In developing the public education system, we should be sending the community a signal that we will defend the system against those sorts of onslaughts or depredations or that we will not weaken it and reduce the role it plays. The fundamental problem we have with the way that this Government has from time to time dealt with education issues is that there is no signal that it will put the interests of the public education system and the children that depend on that system ahead of other interests. There is very much more I would like to say.

**MR TEMPORARY DEPUTY SPEAKER** (Mr Hird): Order! The time for discussion has now expired.

### **GUNGAHLIN DRIVE EXTENSION**

Debate resumed.

**MR STANHOPE** (Leader of the Opposition) (4.25): Thank you, Mr Temporary Deputy Speaker.

**Mr Moore**: This is the road that goes past Kaleen.

**MR STANHOPE**: Yes, that is it. I think it was you, Mr Moore, who indicated that the one thing we needed in this debate was for it to be non-political. Your opening barb then, Minister, was consistent with many of your other contributions.

I wish to speak only briefly to the matter, Mr Temporary Deputy Speaker. I want to respond to some of the more outrageous of the claims made by Mr Smyth and Mr Humphries in the debate this morning about the need or the non-need for a further inquiry or investigation into the John Dedman Parkway, now known as the Gungahlin Drive extension. I hope we can reverse, too, the decision basically to consign John Dedman to the dustbin of history. I hope the decision to remove John Dedman from the maps in terms of any future proposal is not an irreversible decision. So we are talking about the John Dedman Parkway or the Gungahlin Drive extension as it is now more euphemistically known.

I wish to respond directly to the points or the assertions that Mr Smyth and Mr Humphries were making - that we do not need this inquiry and there is nothing to be gained by it; that the issue has been rigorously, vigorously and happily inquired into in the past; and that the terms of Ms Tucker's motion or Mr Corbell's amendment to that to



achieve a similar purpose are completely unnecessary and are surplus to requirements. Of course, they are not. Their proposal is that the range of issues that go to meeting the transport needs of the people of Gungahlin are not worthy of investigation by the Urban Services Committee.

It is preposterous to suggest that the interests of the people of Gungahlin and the interests of other people in this particular road - in fact, the interests of all Canberrans - have already been satisfactorily met. It is preposterous to suggest that the consultation has been so well conducted, the inquiries have been so complete and rigorous, that we need no longer look at the range of transport options and other impacts that we need to take into consideration in relation not only to Gungahlin but also to the rest of Canberra. What about the public transport needs, the environmental needs and impacts, and the range of possibilities in relation to the development of a public roads and public transport infrastructure? To suggest that we are so across the issues and so much of one mind in relation to them that they do not warrant inquiry by the Urban Services Committee, or that the people of Gungahlin or any other affected person does not have some interest in seeing this matter further inquired into, is just nonsense for someone who was involved in some of the previous negotiations.

I can assure you that they were most unsatisfactory. There is a wide range of issues that have never been appropriately reviewed or looked at in relation to public transport or public infrastructure as it affects or involves Gungahlin, and all those areas that would be affected by the construction of the proposed John Dedman Parkway.

The other point that must be responded to in relation to this is the subterfuge, the pea and thimble trick, the magician's trick, that has been used here by the Minister in an attempt to give some impression that this road will simply appear overnight if only the Government is left to get on with its business. The Government has signalled quite clearly - Mr Humphries signalled it at the time of the Maunsell inquiry, and it has been repeated again by this Minister, under pressure - that it is not proposed to develop this road, if it is to be proceeded with, for another 10 years. Yet this has been run up the flagpole now as a subterfuge.

**Mr Rugendyke:** It is a rush job.

**MR STANHOPE:** Well, not so much a rush job; it is actually a pretence, Mr Rugendyke. They are pretending that they are doing something by suggesting that they are committed to this road. Yet, when you ask the Minister, when he is forced to be honest, he says, "Well, we are not actually building it for 10 years, but we would like the people out in Gungahlin to think that it is only us that will deliver, but not for 10 years". That is well beyond the time that the Minister will be a member of this place. He cannot possibly last that long.

**Ms Tucker:** He is saying six years now.

**MR STANHOPE:** It is down to six years now, is it? He has dropped four years off it. The people of Gungahlin will be interested to hear, Minister, that you have reduced your 10 years to six years. But, let us be honest about this. We are talking about six years.

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There is no great rush. There is no reason to prevent the Urban Services Committee conducting this inquiry with these terms of reference. In fact, there is every good reason to allow this place to consult with the people of Canberra on these terms of reference on this very important issue. To oppose this is just an act of political nonsense.

**MR MOORE:** (Minister for Health and Community Care): I seek leave to speak again on this matter, for a short time.

Leave granted.

**MR MOORE:** Thank you, Mr Speaker, and thank you members for your indulgence. When I spoke the first time it was prior to Mr Humphries and Mr Smyth speaking. I think it is very important, as far as I am concerned, to emphasise that this does not have to delay the process at all; that the variation to the Territory Plan that they are proposing to put up and that should be the whole consultative process can be achieved by ensuring that they take into account what the members of the Urban Services Standing Committee report on. They can draw the variation accordingly. That will ensure that we have a very broad process instead of what happens in terms of a draft variation to the Territory Plan.

I have some experience of this as chair of the previous committee which dealt with planning and environment issues. When a draft variation comes before the committee, although you try to see the variation in the broad context, it is often quite difficult to do that. This motion and the amendment that we have before us provide the opportunity to get a broad view of this issue.

Mr Stanhope was right when he said that this is not a new issue and that it has been looked at before. In fact, I was involved in the GET study, the Gungahlin external transport study in 1986, which was substantially before self-government. I remember very clearly that one of the issues I put on behalf of the Reid Residents Association and the City Residents Coalition when we were working with that study was that the single most important issue that we had to deal with in terms of Gungahlin and external transport issues was employment in Gungahlin. That was the most important thing, and I think that was broadly recognised. The outcomes of the GET study showed that it was important.

I think it is something that we have not done well in the development of Gungahlin. There are a tremendous number of pressures for development elsewhere, particularly within the Parliamentary Triangle. Certainly, Federal departments still seek to locate within the Parliamentary Triangle. There is a status, a pecking order. Who is closest to Parliament House is the one who has the highest standing. I think that is very disappointing indeed because the Federal departments do not need to be near Parliament House at all. They would do well to be located in Gungahlin or Tuggeranong or Belconnen. Some of them are, but not enough. I think it is a failure of our plan and the National Capital Plan that we have allowed departments to move there. That is what helps create these problems. Even if we do manage to get Federal departments into a place like Gungahlin, there will still be transport issues, just as there are from Belconnen in to Civic and Woden, back and forward, and also as far as Tuggeranong is concerned.

Mr Speaker, the appropriate way to look at this, contrary to what my ministerial colleagues are putting, is to give that committee the task that the Planning and Environment Committee suggested towards the end of the last Assembly that they should have and proceed with it. I think my ministerial colleagues here would do well to concede that that is the sensible way - to back off and agree with this and vote with me, Mr Corbell and Ms Tucker on this issue, recognising that that is the sensible way to go.

**MS TUCKER** (4.35): I will speak briefly again although I spoke before, but not particularly on the amendment. I am quite comfortable with the amendment. We worked on it together but I would like to point out - - -

**Mr Moore:** Are you closing the debate or are you speaking to the amendment?

**MS TUCKER:** No, I am speaking to the amendment. I would like to point out that my motion was drafted in consultation with the secretariat and was based on their advice that this was the correct process and wording to use in this situation; but if members of the Assembly feel that Mr Corbell's words and this way of presenting it are sufficient then I can accept that.

The critical point for me is that the Government has to wait until the committee has completed its inquiry before it can release the draft plan variation. What Mr Moore said is quite true. It is obvious that Mr Smyth's protestations about duplication do not bear a lot of weight because, obviously, if the Urban Services Committee's inquiry into the draft variation is informed by what comes out of this inquiry there will not be a lot of duplication at all. It should be a very short and snappy inquiry into the draft variation.

The aspect of my motion left out of Mr Corbell's amendment is that I wanted the Government to make a statement in the Assembly about what it has done in response to the points I have raised as I felt that this would give the Government's response more public exposure. This statement could then be referred to the committee for detailed examination. Mr Corbell's amendment merely refers these matters directly to the committee. I would, therefore, like Mr Corbell's assurance that he will be pushing for the committee to request the Government to cover all the points in my motion in its submission to the inquiry, and that the committee will adequately address the specific issues raised in my motion.

**MR SMYTH** (Minister for Urban Services): Mr Speaker, I seek leave to speak a second time.

Leave granted.

**MR SMYTH:** I think the points have been well canvassed. The Government still opposes this. Mr Stanhope says it is some sort of subterfuge and that we should be ashamed of ourselves. I have made it quite clear right from the start that this was the next step in the process; that it was only the draft variation to reserve the area upon which the road would go.

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I have made it quite clear since I promoted this issue that we expected this to go ahead in 2005. It depends, of course, on the population levels in Gungahlin and their needs, so it may come a little earlier or it may come a little later. The interesting thing is that those opposite would see something wrong. They keep saying that the date has changed. When Mr Humphries started the process it probably was closer to 10 years, but that is three or four years ago now. So, take three or four years off that and that brings you back to the six years that will take us to 2005.

Mr Moore raised the point about employment in Gungahlin. I think Tuggeranong is a perfect example. The expectation was that more government departments would go to Tuggeranong and that there would be higher employment down there than there is. I guess they just ran out of departments to transfer to Canberra. The departments have now certainly relocated to Barton. That is true as well.

In regard to employment in Gungahlin, this Government, when it was planning the town centre, insisted that there be office space on the second floors of the buildings in the town centre, and we will continue to make appropriate allowance for employment in Gungahlin. It suits our purpose to have employment in Gungahlin. It suits the people of Gungahlin to have employment there. They live there. Ideally, they would want to work there, I suspect. So, look; we are aware of all these things. I see this as simply another log, another hurdle, put in front of the future development of Gungahlin.

If the committee does its inquiries into the draft variation properly it will canvass these issues. I have written to the committee saying it should canvass these issues, and it should take on board the work done by the previous inquiry. There is no need to do this twice. It is process for process sake. I think it is stalling. I think those who do not want it to go ahead are attempting to thwart the process in this manner. I think it is more than appropriate that we do it through the draft variation.

Mr Corbell and others said that it was because of some sort of greedy land claim - sell land, make money. The people who have raised issues about Bruce are the people who live and work in Bruce. The AIS would like some certainty so that it can develop future options that it has on the board. They want to develop a sports medicine precinct but are uncertain as to whether or not they should do it simply because they are not sure whether or not a parkway will come through the middle of the precinct. Indeed, all the planning for the Bruce precinct needs some certainty so that people can get on with their lives. I do not see that as a greedy land grab. Those opposite think that the residents and the workers of Bruce are insensitive because they would like not to have the parkway through the middle of the precinct. Trying to portray that as the Government being greedy for dollars is somewhat stupid.

We would like to see areas like Bruce go ahead. I think all here would like to see areas like Bruce go ahead appropriately so that as a city we develop employment options and we broaden our employment base; so that we can offer people jobs, long-term jobs, so that they can have that security and the income that comes with it. That is neither greedy nor stupid.

Mr Speaker, the Government will oppose this proposal. We believe that all of these issues can and should be appropriately addressed through the one process. We think it is reasonable to do so. We have made no bones about the fact that this is our desired option. Mr Humphries announced that during the last Assembly. It is a position we took to the last election. I think it is about time others came clean about their intentions in endeavouring to thwart this process.

**MR SPEAKER:** I call Ms Tucker, to close the debate.

**MS TUCKER (4.41):** Listening to Mr Smyth makes me realise that it is a bit of a problem having the same Minister dealing with planning and the environment because we just heard him say he cares about the people of Bruce because they do not want a freeway going through their precinct, but who is advocating for the environment here? Mr Smyth is the environment Minister. It is the classic situation where the environment does not have a vote, does it? The environment cannot speak to Mr Smyth. He is the environment Minister, but it is apparent that this is not going to be getting a lot of consideration.

Mr Smyth just said that there is no subterfuge; that he has always said that it would be a number of years before the road was built, depending on demographics and so on. So why did he say previously in the debate that this motion was a slap in the face of Gungahlin residents? That is a total contradiction. Obviously, it is not a slap in the face of the Gungahlin residents. It sounds from what he just said now that he thinks it might be a slap in the face of the people who want to develop Bruce, but it is obviously not going to have any impact on Gungahlin residents if we have this inquiry or not.

As for the question of due process, Mr Smyth says, "We have done the work". We cannot even get from Mr Smyth or his Government what the comparative costs are of these two alignments. Forget whether we are going to have a broad discussion about whether there is a road, about whether we could reduce the need for a road, or maybe not need a parkway and just have a smaller road. Those broader questions still have never been addressed. Forget that. We are just asking, Mr Smyth, "If you have done the work, can the ACT community have some idea of what it is going to cost taxpayers to build this alignment versus this alignment?"

As we have heard, Mr Smyth has said there might be tunnels in the eastern alignment. The engineers that I speak to love tunnels because there is lots of work in tunnels and there is lots of money to be made. We would like to see a much more thorough approach taken from this businesslike Liberal Government before they tell us that the road has to go in one particular spot. We would like public policy to be formed by information. That is a quaint notion, I realise, at this point in the ACT, but we will continue to ask for it.

Now, Mr Humphries, I think, really said it. He got very excited and there was a lot of shouting going on before lunch. Looking at what we have written down here in our motion and what has been transferred into Mr Corbell's amendment, which is basically the same, he was saying, "What does this look like? We have in the same motion that we want to look at two roads, but you also want to look at things like the use of public transport". He kept saying, "What does this sound like? It's a contradiction". He did

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not seem to have any concept of what we are asking for, which is actually a comprehensive, integrated transport strategy for the ACT. Mr Speaker, that is what we have been asking for for quite a number of years.

Mr Smyth says the work has been done. Well, when John Langmore's committee looked at that, the report from his inquiry recommended that there be a future public transport option study. That has not been done. It also recommended the development and implementation of a detailed strategy of measures to facilitate the use of public transport and other non-car models of transport by Canberra residents, particularly including Gungahlin residents. That has not been done.

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, has not been done. The development of a plan for an eastern ring-road from Gungahlin and the Barton Highway to central Canberra and the Monaro Highway is being looked at. Now, here we come to the ACT. The release and implementation of the ACT's integrated land use and transport strategy announced in 1997 has not been done.

Which work has been done, Mr Speaker? Maunsell happened. Maunsell has been criticised very loudly for the processes and results. That is why we have in this motion that we want to really look at why this Minister for the environment, this Minister who got behind the earth charter, thinks we do not need a full environmental impact assessment while we put a freeway through a nature park. It is all really very interesting. As for what I think about what Mr Humphries and Mr Smyth have said this afternoon, actually, I do not need to say. Anyone just needs to read *Hansard* and they will see that they have no idea about how smart cities deal with transport in 1999, moving into the new millennium.

Mr Speaker, these people are still in the 1960s. They say, "We will build a freeway and we will move people on roads". What happens to the freeway? We are going to get 80,000 or 100,000 people in Gungahlin. Where are they all going to end up when they drive in their cars? They are going to end up on Barry Drive, or maybe not. Maybe they are going to go through the Botanic Gardens, which was the original proposal that John Langmore's committee looked at and which was soundly rejected by most of the ACT community. What happens if you do, by some amazing feat, get a road going past the Botanic Gardens? Where are another 80,000 or whatever it is people going to park? That's fine; we build more car parks in the city, do we? Is this smart? It is just ridiculous. Of course we have to look at the broader ways of moving people around the city.

This Government claims to be clever, and this Government claims to be caring. They are showing that they are neither in this particular approach. I am very pleased that members are supporting the motion that I put today. I know that a lot of members of the community are also very pleased to see that at last we will get a good look at how we can manage to move people around this city in a better way.

Mr Humphries likes to play political games during debates and he was taunting me, saying, “You want no road; you want no road”. I did not answer that because obviously it is not a yes/no answer. What we are saying is this: Can we look first at the issue of whether or not we can manage without another road? It may not be possible, but can we at least look? Can we actually look as if we are a city that is interested in moving into the new millennium with a smart approach to transport? It may be necessary to have a road; it may not. We do not know. All we are told by the Government is that we need it. They say they have done the work, which they clearly have not. Mainly this is about the Bruce precinct and it is, once again, a totally inappropriate process.

I hope that we see, as a result of this committee, some kind of comprehensive plan or strategy at last in the ACT. It is not just the Liberal Government or the Labor Government. I can remember Norm Jensen. I remember that there was lobbying going on about this same road when Norm Jensen was in this place. In fact, I was involved in that as a resident. I have a long knowledge of what has happened in this area and in this parliament. I am certainly not just saying it is just this Liberal Government; it is also about the previous Labor Government; and it is about the broad issues. It is not just about whacking in a road.

Amendment (**Mr Corbell's**) agreed to.

Motion, as amended, agreed to.

### **BUILDING AND CONSTRUCTION INDUSTRY TRAINING LEVY BILL 1999**

Debate resumed from 24 March 1999, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

**MR SPEAKER:** There is a housekeeping item to be dealt with.

**Mr Berry:** I raise a point of order, Mr Speaker. The Bill as submitted does not meet the requirement of the standing orders to ensure that it matches the notice of presentation. The long title of the Bill does not include the words “and for related purpose”. It is merely a typographical error that it did not find its way into the Bill. I think, for housekeeping reasons, that it needs to be addressed. I seek leave to proceed with the Bill notwithstanding.

**MR SPEAKER:** Is leave granted? This is a housekeeping item. The title of the Bill is not as originally proposed. There being no objection, leave is granted. Mr Stefaniak, please continue with the debate.

**MR STEFANIAK** (Minister for Education) (4.51): Mr Speaker, I spoke earlier with Mr Berry in relation to this and I have just spoken with an officer out the back about some further amendments which still have not been done. They were pointed out to me this morning. I have one lot of amendments which I indicated to Mr Berry I would be moving.

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I think on that basis, Mr Speaker, it would be best if this debate were adjourned until the next sitting. On that basis, I move:

That the debate be adjourned.

**MR SPEAKER:** You cannot. I need somebody else to move that, please.

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

That the debate be adjourned.

**Mr Berry:** You cannot do it without dealing with the in-principle stage, surely.

**MR SPEAKER:** Pardon. You can move that the debate be adjourned at any time. It is a matter for the Assembly to decide whether or not the motion is agreed to.

Question put:

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

*The bells being rung -*

**Mr Berry:** This is only the in-principle stage.

**Mr Moore:** But we are not ready for it.

**Mr Berry:** It is a mirror image of your Bill, approved by your Cabinet. I have "Cabinet-in-confidence" written on the front of it. It is your Bill.

The Assembly voted -

*AYES, 11*

*NOES, 6*

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

Mr Berry  
Mr Corbell  
Mr Hargreaves  
Mr Quinlan  
Mr Stanhope  
Mr Wood

Question so resolved in the affirmative.



**CABINET-IN-CONFIDENCE DOCUMENT**  
**Statement by Member**

**Mr Smyth:** I raise a point of order, Mr Speaker. Mr Berry just indicated that he has a Cabinet-in-confidence document, which I believe he said came from this Cabinet, which he would not be entitled to have in his possession. I wonder if he would surrender it to the Clerk, please.

**MR SPEAKER:** There is not very much the Chair can do about this, Mr Smyth.

**MR BERRY:** Mr Speaker, am I able to make a short statement in relation to this?

Leave granted.

**MR BERRY:** Thank you. Mr Speaker, I would love to have referred to this in some sort of mention about whether this matter ought to be adjourned or not because what occurred, in effect, Mr Speaker - - -

**Mr Moore:** That is reflecting on a vote of the Assembly.

**MR SPEAKER:** Order, please! Your feelings on the matter are of no consequence to the Chair. You might like to make a personal explanation.

**MR BERRY:** Well, thank you. I have leave - - -

**Mr Wood:** He has leave to speak.

**MR BERRY:** I have leave to speak.

**Mr Moore:** I take a point of order, Mr Speaker.

**MR SPEAKER:** Order! Mr Berry has leave to make a statement.

**Mr Moore:** Mr Berry sought leave to make a short statement on this matter. That was exactly what he said. He has that leave.

**Mr Humphries:** That is right, which was the Cabinet document.

**Mr Moore:** On the Cabinet document. What he does not have is leave to reflect on - - -

**MR SPEAKER:** Sit down, Mr Berry. A point of order is being taken.

**Mr Moore:** I am taking a point of order, Mr Berry. What he does not have is leave to reflect on the vote of the Assembly. The standing orders still apply.

**MR SPEAKER:** I uphold the point of order.

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**MR BERRY:** I am not reflecting on a vote of the Assembly. You are perfectly entitled to take a vote and I respect that. Mr Speaker, the Bill that I am talking about is a mirror image of an exposure draft which was circulated by the former Liberal Government before the last election - in 1997, in fact. It was circulated after long consultation with the industry, which gave rise to the development of the Bill. It was circulated and it was described as an exposure draft, Mr Speaker. That was in 1997. Before the last election the Liberals opposite had agreed to implement this legislation immediately after the election. But, of course, Mr Speaker, the election came and went and they lost interest in this particular piece of legislation. However - - -

**MR SPEAKER:** Thank you. You have made your short statement.

**MR BERRY:** No, Mr Speaker, I have not got to the Cabinet-in-confidence bit.

**Mr Wood:** There is no restriction on what he can say.

**MR SPEAKER:** Then get on with it.

**MR BERRY:** There are no restrictions, Mr Speaker.

**MR SPEAKER:** Then get on with the Cabinet-in-confidence allegation.

**MR BERRY:** Mr Smyth raised - - -

**Mr Humphries:** Mr Speaker, I raise a point of order.

**MR SPEAKER:** Excuse me; sit down, Mr Berry.

**Mr Humphries:** Mr Berry was clearly given leave by the house to make a statement in relation to a point of order - - -

**MR BERRY:** No, this matter.

**Mr Moore:** The matter of Cabinet-in-confidence.

**MR BERRY:** There it is. I am coming to that.

**Mr Humphries:** May I please be allowed to proceed? In relation to the point of order raised by Mr Smyth - - -

**Mr Wood:** You opened it up, you lot. It is your fault, if it is a fault.

**Mr Humphries:** Mr Speaker, Mr Berry was given leave - - -

**MR SPEAKER:** It is getting late, is it not? I can guarantee that from the behaviour of the house.

**Mr Humphries:** Mr Berry was given leave to make a statement “in relation to this matter” - I think they were the words he used - and that was in relation to the point of order raised by Mr Smyth about Mr Berry’s claim on the floor of this place that he had a Cabinet-in-confidence document in front of him. Mr Speaker, that is the matter on which he was given leave to make a statement. He cannot make a statement about what he had for lunch today or what he thinks of the situation in Bosnia. He has to make a statement about the Cabinet-in-confidence document which Mr Smyth raised a moment ago.

**MR SPEAKER:** I uphold the point of order.

**MR BERRY:** Yes, indeed. Thank you, Mr Speaker, but it would be inappropriate - - -

Debate interrupted.

### **ADJOURNMENT**

**MR SPEAKER:** Order! It being 5.00 pm, 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.

### **CABINET-IN-CONFIDENCE DOCUMENT** **Statement by Member**

**MR BERRY:** Mr Speaker, it would be inappropriate of me to talk about this matter without giving appropriate details as to its background in order to make sure that members are properly informed. That is why I have raised those earlier issues. In the course of preparing a final draft for submission to this place, Mr Speaker, I went to counsel and issued instructions and said, “I would like a mirror image of this Bill. Use this one as a template”. That is the one that I referred to earlier. They said, “Well, that sort of belongs to the Government at the moment. We will have to find out whether they are still interested in it”. They did that and then they found out that the Government was no longer interested in it, it appears, and the next copy of the legislation which I received was this one. It is probably an accident that that was on there. It probably is an accident that “Cabinet-in-confidence” was on there.

**Mr Stanhope:** It was provided to you by the Government, Mr Berry.

**MR BERRY:** Well, it is in fact their Bill. So, it begs the question, Mr Speaker, if I may use that term, why in fact this Government would want to adjourn it.

**STUDENT UNIONS - COMPULSORY FEES**  
**Motion**

**MR CORBELL** (5.02): Mr Speaker, I move:

That this Assembly:

- (1) condemns the Federal Liberal Government's attempts to outlaw compulsory student unionism and notes the detrimental effect that such a move would have on the ability of student unions to provide a wide range of essential services;
- (2) recognises the important roles performed by the student unions at the Australian National University, University of Canberra, Australian Catholic University and Canberra Institute of Technology by providing a wide range of services to their respective members.

Mr Speaker, I have moved the motion in my name on the notice paper in relation to compulsory student unionism because of the issues surrounding the Federal Government's proposal for the removal of a compulsory payment by students for the provision of services on campuses and the impact that that would have on university students in the ACT. I think it is entirely appropriate that this Assembly take the step of indicating to the Federal Parliament and the Federal Government its opposition to any move that would downgrade the level of service and amenities provided to students on university campuses in the ACT.

Mr Speaker, I was prompted to take this step after receiving a letter from one of my Labor colleagues in Tasmania - indeed, the Minister for Education in Tasmania - who had moved a similar motion in the Tasmanian House of Assembly. In the Tasmanian Parliament there was bipartisan agreement that the parliament should communicate to the Federal Government its opposition to the implementation of this draconian VSU legislation through the Federal Parliament. I hope that the same can be said of us tonight and that all members will join the Labor Party in opposing the implementation of this legislation. Mr Speaker, it is important to remember that this legislation, if it is implemented, will affect every campus across the ACT. It will also affect every university across Australia.

Mr Speaker, there has been a large number of voices in opposition to the introduction of the voluntary student unionism legislation. They number amongst them the Australian Vice-Chancellors Committee and the vice-chancellor of the Australian National University, Sir Gerard Brennan, a former Chief Justice of the High Court of Australia. They have all come to the same conclusion, which members here tonight should come to, and that is that if that legislation is implemented it will lead to a downgrading of the level of service and amenity provided to university students on university campuses. Mr Speaker, I know that my colleague opposite Mr Humphries has been a strong advocate of choice in all manner of things and is strongly against anything that requires compulsion. However, I would hope that at least on this issue he will reconsider his

view. I do that, Mr Speaker, because if you look at the services that are provided on campuses in the ACT and around Australia you will see that those services simply could not exist without the universal charging of a fee of students.

The Australasian Campus Union Managers Association did a survey recently on the types of services that would be detrimentally affected if the voluntary student unionism legislation were implemented. I would just like to read from that list. The list of services that ACUMA found would be affected by the VSU legislation included accommodation, activities and recreation programs, advocacy, advisory governing boards, student appeals, cafeteria bars, child care, cinemas, clubs and societies, student diaries, employment and careers, graduation support, help desks, student accident insurance, legal advice, student media, including student newspapers - one of Mr Humphries' favourites - student development courses, social events, faculty development, meeting rooms, lounges, libraries, study rooms, orientation weeks, information publications, radio short courses, postgraduate support, tax services, dental care, student representative councils, student associations and welfare. In the sport and recreation area the list included camps, clubs, intra- and interuniversity competitions, equipment hire, fitness centres, insurance, recreation programs and sports fields and facilities.

That is a very wide and very encompassing list and I have no doubt, both from personal experience and from the information I have been able to get together in the lead-up to this debate, that all of those services are provided in one way or another on all of the ACT's university campuses. The fundamental question here is not about compulsion; it is about whether people have a responsibility to contribute to the provision of the services that all can then benefit from. Indeed, the vice-chancellor of the Australian National University has compared it to the issue of paying rates to a shire council. Everyone in a shire pays rates. They pay rates to get a general level of service for the community in which they live and participate. Indeed, if you removed the requirement for everyone in a shire to pay rates, very few people would pay them. But then, Mr Speaker, what would you encounter? You would encounter a situation where, when you needed to travel down a road, it would not be there. When you needed to have rubbish collected, it would not happen. When you needed the water connected, there would be no-one around to do it. When you needed to borrow a book from the public library, there would not be one. That is the fundamental question that we face when we think about the impact of VSU in the ACT. The same sorts of problems would be encountered.

In Western Australia, where the Western Australian Parliament has implemented VSU legislation, it has been found that less than 2 per cent of the students will contribute the fee.

**Mr Humphries:** What does that say about student unions?

**MR CORBELL:** But it is not as though the service is not being provided, because all that it has meant is that the universities have had to pick up that cost wherever possible. It has also meant a severe degradation of services. Indeed, it has meant a loss of jobs. I would like to think that the Government opposite would never want to support anything that would mean a loss of jobs.

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Mr Speaker, the VSU issue is about ensuring that students get a decent level of service. Again, I draw the Assembly's attention to the Western Australian example. At one university in Western Australia the student associations and student unions employed 48 people to provide a range of services and facilities to students. Following the introduction of the VSU legislation, they could no longer afford to employ those people and they now employ two - two people. Who are the people who suffer as a result of that? It is not always the student unions and student associations. It is the students they support; it is the students they provide services to.

Using the rates analogy which has been used by Deane Terrell, the vice-chancellor of the ANU, we have to realise that with the implementation of VSU we are going to see a reduction in the level of services provided at campuses.

As to the proponents of this legislation, it looks like Mr Humphries is going to stand up and take the same point of view as his Federal counterpart, David Kemp.

The ANU has taken the view that it is not a matter of compulsion. Indeed, they have a requirement that every student pay this fee. It is a fee that they are required to pay so that they have access to services and facilities on campus. But they have taken the view that no-one is required to be a member of a student association or a student union if they choose not to be. The ANU has drawn a very clear distinction between those two things. The University of Canberra, our other major institution - indeed, an institution under our jurisdiction, Mr Speaker - has taken a similar view. There is certainly no requirement for any student to be a member of an association or to participate in an association if they choose not to, but the university certainly take the view that they are required to pay the fee.

It would seem that the real problem that conservatives have with this legislation is that they fear that the money for student associations from a compulsory charge will be used to support all sorts of undesirable political activities - nasty neo-Trotsky sorts of activities - which would undermine the agenda of conservative parties wherever they may be. That has certainly been the argument that has been presented by Dr Kemp. I assume that we will hear it from Mr Humphries later this evening. I tried to look at where these radical fringe elements were getting all this money compulsorily acquired from students. I looked for the neo-Trotsky organisation in the ANU's list of contributors. Guess who gets the most money at the ANU from student activities in terms of clubs and societies? It is the film club, at the ANU.

**Mr Stefaniak:** That could be neo-Trotsky.

**MR CORBELL:** Mr Stefaniak says, "That must be the neo-Trotsky society". I must say, Mr Speaker, that there is an excellent film club at the ANU, and it highlights the usefulness of having this type of charge. It highlights why the charge should be administered in a universal way.

It is important to remember that in Canberra it is not just students themselves who use these facilities on campus, although they are the main beneficiaries of them in most regards. It is also the staff who use the facilities on campus and it is also the wider community. I am sure that all of us have seen the range of services that are advertised for

the wider community by, say, the ANU sports union or the University of Canberra sports union and some of the other services on campus. Those sorts of services are available to everyone. The sporting fields at universities, the gymnasiums and the equipment that goes with those gymnasiums, and other facilities are made available at a subsidised rate to members of the community at large. If this charge is implemented that will be lost; there is no doubt about that. The universities, particularly the ANU and the University of Canberra, simply do not have the money to pick up the costs associated with the provision of those services. If this fee were implemented, we know that most people would not pay it. We also know that if this new legislation were implemented, those services would no longer be provided.

Mr Humphries interjected earlier that, if only 2 per cent of the students in Western Australia paid the fee after the introduction of the new law, what does that say about student unions. I put this question to Mr Humphries: If we made paying tax optional, how many people do you think would do it? Mr Speaker, I am sure that everyone in the community would still expect us to provide the roads, the bus services, the hospitals, the schools, the libraries, the police, the fire brigade, the counselling services and all the other things that we expect as a civilised society, but I bet it would not be the same number of people who currently pay tax because we have to. That is exactly the same argument when it comes to a charge for student services.

To suggest otherwise is nonsense. To suggest otherwise is to ignore the reality of the provision of services on campuses. We have an obligation as an Assembly to send a message to the Federal Parliament and that message should be that this legislation would detrimentally affect people in our community who attend university and use the services provided by universities. We should reject that move. We should say that it is not acceptable and we should join in a bipartisan manner, as our colleagues in the Tasmanian Parliament did, in rejecting this legislation outright.

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.16): Mr Speaker, I think it is interesting to see how people will try to move away from the central issue in order to portray a particular concept or commodity as being terribly desirable for us all to have. I was astonished by the claim Mr Corbell made that this is not an issue about compulsion. That is nonsense; it is simply nonsense. This is about compulsion. This is about requiring people to belong to organisations in order to obtain certain facilities or services. In this case, it is a requirement that students belong to student unions, however described, in order to be able to obtain the facility at a university or college to receive a degree or other tertiary qualification. That, Mr Speaker, is compulsion. There are no ifs or buts about it; it is compulsion. You do not get that service unless you pay that fee.

Mr Speaker, I think that that is most reprehensible. As a matter of principle, I think people should not be compelled to purchase services they do not want, unless there is clearly a case based on the provision of services which they absolutely have to use and which they will use because of the nature of the service. Mr Corbell put it to me in the course of his remarks: How many people would pay taxes if they had the choice to do so? I would put it in a different way, Mr Speaker.

**Mr Corbell:** Yes, you would, because you can't defeat the argument.

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**MR HUMPHRIES:** No. I think there is a very important case for making things compulsory where there is a demonstrated benefit to everybody. If I do not pay rates or taxes, can I be stopped from driving my car on the road? Clearly I cannot. Can I be stopped from being picked up by an ambulance after being knocked over by a car? Clearly I cannot. But there is a difference with universities and services in those places. Why should those services not be provided to people on the basis that they pay for the services voluntarily?

If I am a student at a university and I want to belong to an organisation, voluntary student unionism requires me to be persuaded that the organisation has such a high quality of service that I am going to make the choice to join it because I want to get the services it offers. Let me put what Mr Corbell put in another way. Mr Speaker, why should we not say to students that the services they are getting in a university are services of a high order, a high quality, that they are services which are very effective and do important things for students, and give those students the choice as to whether they wish to purchase those services? Mr Speaker, I think that that is an effective kind of choice to offer.

If, for example, someone were to come up to Mr Corbell in Gungahlin and say, "Mr Corbell, your suburb doesn't have a health centre, it doesn't have a swimming pool and it doesn't have various other services that we think are important to have in Gungahlin. We require you to pay a fee towards those services - whether you use them is quite immaterial - and we are then going to provide those services for you in that suburb" - - -

**Mr Corbell:** I do that at the moment.

**MR HUMPHRIES:** No, that does not happen.

**Mr Corbell:** I pay for services in Gungahlin which I don't use.

**MR HUMPHRIES:** Mr Corbell already pays his rates. He already pays his taxes. This is on top of his rates and taxes. He is paying his rates and taxes, just as the university student is already paying his fees to the university for the provision of his degree. To go back to the analogy I was just using, we have here the householder in a particular suburb of Canberra who is told that he has to put forward money for providing in his locality a service which he may not use, which might be very badly run, which could be tremendously rorted and be a rip-off, but which he has no choice in providing because someone deems that particular householders in this area must be members of this organisation and provide services through the levying of a compulsory fee on these people.

We would say that that is nonsense. There should be no reason why people should be forced in those circumstances to pay that kind of fee. Yet when they are university students, placed in the context of a tertiary institution, we take a different approach. We say that these people should be required to pay a fee, even if they do not use the service, even if they have a very low opinion of the quality of the service and, because of the



compulsion, they take the view that what they get in the way of this service is very badly managed because students are not being offered an incentive to choose to use those facilities and to belong to that organisation to get them.

There is no reason that student services need suffer if you provide a nexus between choice and the quality of service that people get. There is no reason that they need suffer, any more than you need have, say, a private health facility go under because people are not forced to belong to that health facility. Where someone builds a health facility, such as the Deakin Health Spa, in the middle of a suburb somewhere, the facility has to prove its worth to the community around it in order to survive. It has to persuade people that the services there are so good that it is worth belonging to that organisation to get those services.

Why are student services any different? In fact, student services by way of sports unions are very similar to the sort of thing I have described at Deakin. They are organisations that provide exercise facilities, gymnasia, swimming pools, training routines and so on, and a lot of people choose to get those services by belonging to those organisations. Why should people at university not be able to choose whether to belong to a sports union or association and buy the services that that sports union or association might have to offer? What conceivable reason is there? "Oh no", says Mr Corbell, "You must pay for those services irrespective of whether you use them or are likely to use them". You could have disabled students or mature age students, who have no intention of working out in the gym or doing 50 laps in the pool at any stage in their university careers, being forced to pay for this service. Talking in terms of the ANU, where I was a student, the union provides - - -

**Mr Berry:** And president of the association.

**MR HUMPHRIES:** No, I was not president of the union. I was president of the students association, which is different again to the union. The problem with this debate, of course, is that it ties in the term "student unionism" with terms such as "union" which have a different meaning on a campus; but that is a side issue, Mr Speaker.

The union at the ANU provides a range of mainly food- and drink-related services to its members. There are bars, there are restaurants and there are newsagents, drycleaners and so on and people can use those services on a subsidised basis. Mr Speaker, there is absolutely no problem whatsoever in requiring those who wish to use those services - at the subsidised rate, for example - to produce a membership card to be able to access them. I have been to a university - namely, the University of New England, where I was a student for a year - where just that system operated. If you went to the bookshop, you got a discount if you produced the card; if you did not produce the card, you did not get a discount. If you went to the cafeteria, you got a discount on your food and drink if you had the card; you did not if you did not have the card. People chose to belong because over a period of a year they knew that they would use those services so frequently that it was worth their while forking out that money.

Clearly, students who are, for example, external to the university would be able to make an objective assessment about whether they would use those services before they paid their fee. You have enormously anomalous situations all over the place at the moment.

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For example, a student enrolled in a four-year part-time external course at the UNE at best would set foot on campus once a year during that period, but has to pay student union fees. That seems to me to be inequitable. You have another case of a student enrolled in one subject at the UNE who pays \$40 a year in student fees and gets access as a result of that to the sports union for the four days that he is in Armidale for external schools. Some would argue that \$40 for a service he might not even use and can use only over four days anyway is rather steep.

The fundamental reason that I think we need to accept voluntary student unionism as a positive thing to see on our campuses is that it puts the onus on student organisations to demonstrate that they are relevant and worth while to students. That is the fundamental concern. There are student organisations which provide services - and I have mentioned the union and the sports union in the case of the ANU - and there are student organisations which provide what could be described as advocacy services. In the ANU's case, that is illustrated by the students association and the research students association.

The fact is that when we come to talk about organisations of that kind the records show innumerable examples of a quite gross wastage of money, a quite scandalous misuse of student funds, which students, in general, have little say in doing anything about because of the compulsory nature of membership and the fact that most students are more concerned about getting their degrees and focusing on their purpose in being at university than they are in going along and trying to stack out meetings of student associations or SRCs. To give you some examples of those sorts of misuses of student moneys, in 1986 a study of the abuses that took place under the Monash University union board included revelations that the union gave \$99,960 - almost \$100,000 - to an organisation called the Community Research Action Centre to fund special projects, such as a Palestinian awareness campaign, an animal rights campaign, an organic methods of gardening booklet, a woodchipping protest campaign in East Gippsland National Park and a sexuality festival.

The ANU union in 1993 instituted a boycott against selling Nestlé products because of the company's alleged unethical marketing practices in Third World countries. The campaign cost students over \$6,500 a year in lost revenue because those products were not available, and so far has cost students \$45,000.

**Mr Hird:** How much?

**MR HUMPHRIES:** I said \$45,000, Mr Speaker. Another good example of very active political involvement by those student organisations comes in the form of the University of Technology in Queensland, where the student guild during the 1996 Federal election campaign spent over \$44,500 mailing out Labor Party propaganda. They used guild vehicles to deliver ALP material all over Queensland. They spent \$7,000 of the students' money on anti-Liberal T-shirts. They paid professional protesters to turn up at John Howard rallies. They paid professional protesters to turn up at rallies: "We will give you so much money if you will go along and say that you are opposed to whatever John Howard is in favour of". The guild provided food and drink to ALP supporters at student expense, placed full-page anti-Liberal advertisements in the guild newspaper and distributed anti-Liberal comments throughout the O week student diaries provided to all

students. The Northern Territory student union held a rock concert that was so mismanaged, so badly managed, that it caused the union to become insolvent, with students picking up the tab to bail it out. The Flinders University student association in South Australia held a dope day in 1994 when students were provided with marijuana by the students union.

**Mr Corbell:** You really never had a sense of humour, did you?

**MR HUMPHRIES:** I laugh when I see that, Mr Corbell. The list, unfortunately, goes on for much longer than I have time to speak. But, Mr Speaker, the issue here is why students should be compelled to contribute to that kind of nonsense. Why? For what reason? Students who support or belong to the Liberal Party are being forced to contribute their money to that kind of activity. Why should they? If the student union really does believe that these things are worth while - - -

**Mr Corbell:** I do that at the moment. I pay my rates so that you can run the Feel the Power campaign.

**MR HUMPHRIES:** If you want to interrupt me, that is fine; but I will ask for an extension of time, Mr Corbell. I seek an extension of time, Mr Speaker.

**MR SPEAKER:** Is leave granted?

**MR HUMPHRIES:** You will be perfectly welcome to speak and you will get an extension of time when you want to speak, Mr Berry.

**Mr Berry:** No, I do not want an extension of time. We do not want to be here all night.

**MR HUMPHRIES:** Do I have leave or do I not, Mr Berry?

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

### **Suspension of Standing and Temporary Orders**

**MR HUMPHRIES** (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.31): Okay. Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Humphries being granted an extension of time.

Mr Speaker, I think it is most unfortunate, most unfair, that Mr Berry has chosen to - - -

Motion (by **Mr Berry**) put:

That the question be now put.

Question resolved in the negative.

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**MR HUMPHRIES:** Mr Speaker, if Mr Berry indicates that I have leave to have an extension of time, I will be happy to withdraw my motion.

**MR SPEAKER:** You are now wasting more time, I grant you that.

**MR HUMPHRIES:** Do I have leave, Mr Berry?

**Mr Berry:** Yes, go on. I yield; I am wrestled to the ground.

**MR HUMPHRIES:** Thank you. I seek leave to withdraw my motion, Mr Speaker.

Leave granted.

*(Extension of time granted)*

### **Motion**

**MR HUMPHRIES:** Mr Speaker, the fundamental question here is: Why should students be put in that position? No convincing reason has been advanced yet by Mr Corbell or anybody else as to why students are different from everybody else in the community. No reason has been advanced as to why I should be forced to contribute to particular services I might not use as a member of this place or as a member of any other work force that I am aware of, except perhaps those places where there is compulsory unionism, which the Assembly has voted to outlaw anyway, or, in respect of the suburb where I live, beyond the fact that I have to pay rates and taxes for the provision of general community services.

**Mr Berry:** It is the same thing.

**MR HUMPHRIES:** It is not the same thing, Mr Speaker. It is a subset of my membership of the community at large. I do not pay those student union fees unless I go to a university, college or campus. I do not pay them. I do not pay them as Gary Humphries, living in Weston. We do not pay them, Mr Corbell, or anybody else in this place, unless we go to a university campus. Why should students be the only people who pay those sorts of fees under compulsion? There is no good reason, Mr Speaker.

I would argue, Mr Speaker, that the reason for compulsion in this context has not been explained. Why do students have to be alone among those in the community who are forced to pay for particular services which they may not want or use? Mr Speaker, in the absence of a reason for that, we should certainly vote against this motion.

**MR BERRY (5.34):** Mr Speaker, I think the first thing we should deal with here is what this is all about. This is an ideological position from the Liberals opposite about the collective spirit and its influence over decision-making. They are strenuously opposed to collectivism and they support the cult of the individual. Mr Speaker, why is it then that I have to pay rates and taxes in this Territory to pay the wages of Gary Humphries or for the Feel the Power campaign, the Bruce Stadium debacle or the futsal slab? The list goes on, as the Chief Minister would say. I do so not because I want to, not because I really have a say in the matter, but because I am part of a collective, that is, the collective

ratepayers of the ACT, and I accept that. Is it particularly good for me that I pay my rates and taxes to ensure that these things happen? Not really. I might find it embarrassing; nonetheless, I pay them each year because I am compelled to. I do not protest loudly about it, except when I represent my constituents.

The arguments that Kemp and all of those people take up are clearly ideological arguments about the collective. They are concerned about student unionism because, like unionism everywhere else, the collective voices are much stronger than the individual ones. The collective voices in the universities do have a political position on a range of issues, and so they ought to. It would be a shallow university system that did not have an avenue for the development of intense political ideas. It so happens that student unions generally defend the university education system, and defend it strenuously, and they usually attack conservative governments because conservative governments notoriously are not as committed to it as are left of centre or leftish governments in the scheme of things. I am not surprised that student unions contribute to anti-Liberal campaigns. The thing that does surprise me is that they do not contribute more because of the attacks on the university system. Yes, there would be people with a Liberal bent who are forced to contribute to student unions. I do not have any difficulty with that. I have been a union member for all of my working life. Sometimes one agrees and sometimes one disagrees, but once you are part of a collective the collective instinct and spirit are more important. That is what John Howard and his cohorts on the hill seem so committed to attack. They got stuck into the industrial unions in this country to try to water down their collective instincts and spirit. That will not work. In fact, it fires them up in the end run and that, in many ways, may be a good thing. This attack on student unionism will not work, either. But it needs the interest of the community to be directed to it.

I have a press release here that Costello once opposed Kemp on voluntary student unionism, the Tasmanian Liberals opposed voluntary student unionism, and the Young Libs rejected Kemp's VSU. Kemp is an ideologue - there is no question about that - and this is an ideological attack on the rights of students and the ability of students to argue their case, both politically and in the campus context, for whatever they choose to argue. Yes, it is about the provision of services and Mr Humphries has focused on the provision of services to distract attention from the real argument here. Whilst the services and so on that are provided by student unions are extremely important for students, because they are provided at discount rates and so on and so forth, the real issue here for the Liberals is collectivism and their intent to undermine it, because it has been the collective spirit of workers, students and others throughout history which has stood up against exploitation by the people whom the Liberals tend to support. It is collectivism which is the issue under attack here. It is not just student unionism; it flies right across the board and it is an issue of concern.

Mr Speaker, universities are the engine room of ideas. They should be also the engine room of protest about political issues and that ought to be encouraged. Of course, if you undermine student unionism, this engine room will not have so much fire in its belly. That is what the attack by the conservatives is all about. The student unions can marshal a strong collective voice on a range of issues. They can marshal a strong collective voice on political issues, if they choose to. I must say that I have seen them yell at Labor governments in the past as well. I must say also that they had my sympathy, because some things that were happening were not things that I particularly agreed with. If you

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undermine them as a spirit of the university system, I think you will be doing our universities a huge disservice and you will be doing our future communities a huge disservice. The spirit and the engine room of ideas which exist in universities will be undermined as a result of the actions which are being taken by the Liberals federally.

This motion deserves the support of this Assembly. I have not been fortunate enough to go to university. If I had, maybe I would not have been doing what I am doing now. I might have been doing something more enjoyable; who knows? Some people might wish I had been to university and was not here. I can tell you this much: If I had been to university, I would have been in the thick of student unionism. I would have been in the thick of it because it is important. If you want to have any power and influence over the bureaucracy and authority, you can only do it through a collective. I think that gets to the basis of what the Liberals opposite are on about. This motion deserves support because it is about encouraging the collective voice of individuals right across our society. We should be supporting that. This is an extremely important part of it which needs our support.

Policemen, firemen, blue-collar workers and white-collar workers have the advantage of unions and they maintain their position in society with their help. Not all the members of the unions agree with everything that they do, but at the end of the day their interests are in advancing the interests of students in this case and of workers and other members of society in other cases. I support the motion. I urge members to support it.

**MR STEFANIAK** (Minister for Education) (5.43): Mr Speaker, there was one point on which I would agree with Mr Berry. I think he hit the nail on the head when he said that the real argument here is not so much about services as it is about, as he called it, collectivism and the needs of people to be involved collectively. I think it is very much about that. It is very much about whether membership of student unions should be voluntary. I think that that is the nub of the motion and I think that that is of crucial importance here today. Mr Berry laughed when my colleague Mr Humphries read out a list of examples of waste and started talking about some of the political activities that student unions are involved in.

I do not think anyone has a problem with student unions protesting against anything they want. The question here, though, is whether university students should have to pay a fee and belong to a union or whether they should have the same rights as any person in the work force and be able to choose whether they wish to belong to a union. In fact, we amended the Discrimination Act in 1991 - I might have moved the amendment; I know that Mr Moore supported it - during the term of the second Follett Labor Government to make discrimination on the grounds of membership or nonmembership of an association or organisation of employers or employees illegal under section 7(1)(ia).

**Mr Moore:** I moved the amendment.

**MR STEFANIAK:** Mr Moore says that he moved the amendment. Certainly, we supported him. That was very much our position. I was very interested at the time Mr Moore moved it and I was pleased that he did because it is absolutely important and it is a fundamental right of anyone in this country to choose whether to belong to a union of

whatever kind. I think the biggest problem that we on this side of the house have in terms of this argument is: Why should that not be extended to the right of everyone to choose to belong to an association or union at a university?

There are some strong arguments both ways. Mr Humphries put some excellent arguments in relation to services. Mr Corbell also put some arguments in relation to services provided at universities. That is recognised. No doubt that will be debated on the hill when they go through the passage of a particular Bill. I note that there have been some conflicting reports from Western Australia as to the effect of their legislation on services, some saying that services have improved and some saying that it is all doom and gloom. I note that the Victorians have legislation whereby they continue to levy for certain services provided at universities but ban the political side of it. So, there are a number of things for the Federal Parliament to consider there. There is merit in a lot of the points raised by both Mr Humphries and Mr Corbell.

However, Mr Berry is right: It gets back to the fundamental question of whether people should be forced to join a union. Mr Berry seems to be worried that, if you do not have what we would say is an undemocratic compulsion for people to join, there would not be the same degree of student activism. I would say that that is nonsense. I went to the ANU. It was a lot more active then. It may be that I am saying that as someone who is getting old and is looking back fondly on his youth, but there was a lot of political activity. I am not saying that there is not now, but there was a lot of very public political activity then. It was at the tail end of the Vietnam War. The moratorium marches were on when I first went to university. We had the South African rugby tour in 1971 and apartheid was a very strong issue on campus. I can recall spending quite a number of nights with some people who are still very active in the community, such as Liz O'Brien, who is a great old activist from way back, at a vigil outside the South African Embassy protesting against apartheid.

I would have done that through choice because I believed in that. I would have done that regardless of whether I was a compulsory member of the union, which you had to be and which you still do, because I believed in it. I would have gone into any demonstration that I believed in and I think any student would do that. I think that it is totally irrelevant whether you have joined a union or not. This is a free, democratic country and I think it is a nonsense for Mr Berry to suggest that activism would cease. I think it is the very nature of universities and, indeed, large sections of our society that people are actively involved in issues in which they very much believe. That is especially true at universities, but why should students be forced to pay a fee for participating in those activities?

Mr Berry laughed when Mr Humphries was reading from a list of some of the moneys spent by, I think, the Queensland University of Technology student guild on anti-Liberal Party activities. I wonder whether he would condone that if they were spending it on anti-ALP activities. There were a few other examples which Mr Humphries did not read out. The National Union of Students had a considerable annual budget in 1987 - \$1.6m - and in December of that year they resolved to spend \$50,000 against the coalition parties during the 1988 New South Wales election. In April 1992 the national executive allocated \$5,000 for analysis to be done on the impact of Fightback - but not the

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One Nation package - on young people. In the Federal election campaign in 1993, the NUS spent over \$100,000 campaigning against the coalition with the slogan "Put the Liberals last".

Naturally, there would be lots of students who pay money into that university union who would not like that, just like there would be lots of students who, if for some reason the university union decided to do that against the ALP, would not like that because they would not necessarily support that. Is that fairness? I do not think that it is. Mr Berry is right: The real argument here is about the political side of it. Why, when there is no compulsion for people to join any other societies, unions or associations, is there this compulsion to join a student union?

I cannot think of anything, short of professional guilds such as the Law Society for the right of practice, but that is a bit different, where you have to pay up physically to belong and you do not necessarily agree with a lot of what the money goes for. I just think that the arguments opposite tend to go against the spirit of this particular - - -

**Mr Corbell:** What about the Law Society, Bill?

**MR STEFANIAK:** I think I made that point in 1991, Mr Corbell. I mentioned it in 1991, too. It is probably one of the last great compulsory bodies that you have to belong to to practise, but maybe there are some differences there.

**MR TEMPORARY DEPUTY SPEAKER (Mr Hird):** Order! The Minister will address his remarks to the Chair.

**MR STEFANIAK:** If you go through the Discrimination Act, it is quite clear that what Mr Corbell and Mr Berry are suggesting is very much against the spirit of that Act, if not the actuality. I cannot see any specific section in there which bans it, but it is very much against the spirit of that Act. I think that is the fundamental question here. That is why those of us on this side of the house will not be supporting Mr Corbell's motion.

**MS TUCKER (5.50):** I will be brief in speaking to this motion because I know that everybody wants to go. I will be supporting the motion. The attempts by the Federal Government to abolish compulsory student union membership would be, if successful, a very serious blow to students. Let us be very clear about this matter from the start. It is not about choice. It is about conservative forces attempting to silence the student lobby by undemocratic means. In a few instances, Liberal students have held control of student organisations, but mostly it is the opposite, as we have heard. There is probably good reason for that.

If it has been the desire of the Liberal Party to abolish compulsory student union membership, why did they not put that up as their platform and let the students endorse it in a democratic manner via election? We all know the answer to that is that they would not succeed. Why is that? Could it be because students understand that the funding provided by student associations provides valuable services that help students to get through university life? I believe so. It is interesting that the New South Wales Young Liberals also rejected the legislation this week.



I will outline the services funded by the University of Canberra students association that will either no longer exist or be cut substantially if the Federal Government legislation is passed: Free legal advice to students; trained mediators and sexual harassment contact officers; the Aboriginal and Torres Strait Islander students association; the parenting room; the community-based child-care facility, Kirinari, that provides places for students with children and the greater community; participation in other organisations, such as the Youth Coalition of the ACT, and the National Union of Students; emergency loans and grants to students; help for problems with Centrelink; sporting associations and access to fitness facilities; degree ceremonies; and access to on-campus health care, including doctors, nurses, dentists and a counselling service providing accident and emergency care, immunisations and family planning and contraception services. The list is far from complete.

The Federal Government's conservative agenda is veiled by its statement that all students should have the choice to be a member of a student union or association. Where is the choice in the Government stripping back funding to universities to such a degree that the only way these services survive is by student funding? Where is the choice for the young woman who can study only by placing her child in subsidised care, another area that this Federal Government has cut greatly? What about the student living away from home with little support from friends and family? Counselling, medical and advocacy services often provide a lifeline to students, particularly those in their first year.

I noticed in the *Canberra Times* of, I think, yesterday an article on our current account deficit - very dry - written by Dr Peter Urban, basically a fan of Peter Costello's. Even he says an area in which spending cuts have probably been too deep is the tertiary education sector. If he is saying that, we might be forgiven for thinking that there is a problem with the Liberal Government's approach to education generally. The collective good is certainly a principle, as Mr Berry has already spoken about. It is incredibly important if we are to have a sense of social justice and equity in the community.

Another area that may have a considerable impact on university funding is the demise in the number of fee-paying overseas students as a result of this legislation. Student associations have provided a great deal of support to overseas students by way of representative bodies, multicultural events and publications. There are 65,000 overseas students enrolled in Australian universities, contributing \$3.8 billion in revenue to the Australian economy. If these services were stripped, a reduction in the number of overseas students in Australia would be a real possibility.

Don Aitken, vice-chancellor of the University of Canberra, has stated publicly that if compulsory student union membership was abolished and all services were replaced at commercial rates, it would cost \$3m a year to do so. Why? Because most of the work is done voluntarily. Association officials may receive an allowance, but when that is converted to an hourly rate it equates to around \$2 an hour. Many other students are involved in hours of unpaid work providing student activities and support services. The University of Canberra students association is open from 9.00 am to 7.00 pm, five days a week, to support students. In no way do associations force students to engage in political activity. Most of their work is in reaction to students' needs. I believe that student organisations are vital to university culture and student life.

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I join Mr Corbell in condemning the actions of the Federal Government and supporting the associations of our local institutions. What makes me sick is the rhetoric of the Federal Government in claiming that young people and education are so important while, at the same time, they are ripping apart the support services they so clearly need.

**MR RUGENDYKE (5.55):** Mr Speaker, I do not hold an ideological view on the issues of this motion, but it is interesting to note that I have been lobbied by neither side of the ideological fence. However, I have listened to the debate, I have taken on board both ideologies and the issues raised by both sides, and it has given me some guidance on the way in which to consider this motion.

**MR CORBELL (5.56), in reply:** Mr Rugendyke is leaving us all guessing. Mr Speaker, I thank those members who have indicated their support this evening and I will be brief, conscious of the time. Mr Speaker, I start by bringing to members' attention the fundamental problem with how the Federal Government has approached this subject. The Federal coalition's policy document for the 1996 Federal election, under the heading "Student Unionism", stated:

The Coalition recognises State jurisdiction in this area.

Even in their own policy document, they were indicating that they believed that it was a matter for individual State parliaments, in discussion with their universities, to decide what was the most appropriate course of action in relation to student unionism. Yet after the election we have the Federal Government coming out and saying, "We are going to require as part of our funding arrangement with you that you not allow this compulsory charge to be collected from students". That, perhaps, says a little bit about how the Federal Government has gone about this issue. Mr Speaker, I want to quote the president of the Australian Vice-Chancellors Committee, Professor John Niland - not, I would suggest, an ideologue by any stretch of the imagination. He has said:

The important consideration, surely, is not whether they -

students -

engage in political activities but whether student organisations are democratic and accountable, and that there is scope for genuine conscientious objection to contributing to particular political activities.

Student associations are highly effective organisations for running services for the benefit of students. If the Government's legislation undermines the funding base of those organisations, it will mean that many of the services which they provide will no longer be provided on campuses and this will have a very negative effect on the quality of student life.

We have already heard Ms Tucker outline the cost it will mean for the University of Canberra, only recently transferred to our jurisdiction. The cost will be \$3m to provide the levels of service that are currently provided through the collection of a universal compulsory charge.

Mr Humphries, in his opposition to this motion, said that you should have compulsion only where it is impossible to enforce who uses a service and who does not, and his example was a road. Mr Speaker, it is equally impossible to enforce who uses particular services on a university campus. University campuses, in many respects, are isolated from a wider range of services. If you want to be able to eat, to get some counselling services, to purchase some books or other items at a cheap price, you would prefer to do it on campus in between lectures, tutorials and so on.

Those services are provided on campus in the first place because there is a demand for them. But, Mr Speaker, you cannot enforce who uses them and who does not. Take, for instance, the students who after a year are having enormous difficulty coping with the requirements that the university is putting on them in terms of study. Their personal life is difficult and they have difficulty in managing their studies. At all of our universities, they have the option now of going to see a counselling service which is provided by the funding through the universal service charge. At the beginning of their university term, they had no idea that they would need that service but they paid their student charge and, in a year's time, it is available to them. If they did not pay their charge and they suddenly realised that they needed this service and went to the counselling service, should the counselling service say to them, "Well, we're going to turn you away because you didn't pay your money."? That is the sort of heartless approach that Mr Humphries and his colleagues opposite are arguing. It is an absurd approach. It is an absolutely absurd approach.

Let me highlight another one. The University of Canberra students association recently paid \$55,000 to the Kirinari creche, a child-minding service on the University of Canberra campus. Without that payment, that child-minding service would have closed down, not because there was not demand but because they were not able to raise the funds in other ways to provide the service. There certainly is a demand for this service. The students association recognised the demand and provided the funding. Mr Speaker, I think that is a very strong argument for these services being universally provided.

Mr Humphries and Mr Stefaniak criticised the political activities of student associations and unions and the fact that they have contributed money to anti-coalition causes. Mr Speaker, when I was a student, I can recall a number of student organisations, students unions and, indeed, the National Union of Students urging against voting for the Federal Labor Government. I can remember that and I have no doubt that it will happen again when we have a Federal Labor government. Student unions, by their very nature, are opposed to the actions of more conservative elements of our society, including governments. It is just a fact of life; throughout history it has been a fact of life. The fact that the Liberal Party cannot cope with that says a lot about them.

The point to remember about the political activities of student associations and unions is that, as long as they are democratically mandated to undertake such activities, they have a right to do so. As long as their membership is given the opportunity to participate in the decision-making processes, to approve or disapprove of a certain action that a student association or union takes, they are entitled to undertake such activities. I have not heard any argument tonight that that option should be denied to people.

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The final point I make is that the ANU and the University of Canberra for some time have clearly indicated that they do not believe that there is any requirement for students to be a member of a student association or student union. In the ANU's case, it is actually specified as part of the university council's requirements. There is no compulsion to join those associations or unions, but there is a requirement to pay the fee for the provision of services. That is a very important distinction, Mr Speaker. It is reinforced by the Australian Vice-Chancellors Committee and it is reinforced by a former Chief Justice of the High Court.

Mr Speaker, this is a sensible motion. If those opposite oppose this motion they will be condoning activities which will mean a reduction in services to students on campus, the loss of jobs of people employed by student associations and unions, and the loss of a broader resource to the Canberra community. We should not accept such a course of action, Mr Speaker, and we should send a clear signal to the Federal Government and the Senate, which is considering this legislation, that in the ACT we are interested in improving the services and amenities provided to students, not downgrading them.

Question put:

That the motion (**Mr Corbell's**) be agreed to.

The Assembly voted -

*AYES, 7*

Mr Berry  
Mr Corbell  
Mr Hargreaves  
Mr Moore  
Mr Quinlan  
Mr Stanhope  
Ms Tucker

*NOES, 8*

Ms Carnell  
Mr Cornwell  
Mr Hird  
Mr Kaine  
Mr Osborne  
Mr Rugendyke  
Mr Smyth  
Mr Stefaniak

Question so resolved in the negative.

## ADJOURNMENT

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

That the Assembly do now adjourn.

**Assembly adjourned at 6.07 pm**