



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 March 2001

Thursday, 8 March 2001

Appropriation Bill 2000-2001 (No 2)	825
Finance and Public Administration—standing committee	830
Insurance Levy Legislation Repeal Bill 2001	831
Cemeteries and Crematoria Bill 2001	833
Jurisdiction of Courts Legislation Amendment Bill 2001	836
Legislative Assembly (Legal Assistance) Bill 2001	837
Planning and Urban Services—standing committee	839
Questions without notice:	
Canberra Hospital—nurses	856
Economy	860
Budget surpluses	863
Canberra Hospital—nurses	865
Adjournment:	
Authority of Speaker	876
Authority of Speaker	877
Authority of Speaker	878
Authority of Speaker	878
Authority of Speaker	879
Authority of Speaker	880
Answers to questions:	
Barton Highway—bridges over Ginninderra Creek (Question No. 327)	881
Greenfleet (Question No. 334)	882
Former Chief Minister—farewell functions (Question No. 335)	884
Former Phillip motor registry site—sale (Question No. 336)	885

Thursday, 8 March 2001

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

Appropriation Bill 2000-2001 (No 2)

Mr Humphries, pursuant to notice, presented the bill and its explanatory memorandum and the following supplementary paper:

Financial Management Act, pursuant to section 13—Appropriation Bill 2000-2001 (No 2)—
Supplementary budget paper.

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.33): I move:

That this bill be agreed to in principle.

Mr Speaker, before I proceed to the details of this bill, perhaps it would be useful to provide an overview of the economic and financial position of the territory. The latest ABS reports indicate a healthy economic position for the ACT. The trend retail turnover increased by 0.9 per cent over the past month, compared to the national figure of 0.4 per cent over the same period. The increase was more significant at 14.4 per cent over the same period last year (that is, over December 1999 figures), compared to the national increase of 5.5 per cent. This is the highest growth in retail trade among all the states and territories. South Australia is the closest, at 7.7 per cent.

On the employment front, job advertisements during February grew by 0.7 per cent in trend terms over the previous month and 5.2 per cent compared with the same period last year. By comparison, nationally, job advertisements decreased by 2 per cent over the previous month and decreased by 24.1 per cent over the same period last year. The ACT is the only jurisdiction, apart from the Northern Territory, which recorded an increase in job advertisements, in either trend or seasonal terms.

In summary, the ACT has either bettered the national figures or bucked the downward national trends. As a consequence, the revenue performance to date has been better than expected and is reflected in the year-to-date results provided to the Assembly.

This supplementary appropriation bill needs to be considered in this context. The bill provides additional appropriations of \$43.244 million to a number of territory departments. These appropriations comprise \$8.160 million in government payments for outputs, \$28.267 million for payments on behalf of the territory and \$6.817 million in capital injection.

8 March 2001

I have tabled a supplementary budget paper, as required under section 13 of the Financial Management Act, that provides details of the variations proposed for the affected departments and statutory authorities. Members will notice that the supplementary budget papers provide two sets of financial statements for each affected agency. They present the variation, or adjustment, to the financial position *plus the revised financial* statements.

Perhaps there could be other mechanisms to address some or all of these issues. However, the Assembly has previously voiced its preference that such issues be the subject of a supplementary appropriation. I also believe it is important that these issues be brought before the Assembly by an open, transparent and accountable government.

While the bill provides for appropriations of \$43.244 million, the effect on the territory's operating result will be far less than this. In fact, the effect of these changes will be to reduce the surplus by only \$16.032 million. The difference is simply due to a number of changes which will be budget neutral or will be a capital cost in the first instance.

I will turn to the details of the proposed appropriations shortly, but broadly speaking they fall into three categories: those that are essentially technical in nature, those that relate to unforeseen budget pressures and those that are considered necessary and worth while to pursue at this time.

Members will be well aware of my position in relation to operation surpluses—that is, my government will return a dividend to the community in the form of increased or improved services. I therefore think that in the context of the budget performance it is preferable to use the budget capacity to deal with issues which may not be critically urgent but necessary nevertheless.

I turn to the budget neutral appropriations. The bill seeks appropriations of \$0.016 million for the Legislative Assembly Secretariat; \$0.020 million for the Chief Minister's Department; \$8.925 million for the Department of Education and Community Services, most of it relating to payments to non-government schools; and \$0.028 million for the Department of Treasury.

These relate to the GST payments on services purchased on behalf of the territory. These are budget neutral, as the Australian Taxation Office makes a reimbursement of these payments. There is no operating result impact, and these payments and the reimbursements affect only the statements of cash flows.

However, as members are aware, under the Financial Management Act 1996, territorial appropriations are gross in nature, which means that the departments cannot apply these reimbursements directly towards payments, without an appropriation. These payments are clearly technical in nature and arise due to the uncertainty of all the GST arrangements as part of the GST implementation. However, due to their size, it is considered appropriate to bring these before the Assembly to be handled through a supplementary appropriation.

Other budget neutral appropriations include an additional \$230,000 that specifically relates to GST payments for clubs. This is due to the quarterly GST system and the monthly gaming tax payments. Some clubs have opted to pay GST quarterly. It is simply

the timing difference, and once again there is no budget bottom line impact, as it will be offset by additional gaming tax revenue.

There is an additional \$4.5 million for the Department of Treasury for the first home owners scheme. The scheme is covered under the intergovernmental agreement on the reform of Commonwealth-state financial relations and is budget neutral, as it is offset by additional Commonwealth revenue. Members will recall that in the original 2000-01 budget an amount of \$16 million was provided for this scheme. I can advise the Assembly with pleasure that to date the number of people benefiting from this scheme is significantly higher than expectations. Therefore, an increase in appropriation is required to authorise these payments.

There is an additional \$3 million, also for the Department of Treasury, for payments to the Australian Taxation Office relating to the ATO's GST administration costs. This represents the ACT share of the \$183 million increase in ATO costs announced by the federal Treasurer in November 2000. All states and territories are required under the intergovernmental agreement to reimburse the ATO the costs of administering the GST on their behalf. The payment is also offset by additional Commonwealth revenue.

Mr Speaker, the final additional appropriation which is budget neutral relates to the Kingston Foreshore Development Authority, in relation to an operating loan of \$4.430 million provided in 1999-2000. The government is proposing that this debt now be treated as government equity in the project. The expenditure of the authority is offset by revenue from the land it develops and promotes. Turning debt into equity will put it in a stronger financial position to pursue its objectives and does not unnecessarily burden the operation with high levels of debt from the start. The loan was funded by the Central Financing Unit's territorial account, and expenses on behalf of the territory appropriation of \$4.196 million will allow the Central Financing Unit to waive the balance of this internal loan.

Similarly, the bill includes \$5.480 million for the Central Financing Unit for the waiver of a government loan to Bruce Operations Pty Ltd. This debt was incurred by BOPL as part of the stadium redevelopment and subsequent operational costs. On 1 July 2000 the Stadiums Authority assumed responsibility for the operation of Bruce Stadium and has taken over contracts relating to the ongoing operation of the stadium. As a result, BOPL has no significant ongoing revenue sources and no capacity to repay the loan.

The bill seeks \$1.720 million in expenses on behalf of the territory appropriation for the Chief Minister's Department to be passed on to the Stadiums Authority. This funding has become necessary due to a reduction in the expected revenue for function and event hire, naming rights and concert sales.

These adjustments made in relation to the stadium are a continuation of my already stated intention to address the financial and structural issues of Bruce Stadium. They are part of our move to ensure the stadium is now operating as a community facility, not a commercial one.

I turn to the departmental appropriations. Mr Speaker, \$1.506 million is being sought in GPOs for the Chief Minister's Department. This includes additional appropriations of \$0.250 million to support four Australian Football League matches at the Manuka Oval

8 March 2001

during the current year. This funding also contributes towards a junior development program in the ACT. Canberra has provided some very talented players to the AFL, and this support will further develop the potential for an ACT side in the competition.

There is an additional \$0.1 million for the Rally of Canberra. The level of sponsorships for the Rally of Canberra has been low this year. This event has significant economic benefits for Canberra, and \$0.1 million is to be provided so that the rally can continue in the same format as in previous years.

The supplementary appropriation also provides for \$856,000 to cover the costs of the inquiry into disability services. As members are aware, this inquiry was set up under the Inquiries Act 1991. The cost is due to a decision made by this Assembly.

Mr Speaker, there is a growing digital divide between the information rich and the information poor. Apart from low income, other factors affecting digital divide are gender and age, disability, different language and cultural backgrounds, and of course education. The supplementary appropriation contains \$300,000 to start to address a number of issues in relation to the digital divide.

The government has also proposed a budget initiative for 2001-02 to address this divide. This initiative is in response to the report of the poverty task force and has been referred to the portfolio committees for consultation. The initiative is about providing access to services and information to all members of the community.

For the Department of Justice and Community Safety, \$2.201 million has been provided in government payment for outputs, \$0.152 million for expenses on behalf of the territory and \$0.667 million in capital injection. This includes \$1.375 million in GPOs for Corrective Services to cover the rising cost of ACT prisoners held in New South Wales jails (about \$774,000), an additional appropriation for ACT remandees to be held in temporary remand in New South Wales (\$0.224 million) and the increased Comcare premiums for the Belconnen Remand Centre (\$0.407 million).

In addition, \$0.449 million is required for Youth Justice Services for payment to New South Wales. This relates to the juvenile offenders held in New South Wales institutions. The reciprocal arrangements with New South Wales which would have seen these payments offset did not eventuate, and this amount represents the payments for the period 1998-99 to 2000-01.

Mr Speaker, with improvements in technology, it is important that our emergency response teams and police are equipped with the latest technology. The bill provides an additional \$103,000 in GPO for personal safety equipment and packs for emergency service volunteers and new uniforms for the ambulance service. In addition, \$0.2 million in capital injection will purchase thermal imagery cameras and an upgrade of fire fighting rescue equipment.

The bill also provides \$0.467 million in capital injection for ACT policing to replace the special purpose vehicle fleet, including a mobile command post with special communication, a special purpose diving module and suburban policing support vehicles. Once again, this will bring the equipment for those response teams up to date.

DNA technology is improving almost by the day and has proved to be a very useful tool in crime investigations and convictions. The bill provides \$0.152 million for one-off assistance to the AFP for the introduction and increased use of DNA technology in crime investigations. This will cover the cost of test kits and video recording for the processing of DNA.

The bill provides an additional \$0.074 million to support additional remuneration for ACT Law Reform Commission members in the current financial year, following the determination by the Remuneration Tribunal. Obviously this was unforeseen at the time of the budget and needs to be provided in this appropriation bill.

The supplementary appropriation bill also provides \$0.2 million for the Department of Justice and Community Safety to provide online public access to ACT legislation. Once again, this is about providing easy and cost-effective access to information for the community.

The bill provides \$343,000 in GPO for the Department of Education and Community Services to cover the increased service purchasing costs associated with the SACS award, for the supported accommodation assistance program. This funding is to maintain the services at the current level and will be supplemented by a further \$419,000 from the Commonwealth.

The bill provides \$6 million in capital injection for InTACT to meet the increased costs of operations that would otherwise be passed on to agencies. These costs mainly relate to the financing of repayable advances issued to InTACT to undertake the modernisation program and are due to the high market costs of IT contractors.

For the Department of Urban Services, the bill provides \$3.850 million in total to undertake a range of works around the city. Of this amount, \$1 million will be allocated to major crime prevention through improved streetlighting along major roads and in various suburbs. This program will involve consultation with relevant stakeholders and will address community concerns about safety.

Mr Speaker, \$2.85 million will be used for improved line marking, road resealing, repair work on footpaths and cyclepaths, weed spraying and painting of guardrails, et cetera. This work is necessary to improve the general look of the city and to address a backlog of maintenance to date.

Finally, the government is seeking Assembly support for \$0.410 million in GPO for the Department of Health, Housing and Community Care to cover the pay increase for nurses at the Calvary Hospital during the current financial year. Members will be aware that the government has offered an 11.7 per cent pay increase under the EBA, along with a range of incentives to strengthen the ACT's nursing force. This is aimed to attract and retain nurses, to address the shortage in nursing numbers. The total cost of the package is estimated at \$2.9 million for the remainder of the current financial year. However, only the nurses at the Calvary Hospital have accepted the government offer, and the government considers it appropriate to seek at this stage only the \$410,000, which represents the cost associated with that part of the work force.

8 March 2001

This bill covers a wide range of matters. We are seeking the support of the Assembly to pass the bill at the next sitting of the Assembly in late March. I commend the bill to the Assembly.

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

Finance and Public Administration—Standing Committee

Reference to committee

MR QUINLAN (10.50): I ask for leave to move a motion to refer Appropriation Bill 2000-2001 (No 2) to the Standing Committee on Finance and Public Administration.

Leave granted.

MR QUINLAN: I move:

That the Appropriation Bill 2000-2001 (No 2) be referred to the Standing Committee on Finance and Public Administration (incorporating the Public Accounts Committee) for inquiry and report by 1 May 2001.

We have before us a supplementary budget of in excess of \$43 million. A secondary budget of this magnitude would beg to be brought before an estimates process. Quite obviously, this late in the financial year, that is going to be a cumbersome process. I propose that the supplementary budget be referred to the Standing Committee on Finance and Public Administration in order that that committee—with, I would expect, other members of the Assembly joining it, depending on the particular portfolio area being examined at the time—may tease out what this process is.

In recent times we have seen a clear desire by the government virtually to spend every spare cent that is available in an election year. This is going to the extreme when we are embodying that process into the budget for the last quarter of this financial year. This supplementary budget should bear probably as thorough an examination as any appropriation bill that has been brought before this house. I expect to have some quite interesting hearings.

I commend my motion to the house.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (10.52): Mr Speaker, the government supports this reference to the Standing Committee on Finance and Public Administration, largely because the experience with last year's second appropriation bill was a most unsatisfactory one. Members will recall that the matter was referred to the select committee looking at the estimates for the present financial year. We had the very unedifying spectacle of the committee forgetting to consider that matter as it considered the other matters on its plate. We had a one-page report—in fact, a four-paragraph report—brought down. The record will show that a very considerable appropriation, I think two items in the budget, attracted no public inquiry at all. There was no work on the part of the committee on that matter other than to put together a four-paragraph response.

Mr Quinlan: A single patently obvious item.

MR HUMPHRIES: Mr Speaker, I think that was one of the low points of the Assembly's committee work.

Mr Quinlan: No, we are still working on those.

MR HUMPHRIES: Just to answer what Mr Quinlan is trying to raise, that brief report was not the result of a decision by the committee that there was not much work to be done on that appropriation, Mr Quinlan. It was the result of having overlooked the inquiry.

Mr Corbell: How do you know? You were not on the committee. You would not know.

MR HUMPHRIES: You forgot about it.

Mr Corbell: How do you know? Were you there?

MR HUMPHRIES: You forgot about it. The day before yesterday—

MR SPEAKER: Order, Mr Corbell! It is a little early in the day, but I will name people if I have to.

MR HUMPHRIES: Mr Speaker, the fact is that members of the committee forgot about the inquiry on the second appropriation. I trust that those who are conducting the inquiry on this occasion will be a little more thorough than they were on the last one.

Question resolved in the affirmative.

Insurance Levy Legislation Repeal Bill 2001

Mr Smyth, on behalf of Mr Humphries, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (10.55): I move:

That this bill be agreed to in principle.

Mr Speaker, this bill provides for the abolition of the insurance levy from 1 July 2001. The government announced in the 2000-01 budget that the levy would cease to apply after 30 June 2001 due to the improved budgetary position of the ACT. We are now in a position to return dividends to the Canberra community as a result of strong financial management.

The insurance levy was introduced in 1998 to assist in the funding of fire and other emergency services. Under the Insurance Levy Act 1998, the commissioner is required to issue, by 31 May each year, an advance assessment for the following financial year

8 March 2001

based on insurance premiums for the previous full financial year. The bill will remove the requirement for the commissioner to issue an advance assessment and the liability on insurers to provide returns and pay the levy in respect of the financial years beginning on 1 July 2001. The bill amends the Insurance Levy Act 1998 to ensure that the insurance levy does not apply for the financial year 2001-02 and thereafter.

This bill removes the requirement for the commissioner to issue an advance assessment in May 2001 for the next financial year; removes the requirement for an insurer to make an advance payment for the year 2001-02; removes the requirement for the commissioner to calculate and issue assessments for 2001-02 and thereafter; removes the requirement for insurers and property owners to provide returns in respect of the 2001-02 and subsequent financial years; and amends the definition of “premium” in the Duties Act 1999 on 1 September 2001 so that it does not include the insurance levy; repeals the Insurance Levy Regulations on 1 July 2002, as they will have no application after that date; and repeals the remaining provisions of the Insurance Levy Act 1998 on 1 July 2002, which will allow sufficient time for any outstanding payments to be collected.

In summary, this bill ensure that the insurance levy ceases to apply from 1 July 2001.

Mr Kaine: Mr Speaker, I welcome this bill from the government. It is well and truly overdue. This levy was taxation by stealth, as I described it at the time.

MR SPEAKER: Mr Kaine, you cannot debate the bill at the moment.

Mr Kaine: Until someone adjourns the debate, Mr Speaker, I suggest I can.

MR SPEAKER: We have not adjourned it.

Mr Kaine: Am I out of order? Is somebody going to tell me that I am out of order? Are you going to tell me I am out of order?

MR SPEAKER: I am.

Mr Kaine: Presumably, somebody will seek to adjourn the debate.

MR SPEAKER: The Clerk is advising me.

Mr Kaine: I want to make the point—

MR SPEAKER: Standing order 172 states:

The question “That this bill be agreed to in principle” shall not be determined by the Assembly during the sitting in which the bill is first introduced, except in the case of a bill declared to be an urgent bill.

That effectively prevents debate from taking place.

Mr Kaine: Nobody moved the adjournment, Mr Speaker.

MR SPEAKER: Standing order 171 covers it. It says:

When a bill has been presented, the Member shall move, "That this bill be agreed to in principle" and the debate on the question shall then be adjourned to a future day.

There is no allowance, unfortunately, Mr Kaine.

Mr Kaine: I will make the speech at the appropriate time.

MR SPEAKER: You can. The Assembly may give you leave to speak now.

MR KAIN: Mr Speaker, I seek leave to speak on the matter.

Leave granted.

MR KAIN: I really did want to make the point that at the time this iniquitous levy was imposed I described it as taxation by stealth, which it was. The Chief Minister maintained that this was a levy on insurance companies, and even he could not have been so naive as to believe that it would have been passed on to those people who had insured. It was, and it became, a tax on those responsible people in our community who insured their property. Those who did not insure their property, those irresponsible people, have been laughing all the way to the bank for the last two or three years, because they did not pay it. The responsible people in this community have been carrying the burden of this iniquitous levy. It should never have been imposed in the first place.

The Chief Minister announced last June that it was going to be removed, but not until July of this year, so he perpetuated this iniquitous tax by stealth for another year. For what purpose and for what reason I do not know. It looks now that the Assembly will be given the opportunity to repeal this tax that was imposed by stealth and that was erroneously and deliberately described by the current Chief Minister as being a levy on insurance companies, which it never was.

It is well past time that this repeal bill has been brought before this place, and I hope that when it comes to the debate the repeal is immediate and not from 1 July as the Chief Minister foreshadowed when he indicated nine months ago that the repeal bill would be put before the Assembly. It should take effect immediately, and I hope the Assembly agrees with that when the debate takes place.

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

Cemeteries and Crematoria Bill 2001

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services, Minister for Business, Tourism and the Arts and Minister for Police and Emergency Services) (11.02): I move:

8 March 2001

That this bill be agreed to in principle.

This bill has been developed in response to the national competition policy review of the Cemeteries Act 1933 and the Cremation Act 1966. The report examined the ACT cemeteries and cremation legislation to ensure the protection of public cemeteries and the management of public cemeteries and private burial grounds occurs as effectively and as efficiently as possible in accordance with national competition policy.

The government has accepted two of the consultant's three major recommendations. It has agreed to streamline the legislation governing cemeteries and cremation in the ACT, including removing outdated parts of the legislation and regulations and consolidating the two acts into one. It will also remove the legislative restriction which limits the right to ownership and operation of all ACT cemeteries to the Canberra Public Cemeteries Trust, allowing the possibility for privately operated cemeteries.

However, the government did not accept the recommendation to limit post-burial tenure at public cemeteries. Private cemeteries will be free to offer a variety of services that will reflect market demand.

The objective of the bill is to establish a consistent and contemporary framework for the regulation of cemeteries and crematoria in the ACT, replacing the outdated acts. I will now deal with the key features of the bill.

The minister may determine one or more codes of practice dealing with the operation of cemeteries and/or crematoria. These codes of practice would be disallowable instruments.

Another key feature is the perpetual care trust. This is one of the more innovative features of the bill. The most important issue in the provision of cemetery or crematorium services is the funding of ongoing and future maintenance. Under the proposed perpetual care trust a percentage of the cost of each interment or memorialisation is invested in a trust fund which can then pay for the maintenance. The success of a perpetual care fund depends on whether the initial interment levy is high enough, the skills with which it will be managed and the standards of maintenance of the cemetery. Although there is no financial arrangement that can guarantee against fraud or mismanagement, the advantage of such a fund is that maintenance specific funds become identifiable and auditable and their adequacy can be monitored and assessed.

A cemetery or crematorium operator would be required to set aside in a specified account (the perpetual care fund) a percentage of all future interment fees to fund ongoing cemetery or crematorium maintenance. The minister would specify the percentage. This account would be part of a cemetery's or crematorium's assets and would transfer to a new operator. The government is ensuring the ongoing viability of the perpetual care fund because the money deposited in the fund will not be able to be used to pay an operator's general debts or be used to justify a judgment against the operator.

Another key feature will be improvement notices. The purpose of an improvement notice is to enable the chief executive to require an operator of a cemetery or a crematorium to carry out improvements such as structural work or repairs to upgrade the facility so that

it complies with the required minimum standards. Where the chief executive is satisfied that the operator has contravened, or is contravening, the act, then a show cause notice may be issued, provided that the identified contravention does not constitute an offence against this bill.

The notice would specify the contravention that has occurred and the chief executive's reasoning and invite written representation within a specified period of not less than 14 days on why the operator should not be required to cease the contravention, remedy the consequence of the contravention, or do both. If, after consideration of any written submission from the operator, the chief executive is still satisfied that the operator should be required to cease the contravention, remedy the consequence of the contravention, or do both, he or she may issue an improvement notice to the operator.

The bill establishes the Australian Capital Territory Cemeteries Board, replacing the Canberra Public Cemeteries Trust, which was established under the Cemeteries Act 1933. The board will be a corporation with perpetual succession, may have a common seal, may sue and be sued in its corporate name, and may acquire, hold and dispose of property.

The function of the board will be to effectively and efficiently manage public cemeteries and crematoria for which the minister has appointed the board as the operator. It will be required to operate on a commercial basis and will not receive any government funding, as is the current situation with the cemeteries trust.

The bill provides for a continuation of the existing arrangements whereby the board will arrange with the chief executive to use public servants in the board's secretariat but still under the chief executive's control. Management of public servants by the board would be subject to the Public Sector Management Act 1994.

In line with the principles of natural justice, the bill provides that where a cemetery or crematorium operator is aggrieved by the decision of the minister he or she may apply to the Administrative Appeals Tribunal for review of the decision.

The bill also provides the power for the executive to make any necessary regulations. Some of the issues that could be included in regulations are the protection of cemeteries and crematoria; the conduct of cemeteries and crematoria; permits for burials and cremations; certificates from doctors being required for permits for burials and cremations; and any other matter which provision made for by a code of practice.

The bill also repeals the Cemeteries Act 1933 and the Cremation Act 1966. The Canberra Public Cemeteries Regulations made on 30 June 1939 are also repealed.

The Land (Planning and Environment) Act 1991 is amended to include crematoria in the definition of cemetery. Also revising schedule 1 to indicate that the purpose of the cemetery or burial ground is to provide for the interment or the cremation of human remains and the interment of ashes of human remains.

A cemetery and a crematorium will be established by the creation of executive leases for these facilities under the land act. A sublease would then be granted to a person or company to operate the facility. This provides a very simple and flexible administrative

8 March 2001

mechanism to provide for the opening, closing or transfer of ownership of a cemetery or crematorium.

Section 12 of the Coroners Act 1997 is repealed, and the substituted section is inserted as detailed in clause 43 of the bill. This amendment has the effect of widening the coroner's powers so that he or she has the power to issue a permit to cremate human remains in the following circumstances if appropriate: where a medical referee refuses to issue a certificate approving the cremation or where it is not possible to obtain a medical referee's certificate, for example, where exhumed remains are being cremated.

Mr Speaker, I commend the bill to the Assembly. It is an innovative approach to the regulation of cemeteries and crematoria in the ACT

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

Jurisdiction of Courts Legislation Amendment Bill 2001

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

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (11.10): I move:

That this bill be agreed to in principle.

Mr Speaker, the Jurisdiction of Courts Legislation Amendment Bill 2001 contains amendments to four acts. Each of those acts is part of a national scheme of regulatory legislation which relies on the states, territories and the Commonwealth working together within a framework of corresponding laws. The acts being amended are the Competition Policy Reform Act 1996, the Gas Pipelines Access Act 1998, the Jurisdiction of Courts (Cross-vesting) Act 1993 and the National Crime Authority (Territory Provisions) Act 1991.

The amendments have become necessary as a result of Commonwealth amendments to corresponding legislation. Last year the Commonwealth parliament passed the Jurisdiction of Courts Legislation Amendment Act 2000. That act contains changes necessary to deal with the effect of the High Court decision in *Re Wakim* ([1999] HCA 27), which made it clear that the system of cross-vesting of jurisdiction supporting a number of national legislative schemes is constitutionally invalid. Those changes made by the Commonwealth affect the operation of corresponding legislation in the states and territories, including the four ACT acts I have mentioned.

The ACT is in a different position to that of the states, as there is no constitutional difficulty with territory jurisdiction being vested in federal courts. However, because of the changes made by the Commonwealth act in order to allow the continued operation of national regulatory schemes, the ACT acts now need consequential amendments. This bill contains those changes that are necessary so that ACT national scheme legislation remains consistent with corresponding Commonwealth acts amended by the Jurisdiction of Courts Legislation Amendment Act 2000.

One of the main effects of the Commonwealth amendments is to confer federal jurisdiction on federal courts to review the decisions of Commonwealth officers and bodies made in the performance of functions conferred on them by specified state and territory laws. Until the decision in *Re Wakim*, federal courts exercised state jurisdiction to review such decisions.

The Commonwealth Jurisdiction of Courts Legislation Amendment Act 2000 treats the ACT and the Northern Territory as if they were states for some purposes in order to achieve consistency of treatment across Australia. This is the case in relation to the National Crime Authority legislation. As a result a number of changes are needed to the ACT National Crime Authority Act.

The amendments are technical in nature. They pick up on changes made by the Commonwealth to its corresponding legislation and make adjustments necessary to deal with the collapse of the cross-vesting scheme. Similar changes have been made or are being planned by the Northern Territory and the states.

The ACT has made a commitment to these national legislative schemes that serve such a useful purpose. To support that commitment, we must make the amendments set out in this bill in order to keep the schemes operating.

There are some other amendments contained in this bill. They are minor changes to alter the style of the acts being amended. As part of a process of updating all ACT legislation, amendments to change the style are being drafted each time other amendments are to be made to an act. The new style is designed to be easy to read, more user friendly and in clearer language. The Competition Policy Reform Act 1996, the Gas Pipelines Access Act 1998, the Jurisdiction of Courts (Cross-vesting) Act 1993 and the National Crime Authority (Territory Provisions) Act 1991 will all appear more modern as a result of the drafting changes in this bill.

I commend the bill to the Assembly.

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

Legislative Assembly (Legal Assistance) Bill 2001

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

Title read by Clerk.

MR STEFANIAK (Minister for Education and Attorney-General) (11.14): I move:

That this bill be agreed to in principle.

The Legislative Assembly (Legal Assistance) Bill 2001 provides for legal assistance to be made available to members and ministers for the defence of proceedings arising out of things done by the member as part of his or her duty as a member or, if the member is also a minister, his or her duty as a minister.

Such proceedings are rare but not unknown. Every government has some policy on providing legal assistance to elected representatives who become involved in proceedings related to their position rather than their personal life. Most governments have a relatively informal process for determining whether legal assistance should be provided to a minister or member. Obviously ministers are most likely to be made parties to such proceedings, but it is also possible to imagine situations in which other members could become involved.

In March 1997 the Legislative Assembly Standing Committee on Legal Affairs tabled the report of its inquiry into guidelines for assistance to members for legal proceedings. The report contained a number of recommendations for the development of a statutory scheme for the provision of legal assistance to members under certain circumstances. The statutory scheme was to be supported by guidelines. In June 1997 the government presented its response to the report, in which it expressed its broad agreement with the recommendations of the committee. This bill implements those recommendations.

The statutory scheme is necessary for the ACT because of the restrictions of the self-government act on members of the Legislative Assembly receiving any benefit for services rendered in the Assembly other than the determined remuneration. The self-government act permits members of the Legislative Assembly to receive allowances specified under an enactment. The aim of this bill is to make it clear that members are entitled, under certain circumstances, to an allowance for legal assistance in relation to legal action arising out of their position as members.

When the government tabled its response to the report of the Standing Committee on Legal Affairs, it also tabled interim guidelines which were designed to establish the basis for any decisions about provision of legal assistance to members. The interim guidelines were developed after considering the policy guidelines used in other Australian jurisdictions and in New Zealand. Those interim guidelines will be used as the basis of statutory guidelines to be contained in regulations made under this bill once it has passed into law.

The bill establishes the framework for the provision of legal assistance. It restricts legal assistance to proceedings connected with the official duties of a person as minister or member of the Legislative Assembly. An application for legal assistance is to be made in writing, setting out the material facts and circumstances. Applicants will have to fully disclose any involvement in the incident leading to the application and set out time lines for legal procedures. This is necessary to allow a decision about providing legal assistance from public funds to be made on the basis of a clear picture of the circumstances surrounding the proceedings and the likely course those proceedings will take.

The Attorney-General will receive all applications and will make a decision about the provision of legal assistance. Before making the decision, the Attorney-General will consult with one other minister. The bill sets out an order of preference for the ministers to be consulted, beginning with the Chief Minister. Naturally, the bill provides for alternative decision-makers for when the Attorney-General or other nominated ministers have an interest in the application.

Assistance will not be available where the matter arises out of unreasonable conduct or bad faith on the part of the member or minister.

The government considers that judicial review of decisions about legal assistance to ministers and members of the Legislative Assembly is not in the public interest. However, the bill provides for an open and accountable process by requiring that an applicant for assistance be given a written statement of the decision on the application, the reasons for the decision and which ministers were consulted in the decision-making process. That statement must also be tabled in the Assembly within six sitting days. In this way the Assembly will be able to monitor the operation of the scheme.

The bill provides for flexibility in the delivery of legal assistance. The Attorney-General will decide the way in which assistance is to be provided. This may include payment for legal representation or advice from the Government Solicitor. There is also provision for the territory to be reimbursed, completely or partially, out of awards of costs or damages in favour of the person who received the assistance.

This bill will give the ACT clear and open legislative framework for the provision of legal assistance to ministers and members of the Assembly. While the need for such assistance is rare, it is all the more important that the rules for providing it are clear and known to all. This bill, together with the guidelines for decision-making which will be contained in the regulations, achieves that objective.

I commend the bill to the Assembly.

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

Planning and Urban Services—Standing Committee Report No 67

MR HIRD (11.19): Mr Speaker, as chairman of the Standing Committee on Planning and Urban Services, I present the following report:

Planning and Urban Services—Standing Committee—Report No 67—Proposals for the Gungahlin Drive Extension (John Dedman Parkway), dated 28 February 2001, including a dissenting report, together with a copy of the extracts of the minutes of proceedings.

I move:

That the report be noted.

Mr Speaker, this inquiry into proposals for the construction of the Gungahlin Drive extension and into a number of associated issues has undoubtedly been the most arduous task undertaken by the Standing Committee on Planning and Urban Services, which I chair, but it was also probably the most interesting and challenging. As well as enabling the committee to look at the specific issues of the Gungahlin Drive extension, the inquiry enabled us to look at broader transport planning issues that will impact on the whole of the territory.

8 March 2001

Members will be aware by now that this inquiry attracted 900-plus written submissions. Some of those submissions ran to book length, while others were a simple few lines that expressed the views their authors wished to make known to my committee. I would like to acknowledge from the start the committee's appreciation of the thought, research and sheer hard work that so many members of the community put into making a contribution to our work on this matter.

Mr Stanhope: It is a pity you did not listen to them, Harold.

MR HIRD: The Leader of the Opposition should know what is in my report.

MR SPEAKER: Order, Mr Hird! Ignore him.

MR HIRD: You should know that interjections are against standing orders, Mr Stanhope. You are always preaching that.

Mr Stanhope: What, you did listen to them?

MR SPEAKER: Order, please! There are people who are very interested in this report. You should give them the courtesy of allowing them to listen. That goes for both sides.

MR HIRD: As well as the 910 written submissions, five petitions were lodged. Of these, three petitions, containing 1,568 signatures, specifically opposed the eastern extension of the proposed roadway through O'Connor Ridge, while a further petition of 448 signatures asked for protection of the ridge generally. During the inquiry, the government took those views on board and announced that this part of the proposal would not proceed. The fifth petition, of 24 signatures, opposed the proposal outright.

The committee was addressed by 53 witnesses, 48 of whom represented community and business organisations. We also had to take into account the John Dedman Parkway preliminary assessment, better known as the Maunsell study, as well as another nine studies or inquiries into transport issues. We also had to look at the government's responses to these studies and inquiries. We did all of this in just under two years, despite the large workload that members know that my committee bears. We did it thoroughly and with great attention to detail.

I advise members that I originally felt that the committee had a feeling of scepticism towards the Maunsell report and its findings. However, as we worked our way through it, we became more and more impressed by its technical competence and in the end found it to be a most useful resource.

I would like to say that the committee's report represents a unanimous position. However, my colleague Mr Corbell, as is his right, has seen fit to dissent. Mr Corbell will address his dissent in due course. He will undoubtedly attempt to justify his course of action. I will leave that to my colleague. But I must say that, in reading his dissenting report, I can find only one area where he is in disagreement with Mr Rugendyke's views and mine. It is an important area, of course, as it relates to the route of the Gungahlin Drive extension as it traverses the areas between Ginninderra Drive and Belconnen Way.

The rest of Mr Corbell's dissent seems to me to be a matter of emphasis, as the issues he addresses are addressed in the body of the main report, which generally concurs with what he says.

Before I go into the recommendations of the committee, there are a number of points I would like to make to members. The committee spent a great deal of time reading and hearing evidence relating to the fast-tracking of the development of the district of Gungahlin without making adequate allowance for the installation or planning of necessary infrastructure. I do not want to labour this point, but it is vital that this practice never be allowed to happen again. Let us learn from the past and not let it happen again in the future.

The issue of public transport took a great deal of our time. We—the majority of the committee, at least—consider that there are no simple solutions to the comparatively low levels of patronage of our local public transport system. Our recommendations show an awareness of the need to improve services and to look at alternative services. They also show that this type of planning should happen prior to this type of development rather than after it.

A lot of time was spent on the public transport issues, but as chair of the committee I endeavoured to keep discussions to the terms of reference and confine discussions on public transport to how it affected Gungahlin residents. I believe that Mr Corbell, in his dissenting report, has raised the matter in a more general way. While there may be—probably is—room for the discussion, I do not believe this is the place for it.

Mr Rugendyke and I believe that the options we have outlined for Gungahlin in our recommendations are realistic options for the government to work with. They recognise that simple statements of the desirability of using public transport will not entice residents out of their cars and that planning has to be on the basis that cars will remain the most popular form of transport for tomorrow, next week, next month and next year.

Gungahlin is heading for a population of around 110,000 and, with growth of around 4,000 people per annum, is Australia's fastest growing urban area. One thousand five hundred families per annum moving into Gungahlin equates to around 3,000 additional motor vehicles per year on the roads of Gungahlin. As planning legislators, we need to acknowledge this trend with actions that will not see these people disadvantaged purely because of where they live.

The committee also spent considerable time looking at issues relating to other transport routes directly affecting the movement of traffic in and out of Gungahlin. We found that some of these led naturally to the possibility of alternative traffic flows, some of which have territory-wide as well as New South Wales and federal implications. I will detail some of these issues later. However, it is important to note that the successful implementation of all the strategies contained in the document will require a significant contribution from the Commonwealth. The government will need to develop some good cases for our cousins, the Commonwealth government, on the hill. I am confident that the evidence in this document will support our case.

8 March 2001

The other issue central to all of our recommendations is timing. This government has an enviable record in recognising priorities and, where necessary, in bringing programs forward to meet those priorities.

Mr Speaker, with your leave, I will now provide members with some detail of the majority recommendations of my committee. Recommendation 1 is that an additional arterial road connecting to Gungahlin Drive be constructed. This recommendation recognises that previous studies and general opinion that show that Gungahlin is underserved in being able to access the parkway system are correct. In other words, we say to the government that you should build the Gungahlin Drive extension.

Our second recommendation is that the Gungahlin Drive extension should make effective provision for both private and public transport. This goes part of the way to addressing one of the areas where Mr Corbell has dissented from the majority. But wait, there is more.

Recommendation 3 is that future planning for intertown public transport routes should, wherever possible, be along their own dedicated right of way, as currently indicated in the Territory Plan.

Recommendation 4 is that planning should commence immediately for an intertown public transport route between Gungahlin Town Centre and Belconnen Town Centre.

My colleague Mr Corbell accuses the majority report of failing to grasp the opportunity to effectively address the public transport issues. Three of the recommendations I have mentioned so far address public transport, as does the next one.

Mr Corbell: None of those things are new, Harold.

MR HIRD: You will get your chance in a minute. Recommendation 5 is that the Gungahlin Drive extension should incorporate a laneway reserved for intertown public transport, emergency vehicles and perhaps private coaches and taxis.

Extra ways of easing the Gungahlin bottlenecks were considered by the committee. Recommendation 6 is that the ACT government announce a timetable for constructing three northbound traffic lanes on Northbourne Avenue between Antill Street and the Barton Highway.

As well as this measure, we also recommend in recommendation 7 that the government investigate the possibility of installing lay-bys at the bus stops along Northbourne Avenue. We believe that this would not only improve traffic flows but also improve passenger and traffic safety.

While we are on the vital theme of improving traffic flows, recommendation 8 calls for the project design for the intersection of Gungahlin Drive and the Barton Highway to incorporate an elevated intersection in order to facilitate traffic flow on these two important roads. The same recommendation also calls on the government to urgently seek appropriate funding from the federal government for this part of the works.

Similar proposals apply in recommendation 10 to the intersection of Gundaroo Road and the Barton Highway, where a grade separation intersection is called for.

Although it is not a specific recommendation of the report, the handling of the Gungahlin Drive extension where it intersects with Ellenborough Street in Kaleen needs careful handling. A group of Kaleen residents has put strong arguments that access should not be available between these two roads, in order to minimise what is known as rat-running through the suburb of Kaleen.

In order to provide further transport route opportunities for Gungahlin residents, the report at recommendation 9 seeks government action to urgently establish a timetable for duplication of Gundaroo Drive between Mirrabei Drive and the Barton Highway. Further, the same recommendation specifically calls for the duplication of William Slim Drive between the Barton Highway and Ginninderra Drive. (*Extension of time granted.*)

Recommendation 11 is that the ACT government should provide a grade-separated intersection at the intersection of the Gundaroo Drive extension and Ginninderra Drive. Recommendation 12 is that the Gungahlin Drive extension should cross Belconnen Way by way of a flyover, with access and egress links to Belconnen Way.

Members will have noted that the report calls for a number of grade-separated or flyover intersections where the Gungahlin Drive extension meets with other carriageways. These recommendations, if carried through, will not only result in easier and safer driving conditions but will also result in cleaner air, as greenhouse gas emissions are known to increase when vehicles are required to stand for periods of time at traffic lights and intersections.

Recommendation 13 relates to how the proposed extension will affect the residents of Aranda. It calls for the immediate start of a detailed analysis of an appropriate solution to noise and traffic problems which would occur in this area.

Two options were put to us as to how to handle the extension as it runs into Caswell Drive. The first is that the level of Caswell Drive be lowered and appropriate noise barriers put in place. The second is that Caswell Drive be moved further to the east towards Black Mountain. We do not take a view on which option is better, but we strongly stress that Aranda residents must have their amenity protected as elsewhere in Canberra.

We also considered that there should be no direct access to the Gungahlin Drive extension from Aranda but that provision should be made for Aranda residents and other residents who partake in bush walking to have access to the Black Mountain reserve by way of underpasses.

Recommendations 14 and 15 call for the government to provide a timetable for start of work to duplicate William Hovell Drive between Bindubi Street and Coulter Drive and for the start of work to upgrade Parkes Way to three lanes in each direction between the Glenloch Interchange and Edinburgh Avenue.

8 March 2001

Recommendation 16 addresses one of the issues which Mr Corbell has raised in his dissenting report, and it leads me to wonder why he used this matter as an item of dissent when we as a committee share his concern and make allowance for it.

The recommendations call on the government to ensure that a high standard of bus service is provided for Gungahlin residents, and in particular to ensure that the provision of these services keeps pace with the growth of that area. We call on the government to establish clear and direct intertown bus connections from Gungahlin to other parts of Canberra.

We also recommend at recommendation 17 that the government, in its public transport planning, provide for IPT routes that can be used for both bus and light rail purposes. This planning, in the early stages, will provide the necessary flexibility to allow future governments to consider more than just the one option in adapting to changing needs and technology.

Recommendation 18 also addresses an area Mr Corbell has highlighted in his dissent, and again I am confused as to why he has chosen to raise this issue, as we seem to be in agreement. The recommendation is that the government should re-examine its employment policies affecting employment location and opportunities in Gungahlin. We recommend that measures be immediately instituted to increase the amount of both public and private employment. This recommendation reflects the importance of the range of measures to address Gungahlin's transport needs. It is not just a matter of road; it is a combination of a range of strategies.

Mr Speaker, in addressing Gungahlin's traffic problems, we need to think outside the Gungahlin square. Recommendations 19, 20 and 21 look at making more effective use of Majura Road. We recommend that the agreement of the federal government should be sought to classify Majura Road as a national highway, reflecting its importance as a key link between the Federal Highway and the Monaro and Kings Highways, which serve the south-east region of New South Wales, including the emerging defence facility in Eden.

The ACT government, in conjunction with the federal government, should commence design work for a permanent grade-separated interchange of Majura Road, Morshead Drive, Pialligo Road and the Monaro Highway, or Dairy Flat Road as it is called at that spot. We call for Majura Road to be renamed the Monaro Highway in recognition of the key role it would play in providing regional transport links.

Recommendation 22 calls for the government to plan early construction of Horse Park Drive and the Federal Highway at Majura Road, or the new Monaro Highway, as it will hopefully eventually become. This would provide a further way for Gungahlin residents to access other parts of Canberra.

Mr Stanhope: This is exhausting, Harold.

MR HIRD: You may treat it as a joke. I do not. This was the subject of many submissions to the committee.

Recommendation 23 calls for the use of federal funding currently being expended on duplication of the Barton Highway between the Federal Highway and Bellenden Street to also incorporate improvements to the traffic flow at the Barton and Federal Highway intersection. (*Further extension of time granted.*) This intersection is a real slow point, and a definitive road engineering answer is required.

Access for emergency vehicles to Calvary Hospital was a major issue considered by the committee, and recommendation 25 calls for specific access to the hospital, its casualty department in particular, from the Gungahlin Drive extension.

Mr Speaker, I have addressed 24 of the 25 recommendations. In addressing those recommendations, I believe I have also addressed most of the matters raised by my colleague Mr Corbell in his dissenting report. In fact, I cannot see where the dissent arises in relation to these items.

Recommendation 24 of the committee's report is that Gungahlin Drive extension should be located on the eastern side of the Australian Institute of Sport. This was clearly the most difficult of the decisions to reach, and I am sure that Mr Corbell will soon take the opportunity to expound on his reasons for not agreeing with the majority on this recommendation.

We have recommended the eastern route because it costs less and it provides greater benefits. Costing as at January this year for the eastern route was \$22 million. This compares with costings of between \$25 million and \$28 million for the western route. As I said, for a better price, the eastern route provides greater benefits.

The government has announced that the Gungahlin Drive extension will not cut through the O'Connor Ridge, nor will there be any offshoots through the ridge. Under our recommendations, the Gungahlin Drive extension will pass close to the western perimeter of the ridge and will be routed behind the existing eastern AIS and Bruce Stadium car park and link with Caswell Drive via a flyover at Belconnen Way. AIS and Bruce Stadium traffic will be able to access the Gungahlin Drive extension, with traffic flow in both directions, and bus routes from Belconnen to Civic via the various Bruce precinct facilities could also be encompassed.

Access to the AIS and Bruce Stadium parking areas and main entrances will not be affected. The AIS in particular has large numbers of regular busloads of visitors from all over Australia and overseas and has an established infrastructure for meeting and greeting visitors. The cost of relocating these facilities and access arrangements will be high, and it may be fanciful for the AIS to be expected to bear the cost.

Most importantly, as I stated earlier, emergency vehicle accessing routes should be provided to allow ambulances access to casualty at Calvary Hospital. This is a vital consideration for residents of Northern and Western Canberra, and in particular the families and residents of Gungahlin.

In contrast, the western option is routed close to the AIS through what is currently the AIS western car park. Much of the land is currently held by the AIS under lease from the Commonwealth, and advice is that the lease is likely to be extended for a further term.

8 March 2001

The Commonwealth has the power to override the ACT in regard to the use of Commonwealth land.

The AIS and other members of the Bruce Precinct Association are concerned at the proximity of a four-lane highway to training, residential, commercial, technology and educational facilities. Further development of the Bruce precinct would be hindered by the division of the area by a four-lane highway.

Mr Speaker, it needs to be recognised that the area has changed remarkably since 1991, when the Joint Parliamentary Committee on the ACT, chaired by the former member for Fraser, Mr John Langmore MP, recognised this as a suitable major road corridor.

Notwithstanding the effects on commercial and residential activity associated with Huntley Estate and the development of Technology Park, the effects on the AIS and Bruce Stadium will be serious. The western option would pass close to the AIS dormitories and would bisect the car parks, which are used not only by visitors but also by AIS staff and residents. The outstanding and hugely popular successes of Australian athletes at the Sydney Olympics were in no small way due to the programs of the AIS. Any disruption to the ability of the AIS to continue to effectively and efficiently conduct its programs would be a retrograde and potentially highly contentious step.

Entrance to the AIS and its various tourism, training and competition venues will be severely disrupted. Expensive vehicle and pedestrian access will also have to be provided either under or over the parkway. On balance, it would be much cheaper and less disruptive and more effective to put the Gungahlin Drive extension through the eastern corridor, where there is basic freedom for development, than through the western corridor, where a multitude of complications need to be addressed. There would be major complications in using the western corridor.

It is important that members realise that, even if all of these recommendations are carried through, Gungahlin residents will still be disadvantaged compared to other Canberra citizens. Residents of Belconnen and Tuggeranong have four major outlets, while these recommendations, comprehensive as they are, will provide Gungahlin with only two.

There is a time for thinking. There is a time for discussion. There is a time for study and investigation. There is a time for consultation. There is a time for commencing. Finally, there is a time for action. And that time has come, Mr Speaker. There should be no more studies. It is time to get on with the job of providing essential transport infrastructure for the families of Gungahlin. My committee considers it imperative that the current parliament take a decision on this issue. This is our duty.

On behalf of the committee members, I extend our appreciation to all who assisted with this inquiry. (*Further extension of time granted.*) I would like especially to thank all those who provided submissions or appeared before my committee. I assure them that their views were taken with the same seriousness with which they were delivered.

I also thank various departmental officers who appeared. I also thank their respective ministers for allowing them to attend. Special thanks are due, as usual, to the committee secretary, Mr Rod Power, whose skills were particularly evident in the long and

complicated inquiry. I also wish to thank my colleagues Mr Corbell and Mr Rugendyke for their assistance during the two-year inquiry undertaken by my committee.

I commend the report to the parliament.

MR CORBELL (11.52): The majority report, as just outlined by Mr Hird, of the Standing Committee on Planning and Urban Services in relation to proposals for the Gungahlin Drive extension has in my view failed to properly address the range of transport, land use and planning issues, which are central to the debate, of not just the Gungahlin Drive extension but the future of land use planning and transport planning in the ACT.

Through this inquiry the committee was presented with a significant opportunity to present a more balanced approach in addressing the significant disadvantages facing Gungahlin residents in terms of transport equity. Equally, the committee had open to it an opportunity to recommend a route for the Gungahlin Drive extension which was direct and effective in linking Gungahlin to Canberra's arterial road network, whilst also sustaining the least possible damage to Canberra Nature Park. There were also considerable opportunities for the committee to recommend proposals for more effective public transport provision and for the better integration of land use and transport planning. In my view, the majority report has failed to grasp the opportunity to effectively address any of these issues.

Mr Speaker, I would like to briefly outline the issues involved in my dissenting report and explain why I believe it is appropriate that I dissent from the majority finding. The first issue I want to address is the issue of a balanced approach to meeting the transport needs of Gungahlin residents. As Mr Hird has rightly pointed out, Gungahlin is the fastest growing urban area in Australia and is projected to have a total population of approximately 110,000 residents. The location of Gungahlin between the already established areas of Belconnen and north Canberra makes transport links between the Gungahlin area and other parts of the city more difficult as the construction of new roads will require either crossing through existing areas or skirting already established areas.

The development pattern of Canberra is still based upon the so-called Y plan. The metropolitan structure of Canberra calls for a decentralised city with town centres acting as regional hubs for employment, retail, community and commercial activity. The philosophy behind this approach remains to contain a percentage of journeys from within any town centre to that town centre, thus reducing the need for intertown travel. This land use approach in the past has been supported by policies which locate employment generating activity, along with commercial and community facilities, within each town centre. Unfortunately, the approach of this government has been, on the whole, to abandon this strategy when it comes to the development of Gungahlin.

Gungahlin currently has a population approaching 20,000 residents. Its employment base in comparison is pitiful. As a result, the level of containment of journeys within the Gungahlin area is also extremely small, and this has resulted in increasing demands on existing roads such as Northbourne Avenue by vehicles leaving Gungahlin each morning and returning each evening. In effect, Gungahlin is simply a dormitory suburb. This is despite the fact that it has a population base rapidly approaching that of Weston Creek. This situation has been allowed to develop through inaction by government in addressing

8 March 2001

the need to establish a viable, vibrant town centre for Gungahlin. The government needs to implement active strategies for encouraging employment location and generation within the Gungahlin area.

Mr Speaker, I must take exception to Mr Hird's comments that the majority report has come down with new initiatives. Unfortunately, Mr Hird seems to pass off existing government policy as a new idea. It is not something that I am prepared to endorse.

This government should be looking at using taxation and other charges, land prices and other mechanisms to provide an incentive to employers, both in the public and private sectors, to locate their activities in Gungahlin. This would assist in not only starting to contain a percentage of journeys within the Gungahlin area, thereby reducing demands on external travel and on external arterial roads, but it would also have significant social benefits for the people of Gungahlin themselves. It would help to create a vibrant, effective Gungahlin town centre and would simply act as a further spur for additional services and facilities.

Taking a proactive approach to addressing the reasons underlying Gungahlin's transport problems is one vital step. Another is to ensure that Gungahlin's arterial road network is at an appropriate level. As recommended in the majority report, there is a compelling need for an additional arterial road link to Gungahlin. This connection should link Gungahlin to the existing parkway network.

I think it is important to dispel a few myths. The construction of an additional arterial road link from Gungahlin is not primarily about facilitating greater access to Civic. It is, instead, about linking Gungahlin to the broader parkway network and allowing Gungahlin residents to have faster and more efficient connections with Tuggeranong, Woden and Weston Creek. The by-product of this, of course, is that it reduces congestion on Northbourne Avenue.

Road provision cannot be viewed in isolation to other transport solutions. The majority report, I believe, tends to focus almost overwhelmingly on road-based solutions. In reality, while the majority report rightly identifies the needs for an additional arterial road, it does not adequately address the issues confronting Canberra's public transport system.

Evidence received during the inquiry highlights the fact that Canberra's public transport system is not a viable alternative to private vehicle use for the majority of the city. You only have to look at the fact that Gungahlin is the only town centre without any shared zone in the city for public transport use. The average cost of catching a bus from Gungahlin to the city is \$4 one way. When you take account of the added convenience of the motor vehicle, it is little wonder that people feel prepared to pay for parking in the city each day when they are travelling from Gungahlin rather than catch a bus. The evidence received during the inquiry showed that some of the factors associated with problems with the public transport system include the frequency of service, length of journey and cost.

Canberra is the city which says it takes its environmental responsibilities seriously. Yet the key local generator of CO² emissions is Canberra's transport sector and 22 per cent of all of our greenhouse gas emissions come from transport emissions. Therefore,

measures to reduce emissions arising from transport use need to be actively pursued and one key initiative must be to start providing a viable alternative to the private motor vehicle. Comments in relation to greenhouse are few and far between in the majority report.

Mr Speaker, we need a re-examination of how public transport is provided in a dispersed city such as Canberra. The Canberra community values the decentralised structure of our city with its open space bonus and other green areas in contrast to the more radial and concentrated nature of the traditional Australian city. There is no doubt that a decentralised city is not necessarily an obstacle to the provision of effective public transport. An effective public transport system can be provided by utilising the hubs or town centres and group centres in the city for public transport. The committee's discussions with Professor Peter Newman of Murdoch University in Western Australia, who is also the author of *Towards a More Sustainable Canberra*, published in 1991, highlight this point. Unfortunately, the majority report has chosen to ignore that very valuable contribution.

The overwhelming opinion of most submitters to the inquiry is that Canberra's bus network did not provide the responsive level of service needed to effectively compete with the private motor vehicle. Evidence by Dr Paul Mees on behalf of the conservation council highlighted the fact that improved frequency of service, coupled with easing interchanging, could provide a far more effective public transport service than one based on zonal fares, no interchanging and costly indirect service provision. These are strategies that the government should investigate as a balancing element of providing a more sustainable transport system for Gungahlin and Canberra.

I would like to briefly turn now, Mr Speaker, to the issue of the alignment of the proposed Gungahlin Drive extension. A major question for the committee was exactly where this alignment should proceed, and it was the key issue raised in the overwhelming majority of submissions. The original government proposal for the Gungahlin Drive extension favoured an eastern alignment with spurs connecting to Barry Drive and Caswell Drive. Subsequently, the government has announced its decision to remove the spur connecting to Barry Drive but retain the remainder of the eastern alignment with a connection to Caswell Drive. This announcement does not, in my view, address the significant concerns relating to the impact on the O'Connor Ridge nature park area. In particular, it does not address the issues relating to the sustainability of the reserve area.

Any road which results in a division of the area, as this proposal would do straight through the middle, does not in my view assist in the sustainability of the area as a conservation unit. Alignment of the Gungahlin Drive extension to the east will result in the division of O'Connor and Bruce ridges and, as I said earlier, will result in a serious compromising of the O'Connor/Bruce Ridge nature park as a unit for conservation. If the eastern alignment proceeds there will be an unnecessary and destructive impact along a considerable length of the O'Connor and Bruce ridge, and damage to the nature park area will not have been attempted to be minimised in any way.

In contrast, the western alignment will not have the same level of impact. The impact of the road will be restricted to an area of the Bruce Ridge alone, adjacent to the Bruce CIT and Calvary Hospital. There will still be an impact on an area of Canberra Nature Park

8 March 2001

but the onus on the territory must be to minimise its impact to the least possible. By locating the Gungahlin Drive extension to the west of the AIS adjacent to the Bruce CIT and Calvary Hospital the road will be at the edge rather than in the middle of the nature park area.

Mr Speaker, the other point that needs to be made, of course, is that following the government's announcement to remove the spur road connecting the Gungahlin Drive extension to Barry Drive, there is no need for the road to travel to the east. The government's proposal is in effect nonsensical. You have a road that travels easterly to reach a westerly destination. It is a proposal which is no longer tenable.

Mr Speaker, the western alignment, as advocated by the Joint Standing Committee on the National Capital, would also provide—and this is often known as the community option—for fast and efficient links to Bruce Stadium, to the Bruce CIT and Calvary Hospital. I reject Mr Hird's suggestion that it means you have to build a car park on top of the freeway.

Mr Speaker, for these reasons I am dissenting from the majority report. For these reasons also I have already placed on the notice paper a motion requiring that, pursuant to subsection 37 (2) of the Land (Planning and Environment) Act 1991, the Legislative Assembly will recommend to the executive that: firstly, the proposals for the alignment of the Gungahlin Drive extension travelling to the east of the Australian Institute of Sport be deleted forthwith from the Territory Plan; secondly, proposals for the alignment of the Gungahlin Drive extension travelling to the west of the Australian Institute of Sport and connecting with the intersection of Belconnen Way and Caswell Drive be re-affirmed and retained on the Territory Plan; and, thirdly, the ACT Planning Authority be directed to report to the Minister for Urban Services and this Assembly on progress in preparing plans for the commencement of construction of the Gungahlin Drive extension along an alignment to the west of the Australian Institute of Sport, including measures to address potential noise impacts along the route. Mr Speaker, I will be moving this motion at the next sitting of the Assembly. (*Extension of time granted.*)

Mr Speaker, in conclusion my recommendations are:

- (1) That an additional arterial road be built to connect Gungahlin with the Parkway network.
- (2) That strategies be implemented to encourage employment location to the new Town Centre of Gungahlin so as to improve the viability of the Town Centre and reduce intertown journeys.
- (3) That measures be implemented to improve the frequency, and interchanging, of public transport services.
- (4) That the Gungahlin Drive Extension be built along the western alignment—

the so-called community option—

to link with the Belconnen Way, Caswell Drive intersection.

Thank you, Mr Speaker.

MS TUCKER (12.08): Obviously this is a disappointing report from the Greens' perspective. I was concerned when we saw Mr Humphries some time ago present as some kind of compromise the removal of the spur to Barry Drive. I did not think anybody would see that as a rational way of progressing this issue and I am very surprised that it appears to have convinced the majority of members of the committee that is dealing with the issues that are at the centre of this debate.

What we have ended up with is another road which we do not think we should have. But the argument right now is about where the road will go. So we have not only ended up with another major road but we have ended up with a major road which is still going to be very destructive to the Bruce and O'Connor ridges and which basically will have a negative impact on the ecology of that area and on the residents and people who use the area for recreational reasons.

We care about this because we care about the Canberra nature parks, we care about the character of the bush capital, and we care about the integrity of the planning of our city as the national capital. This area is part of the inner hills which, under the National Capital Plan, are identified as significant because they frame the national capital.

We believe that the impact of the ecological concerns about this road is much broader than just the road. There is going to be a wider impact through noise disruption and disruption to wildlife corridors. As I have said already, this area has important recreational significance to Canberrans.

One of the important points that have to be made here today is that there is a better option—an option that impacts much less on the nature park and that, in engineering terms, is a better option. But basically this government, Mr Rugendyke and the big end of town care nothing about protecting the environment or the quality of life of people in Canberra.

I think it is important to look at what we will achieve for the long-term transport needs of this city by building this road. We have heard a couple of people talk about the projected population of Gungahlin. What people know well but do not talk about in this place, in the community or in the media is that this is just the beginning of more freeway building in this city.

It is quite clear from Maunsell that, if we continue to follow our current thinking on transport, there will be a need not for just this road but a road for Monash and an upgrade of Majura—and the Greens do not have a problem with just an upgrade of Majura. Basically, what we know is that, according to Maunsell, when the population of Gungahlin reaches 100,000, traffic from Gungahlin heading south will occupy 10 lanes worth of road space in each direction. Six or seven lanes of this road space will be provided by Dedman, Monash and Majura, and the rest of the traffic will be equivalent to three lanes or four lanes in each direction—you can use existing roads, particularly Wakefield, Limestone and Northbourne.

What are we moving towards? Are we taking a long-term look at how we are going to meet traffic demands if the present dependence on the motor car continues? Are we going to be meeting those demands? Of course we are not. This is the beginning of more

8 March 2001

freeways and it is not going to serve the interests of anybody in Canberra to go down this road.

As Mr Corbell said, this government has gone backwards in its support for public transport. In particular, Gungahlin residents are suffering as a result of the zone system. There are no employment opportunities in Gungahlin. Last week we had this debate with minister Smyth, who is quite happy and supportive of the development of a major commercial area at Brindabella Park at the airport. He is cooperating with the airport to do this. But there is no response as to what the Gungahlin Drive proposal means for the location of employment in town centres. There is no response from the minister for the environment on what it will mean for greenhouse gases if we continue to leave suburbs like Gungahlin with no employment focus.

So there can be no argument from this place about how this proposal is serving the people of Gungahlin. It is totally not serving the people of Gungahlin. They are going to end up with congestion and traffic problems. As well, people who live in the inner north are going to suffer as a result of this inappropriate response to this planning issue.

There is another issue, of course, which obviously matters to some of us more than others, and that is greenhouse. Some years ago, in response to a Greens' motion, the government set a greenhouse target and gave a commitment to developing an integrated land use and transport strategy. However, we still have not seen that. Instead, all we saw in the last budget was the traffic jam plan—and that was more roads. We have not seen the government develop this integrated land use and transport strategy. We know that something like 22 per cent of greenhouse emissions are the result of transport, the use of cars. We know that it is increasing in this area. We know that the greenhouse effect is a major global environmental issue and this government needs to be condemned for its hypocrisy.

On the one hand, the minister claims credit for having a target but, in the transport sector, he takes actions which guarantee an increase in greenhouse emissions. This minister is a hypocrite and future generations will not thank him, his government or this government's supporters for the actions that they are taking at this time.

We still have an opportunity in this Assembly to reject this short-sighted proposal. We still have an opportunity in this place to show leadership in transport planning by insisting that environmental and social considerations have to underpin planning decisions—not alliances with the big end of town. We could recognise the importance of public transport in meeting those environmental and social objectives by rejecting this more roads proposal.

We can recognise short-term pressures by supporting the upgrade of Majura Road and William Slim Drive. Residents of the inner-north suburbs have a legitimate concern about the current situation. We need to make a significant shift in how we are addressing these very confronting—and I acknowledge they are confronting—issues which will require social change.

When I read this report, I see two pages which support the major recommendation to go east. What is the rationale? The rationale is cost—and, according to this report, there is a maximum \$7 million difference between the cost of the two options. This government

spends much more than that on car races. This government spends much more than that on sports stadiums. This is a small amount of money when you compare it to what this government has spent money on in terms of projects it supports. This is nothing compared to what they have given to Impulse Airlines.

What are we talking about here? This is a committee that apparently had the brief of looking at the costs and benefits of different road options. We are told that there is going to be a difference of a maximum of \$7 million, and it is hard to understand that. The committee said:

The committee's attention has not been drawn to any factor which would increase the cost of the eastern alignment above a certain level.

So the costing is fairly rough anyway. But we will stick with these figures. This is the rationale—there is no cost to the environment at all. We had a committee in this place that looked at environmental accounting. I would have thought contemporary thinking on economics was now pretty well established in that we do not just look at the bottom line. The major parties talk about the triple bottom line.

This committee is basically saying it will cost this much to compensate or build another car park. It is saying that it will cost so much to soundproof residences at the AIS—I am very interested to hear that the government will pay for soundproofing at the AIS because that is going to open up a lot of claims. I think the ACT community would be fascinated to know government is prepared to do that. (*Extension of time granted.*) People on Limestone Avenue would like to know that they can now ask the government for money for soundproofing because they are living on a major road that is certainly impacted by traffic. We will wait to see what comes out of that. I am very interested in the government's response to that statement—that they are saying that they would pay for this and are accepting it as a government responsibility.

What we have ended up with here is a very superficial analysis of the cost of building things. According to this committee, environmental, social and recreational considerations have no value. So when they do a cost-benefit analysis they say, "It is easy. We will go east because it is going to cost more to go west." This is based on totally simplistic analysis. If there was any real sophistication in this analysis, you would be looking at issues like local pollution; you would be looking at the implications for greenhouse. I would have thought even these people would know that greenhouse is an issue; that even these people would know that greenhouse is now internationally recognised as the major environmental problem. Even these people, I would have thought, would know that we have a responsibility as a local community. Even these people, I would have thought, would realise that local communities all over the world are grappling with this problem. It is difficult and it takes courage and leadership, but future generations will pay if we do not take a strong position on these issues.

I am glad that I can say that this is not a definitive statement on this issue. We will have a debate in this parliament. Mr Corbell has just said that he is going to move a motion and we will have a debate on that motion. Mr Michael Moore and Mr Kaine obviously have not spoken yet on this issue. They will be crucial to the result of this discussion. I believe that Mr Kaine has a very clear understanding of the issues at stake here; and I cannot say anything about Mr Michael Moore at this point. But I hope that we see

8 March 2001

a majority of members of this Assembly reject what has come out of this committee report. I hope they will stand up for a proper analysis of the issues and not just keep the big end of town happy.

MR STEFANIAK (Minister for Education and Attorney-General) (12.20): I am amazed that Ms Tucker talks about the big end of town. I am going to talk about a whole lot of little people. I want to talk about the very talented athletes of the AIS. A lot of Canberrans at the ACT Academy of Sport, which is at the CIT, hardly constitute the big end of town. I want to talk about the little people of Canberra who go out to Bruce Stadium and get much enjoyment from watching the Brumbies and the Raiders—and probably not quite so many people go to watch the Cosmos. I also want to talk about the various local sporting bodies that use the facilities at the AIS.

I have had a look at this proposal and I know the area very well. The western route—which I think Mr Corbell likes; I do not think Ms Tucker likes any route—goes right through the car park near the residences of the AIS. I note the AIS put in a number of submissions, as did the Academy of Sport. I note Jim Ferguson, who was then the head of the AIS, put in a very reasoned submission.

I just remind members who seem to favour the western route that there are a lot of people interstate who would dearly like the AIS to move out of Canberra. People are quite happy to bash Canberra. The AIS brings considerable benefit to this city—in fact it brings huge benefit to our sporting population—in that it is a pretty major industry. It provides a wonderful service in assisting talented athletes, including many from the ACT. You only need to look at the results at the Paralympics and the Olympics to see how well some of our local athletes have performed.

Mr Ferguson, John Boulton and others at the AIS are very concerned that if this western route were to go ahead the AIS would move out of the ACT. I am amazed that the Labor Party would be supporting something like that, I am amazed that Mr Quinlan could possibly support something like that, because I think that is a very real danger. In fact, I think that would almost certainly come to pass if the western route went ahead. It would be very difficult for the AIS to continue its operations were that route to go ahead. It would also cause considerable inconvenience to large numbers of Canberrans.

The most contentious route in this whole debate was the route which went down the O'Connor ridgeline to marry up with Barry Drive. The Chief Minister ruled that out back in October. I have walked that route and I can understand the concerns of the Save the O'Connor Ridge people. On occasions I used to walk over the O'Connor ridge from Lyneham to go to the stadium. But that route has been ruled out. The proposed route—the eastern route—skirts around those facilities. I think it has been well picked. I think it causes minimal disruption. If you are going to have an extension, it is the best possible extension to have in all the circumstances.

I commend the majority of the committee for exercising commonsense in this very difficult and emotional issue. I note that that is the only issue that Mr Corbell dissents from. The committee made a detailed study and I commend all members of the committee for agreeing on all points bar one. I commend Mr Hird, as chair, and other members of the committee for doing a very good job. But I just caution members to be

very careful when we have this debate in March and to think very hard about supporting the western route, because if they do I think you could probably kiss goodbye to the AIS.

MR KAINÉ (12.24): Mr Speaker, I have not had a chance to read this report yet, except to casually flick through it. But I must say that, on the face of it, I am extremely disturbed and disappointed that it took a committee two years to do very little other than regurgitate what has appeared in countless reports, come up with no new thinking whatsoever, not a single new thought, and, strangely, conclude that the government's preferred position is the only way to go.

This report is the basis for a great deal of public concern, public controversy and political debate. I would have thought that this government would have wanted to see something more definitive than this report and have the matter resolved before the significant election comes up later this year. I think this report has the makings of a major problem for the government. As I say, it introduces no new thinking and does nothing other than conclude that the government's preferred position is the only way to go.

I do not think the report has made much of a contribution to the debate at all. It is merely going to stimulate further dissension and it is going to stimulate further debate on issues that have merely been restated. There are questions of the importance of Majura Avenue and the impact on places like Northbourne Avenue, Limestone Avenue, Belconnen Way, Ginninderra Drive and Ellenborough Street in Lyneham. All of these problems have been well known for years and yet none of them are really addressed in this report. They are referred to. We all knew about those problems before the committee undertook the inquiry. But what do they see as the solution? The only solution is the government's preferred position. As Ms Tucker has pointed out, on a cursory look it is pretty slim on justification.

Even the money figures that are quoted are pretty rubbery. The report states, and I think Ms Tucker referred to this:

The committee's attention has not been drawn to any factor which would increase the cost of the eastern alignment above the \$21m-\$22m outlined at the start of this chapter.

What does that mean—that somebody gave them a figure, nobody questioned that figure, so it is right? That seems to be the presumption and that is the basis for opting for the eastern route.

Mr Speaker, I must say that I am extremely concerned at the things that this report does not do. I would have thought that, given that the population of Canberra is now approaching 325,000 and the population of Gungahlin is increasing and will reach something of the order of 100,000, now might have been the time to consider some sort of rapid transit system. If the government, as Ms Tucker has pointed out, can spend tens of millions on the Bruce Stadium, on other transport issues, on sporting events and the like, can we not contemplate spending a significant sum of money on actually building a rapid transit system that serves the needs of this community? We could even plan it to be done over, say, an eight or 10 year period—you do not have to do it all this year or next year. But there is no reference to this.

8 March 2001

Presumably, the alternatives for transportation in the ACT as far into the future as we can see are going to be either the private car or the bus. Under present circumstances, on historical evidence the private car will win every time. Yet the Standing Committee on Planning and Urban Services has not contemplated recommending some more efficient and effective form of public transportation, notwithstanding the nature, the urgency and the magnitude of the problem being presented to them at Gungahlin.

So I think that rather than solving anything, this report is merely going to cause further agitation and further heated debate, both in the community and in this place. I think Mr Corbell is right in that there are alternatives that this report does not, on the face of it, seem to properly, fully and comprehensively consider and deal with. The committee seems to have reached a conclusion far too easily, while discounting or discarding all of the other options as being irrelevant or meaningless.

I can see that we are in for a pretty torrid debate over the next month or two. As I say, Mr Speaker, I predict that this debate will continue in the public arena and will cause the government some concern by the time they get around to an election in eight months time. I am by no means convinced by this report. I am not satisfied that the committee considered all of the facts comprehensively. I am satisfied that they have done a lot of regurgitation of material from previous reports from as long as 10 years ago, and much of which is perhaps no longer relevant to the debate. But there is page after page of it. Frankly, I think that the report is disappointing.

MR SPEAKER: I understand it is the wish of the Assembly to suspend for lunch.

Mr Stanhope: Mr Speaker, just before we do that, I would like to acknowledge the presence in the gallery of a significant number of nursing staff who are members of the ANF and who have come here today to seek an opportunity to speak with the minister for health. I would like to take this opportunity to let the minister for health know that they are here. I know he is keen to speak with the nurses that he has been treating so contemptuously. There is an opportunity for him to speak with them today and I would like to invite him to do so.

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for the next sitting.

Sitting suspended from 12.32 pm to 2.30 pm

Questions without notice

Canberra Hospital—nurses

MR STANHOPE: My question is to the minister for health. Minister, the nurses at Canberra Hospital have made it clear that your pay offer does not address the underlying problems at the hospital. Given that the government's supplementary budget, tabled in the Assembly this morning, includes funding for an initiative to strengthen the territory's nursing work force, why were you so reluctant to meet with nurses from Canberra Hospital who brought their concerns to the Assembly today? What will your offer do to address the excessively long shifts and the excessive overtime worked by nurses, and what will it do to retain existing nurses, let alone attract new workers to the industry?

MR MOORE: Long shifts, retaining nurses and double shifts, I think you said.

Mr Stanhope: Yes, and attracting new workers.

MR MOORE: I will answer those questions the best I can. Mr Stanhope, I have made myself available on quite a number of occasions to meet with the nurses union in order to discuss the offer the government made. It is worth understanding very clearly that the offer was made by the government to hospital management. The negotiators are the hospital management and the nurses union. That is how the system works, Mr Stanhope, and you of course would be very aware of that.

In the case of Calvary Hospital, the hospital management and the nurses union were able to come to an agreement in 16 to 18 days and were able to say, "Yes, we are going to put that to our nurses for consideration." As we know, 83 per cent of them said, "Yes, this is a good offer. This will improve our conditions." The matter is being considered by the Industrial Relations Commission for verification at about this time, and I expect that within the next few minutes it will be verified.

As soon as that happens, the nurses at Calvary will have the best conditions in Australia, and they will have the best pay in Australia. They are advertising that. Advertisements last Saturday said, "Come to Calvary. The best nurses. The best conditions." Calvary has an incredible advantage over the Canberra Hospital, unfortunately. The advantage is that we are giving the best possible conditions and pay in the ACT, and for that they could read "or in Australia".

We made an offer that would assist in reducing the long shifts and people working double shifts, because the offer we made was specifically focused on areas of need. One part of the offer was that we will provide significant bonuses to nurses who are working in areas of need. Areas of need are such places as the emergency section, the renal unit and the intensive care unit. We know that they are areas of need. We also know—I am not sure whether you are aware of this, Mr Stanhope—that when we examined where nurses are doing their double shifts we found that something like 85 per cent of double shifts were done in areas of need. In other words, it is not a systemic problem across the hospital. It is specifically in areas of need.

We are saying that not only will we give ACT nurses the best pay and the best conditions in Australia so they will not be taken elsewhere but added to that we will provide bonuses for people working in those special areas of need. Why? Because we recognise that over the next little while there is going to be a temptation for nurses to work where they can get better conditions. They have always had better conditions than anywhere else, but the agreements in New South Wales and Victoria looked like they might in time overtake ours. So in the middle of an EBA we made an offer. We said, "We can give you the best conditions in Australia and give you some flexibility, in particular in the length of shifts."

Quite a number of nurses—I have spoken to quite a number of nurses, for example, in intensive care—have said, "We want to do 12-hour shifts. There are some reasons why we want to do 12-hour shifts." I said, "Isn't that unfair on the other nurses who want to do eight-hour shifts?" They said, "No. We can manage a flexible system. Some of us can

8 March 2001

work 12 hours and some can work eight hours. That is what we want to do.” I said, “If you can find a flexible way to do it, I am quite comfortable about that.”

Mr Berry: Who said that—the union or some nurses?

MR MOORE: No, not the union. There were nurses in intensive care who said that to me. I have a letter from a nurse who wants to go back and work at the Canberra Hospital when we have a shortage. My understanding is that she is in one of the specialist areas. She has a young family. She does not want to work eight hours. She wants to work four hours. There are peaks, and it could be very useful to management to be able bring somebody on for four hours—it does not change anybody else’s shift—and get that flexibility. What is more, the agreement guaranteed that nobody would be forced to do anything other than the standard shift.

Mr Berry: Not yet.

MR MOORE: It is written down in the enterprise bargaining agreement, Mr Berry. You know that. You know how those agreements work. That is written down as a contract, effectively. If you want to change a contract, you have to go about it in a way that is above board, which is exactly what we did. We said in the middle of an enterprise bargaining agreement, “We are prepared to put up across the Canberra Hospital and Community Care \$5.8 million, to give over the length of the package some \$20 million.” That is what we offered. And there is a reason for it: to do something about the very things you asked me about—the long shifts, the double shifts and the shortage of nurses, particularly in specialist areas.

Mr Berry: What about the temporary level 2 nurses? Is that a good idea? Do they love that?

MR SPEAKER: Stop interjecting, Mr Berry, please.

MR MOORE: The sad part is that it will work well at Calvary Hospital but, if the nurses union stop this going to a vote, it will not happen at the Canberra Hospital. We will not be able to do those things. Fundamentally, this is about a democratic vote.

Mr Corbell: The union decides.

MR SPEAKER: You stop interjecting too, Mr Corbell.

MR MOORE: If you want to know not what the union thinks but what—

Mr Berry: It is a democracy.

MR SPEAKER: I warn you, Mr Berry.

Mr Corbell: The union are the members.

MR SPEAKER: I warn you, Mr Corbell.

MR MOORE: If you want to know what the bedside nurses think, what is wrong with a democratic approach? Absolutely nothing I can see. What is the union so frightened of that they will not allow this vote to go to members?

Mr Stanhope: They are not stopping any vote.

MR MOORE: “They are not stopping anybody,” says Mr Stanhope, but he is wrong. It is very interesting what has now appeared at the hospital. I have a copy of what has appeared at the hospital in the stairwells and so forth. It says:

Attention to all nurses

A petition to support the pay and conditions, as offered to nurses by [the Canberra Hospital] and Mr Michael Moore and a petition calling for a secret ballot are both available for signing by any TCH nurse in the shift coordinators office, building 1 level 2.

Why can they not walk around and ask to have it signed? They have to put it in the shift coordinator’s office. One cannot help wondering about the level of intimidation, against a democratic system.

MR STANHOPE: I ask a supplementary question. The minister has just indicated in his answer—I think this is what he indicated, and I wonder whether he might confirm it for the Assembly—his version of the offer that was made to Calvary. The minister has indicated that it was management that put an offer to the nurses at Calvary. Can the minister confirm that it was in fact the ANF that put the management offer to the nurses at Calvary Hospital and that it was the ANF that facilitated the vote that led to nurses at Calvary accepting the offer that was made there? Can the minister tell us when he will enter into constructive negotiations with the nurses?

MR MOORE: The course of events was that I phoned the head of the Nursing Federation on a morning in December, and I said, “We are going to make a further announcement about our strengthening the work force package.” By the way, I did not mention this in the early part of the thing, just so much of the package. I said, “As you know, we have already provided extra education and educational opportunities for our nurses with the support that is tied in with that. I am going to make a further announcement about that, and so that you understand what it is I will be very comfortable if you would like to come to my office.”

My recollection is that I was making that announcement at 11 o’clock; it might have been 11.30. I said, “Would you like to come into my office an hour before I make that announcement so I can take you through exactly what the offer we are putting is?”

I explained very carefully, “We are putting money up to the Canberra Hospital management, to the Calvary Hospital management and to Community Care management for them to then negotiate. But from the government’s point of view we are in the middle of an enterprise bargaining agreement. We are intervening in that, and we are going to put up \$20 million over the period of the agreement, approximately. The effect of it is something in the order of 12 per cent, but it is up to management to negotiate. But what we are putting up is non-negotiable. It does have time limits. We are doing it because we think this is the most effective way to do it. But if the management at the Calvary

Hospital wants to adjust something and they can provide the money for it, that does not worry me.”

The negotiation was never between me and the nurses federation, nor should it have been. It was between management and the union. I have maintained that position all the way along, as indeed I should. The government was prepared to put up the money provided we had some things in return about improved management conditions. A package that was carefully prepared by me with my staff, with the staff of the department of health and with senior nurses from the Calvary Hospital, Canberra Hospital and Community Care was the offer.

Mr Stanhope, I do not know where you would possibly get the idea that suddenly the nurses federation came in and said, “Here is an offer we have got, and we want some money.” I can tell you that the nurses federation were quite surprised at the time when we made this offer, which ought not to be astonishing to anybody here, because, to the best of my knowledge, it was the first time a government had taken the path of seeking to intervene within the period of an enterprise bargaining agreement in that way.

Economy

MR HIRD: My question is addressed to the Chief Minister, Mr Humphries. Is the Chief Minister aware of the important economic statistics relating to job advertisements, retail trading and average weekly earnings that have been released recently?

MR HUMPHRIES: I thank Mr Hird for that question. A number of important statistics have been tabled recently on the economic state of the territory. I might say that they are all the more surprising given the background of much less satisfactory economic statistics for the rest of Australia. It is worth reflecting on what those figures show. The ANZ conducts assessments of job advertisements around the country. The ANZ survey showed that, in trend terms, the number of job advertisements in the ACT rose by 0.7 per cent in February, a total of 5.2 per cent over the 12 months to February 2001. The ACT was one of only two states or territories to record an increase in job advertisements over that same period.

On the same day, the Australian Bureau of Statistics released its statistics on retail trade for the territory, and that was also very good news. The figures from the ABS show that the retail sector enjoyed a 0.9 per cent growth in the month of January alone. For the 12 months to January 2001, retail growth in the ACT was 14.4 per cent. The hospitality and services sector grew the fastest, with growth of 34.7 per cent. That is almost unbelievable—34.7 per cent growth in that sector in one year to January 2001.

There were also figures last week from the ABS on wages growth. The ACT is again leading the nation in average weekly earnings, with ACT employees earning an average of \$766.10 per week. During the November quarter, average weekly earnings for all ACT employees grew by 1.7 per cent. And it is interesting to see the break-up between the genders of those figures, particularly with today being International Women’s Day. Male employees’ wages increased in that quarter by 1.5 per cent. Women’s earnings increased by 2.6 per cent. So, in the 12 months to November of last year, wages grew by 8.6 per cent in the ACT. Bearing in mind that the inflation rate is much less than that—2, 3, 4 per cent or thereabouts—8.6 per cent is a pretty good outcome in terms of the cost

of living and quality of life of people in the ACT. The yearly figures are particularly good for women, as I said. Their wages increased over that same period by 10.8 per cent. The increase in average weekly earnings for men for that 12 months was 8.7 per cent.

The indications are that the figures are indeed very strong. We believe that we need to continue the economic settings that produce that kind of environment, particularly to see favourable economic conditions for jobs growth in the private sector. With the lowest unemployment, the highest rate of growth in jobs, the highest rate of growth in retail and the highest levels of business confidence, I think we have a very good basis on which to proceed through the period which is now obviously besetting other parts of Australia.

MR HIRD: Mr Speaker, I ask a supplementary question. That sounds like good news, Chief Minister. Can the Chief Minister please confirm that the growth rates of job advertisements, average weekly earnings and retail turnover are ahead of the national average for all of these three statistics?

MR HUMPHRIES: There are certainly indications that the ACT is leading Australia in all of those areas. For example, I mentioned before that in the 12 months to February there was an increase in the ACT. In fact, that is all the more startling given that nationally there was a decline in job advertisements of 24.1 per cent—compared with a 5.2 per cent increase in the ACT. We have the greatest rate of increase in job advertisements over the last 12 months. In New South Wales, for example—the state surrounding us—the number of job advertisements in that same period declined by 30 per cent, which is quite disturbing, I might say.

In retail turnover, our turnover grew by 0.9 per cent in the ACT in January. At the national level there was growth of only 0.4 per cent. In the 12 months to January 2001, turnover grew by 14.4 per cent, compared with only 5.5 per cent nationally. We have the highest rate of retail growth of any state or territory, by a very large margin. The next closest state was South Australia, with about half that rate at 7.7 per cent.

With average weekly earnings, our wages of \$766 also are well above the national average of \$650. In fact, they are more than \$100 ahead of the national average, and our wages in the ACT are about \$200 a week greater than those of such places as Tasmania. I mentioned that wages grew by 8.6 per cent in the ACT. At the national level it was only 5.9 per cent. The growth for women, I said, was 10.8 per cent. It is only 6.7 per cent at the national level.

So it is a bit surprising, I have to say, in light of all those figures, to note the comment made by Mr Quinlan recently that the ACT economy was being dragged along by the national economy. He claimed that we were lagging behind. I think we will compromise—we are lagging ahead of the rest of the country.

Mr Quinlan: Chris reckoned you are.

Mr Moore: But we're going to change that.

MR HUMPHRIES: That is right. We are going to change that. I think Mr Quinlan just mentioned Chris Peters, of the Chamber of Commerce, so, if he likes, I will quote him as well. He said:

8 March 2001

Fortunately, the ACT is bucking the national trend and the ACT economy continues to perform very well. Consumer confidence is very high in the ACT. Employment prospects are much higher than national averages. Retail spending in the ACT is still very strong. ACT unemployment is still much lower than the national figure. The ACT is defying national trends on almost every indicator.

Mr Berry: But—keep going—but—

MR HUMPHRIES: There is no “but” here, Mr Speaker. I have a feeling—just a little snitch of a feeling in the back of my mind—that those opposite do not believe Mr Peters.

Mr Stanhope: We don’t. We think he has a severe credibility problem.

MR HUMPHRIES: Fair enough. Well, I have a much more authoritative source to quote, Mr Speaker, and that source is none other than the current Leader of the Opposition, Mr Stanhope, who said in the Assembly on Tuesday night:

We have a robust and vigorous economy that will continue to grow in the ACT. This is a great place, if not the greatest place, to invest.

I find myself in furious agreement with Mr Stanhope—absolutely. If we are doing that well, Mr Stanhope, I am sure—

Mr Stanhope: It would be far better if you weren’t in the job you’re in.

MR HUMPHRIES: I know it is embarrassing.

Mr Stanhope: It is not embarrassing; it’s just that it would be much better if you weren’t over there destroying it.

MR HUMPHRIES: You say it would be doing much better if I was not in the job that I was in. I can understand your focus on jobs just at the moment, and jobs in this place in particular. It is strange you raise that subject. It must be at the top of your mind at the moment, Mr Stanhope.

Mr Stanhope: I’m very focused on 20 October, Gary, and I’m sure you are too.

Mr Stefaniak: I’m trying to hear this.

MR SPEAKER: Order! The house will come to order.

MR HUMPHRIES: Once again we note the assurance of this place that the Labor Party will win the election in October. It is a very interesting assertion. We will see what happens, shall we? I am proud of what we have achieved. We have created the right environment for business growth and we will continue to do that, because that is where the jobs, the vitality and the future of the ACT are bound up.

MR SPEAKER: I was looking at standing order 117 (d), Mr Chief Minister, when you were answering that question.

Budget surpluses

MR QUINLAN: My question to the Chief Minister relates to recorded operating surpluses over time. Yesterday you responded to my question on misinformation—that \$344 million thing as to the state of the ACT economy that you inherited. While attributing economic improvement to your hard decisions, particularly in relation to staff, you stated, and I quote from the draft *Hansard*:

... you get a result in terms of payroll of \$150 million. If we had not shed those jobs we would not have the surplus we have today.

Would it surprise you to discover that the spurious backcast figures for the year 1995-96 show wages and salaries at \$759 million, while your forward estimates for 2000-2001 show wages and salaries at \$762 million? Even with allowance for indexation, these figures do not reconcile with the claim of \$150 million, particularly as you have shed a function or two such as CityScape, which has been outsourced, the survey area, and BEPCON being cut back. Could it be that while we were being so harsh as to criticise you for making staff redundant in important areas—and I recall talking about education a year or so ago, and you did bleat yesterday about our attacks on you—you were not so responsible in other areas such as, maybe, ministerial support and PR staffing? How does this reconcile with your claim that staff cuts and staff management brought the budget into surplus?

MR HUMPHRIES: Mr Speaker, I did not claim that staff cuts or staff reductions produced the result that we had. A number of things contributed to that, including containment of the ACT government's expenditure in a number of areas. It is obvious that we have not reduced our expenditure across the board. We as a government have increased our expenditure steadily—and I think this has been true of all governments in the ACT for each of the years since self-government. It remains the case that we will continue no doubt to do that as we address, with each passing year, a larger population and a greater range of needs in the community. As initiatives like the ones that are on the table at the moment from the draft budget come on stream, the employment of more people will be required.

The question is one of restraint in wages and in functions that governments deliver and the way in which they deliver those services. You need to make sure that as functions grow, as they inevitably do, you are able to do other functions of government in a more cost-effective and efficient way. We are very heavily focused on doing that over the course of this government—and that, of course, is a matter to which Mr Quinlan and others in this place have drawn attention on many occasions in the past—and in some cases reducing the size of the workforce dealing with a particular function in order to be able to get a better result for the territory.

A good example is the matter we discussed yesterday of forestry workers. It gives us no joy to have to reduce the number of people working in our ACT forests. But you have to concede, surely, that as you reduce the number of people in that position, as you shed those jobs, you get an improvement in the bottom line, particularly if you continue the activity in some way and you use other means to deliver it.

8 March 2001

I have never said that there was only one solution to this problem. There are a range of solutions to it. But restraint in job growth and reducing the job numbers in many sectors has contributed to that very significantly.

MR QUINLAN: Mr Speaker, I ask a supplementary question. Chief Minister, how do you reconcile operating deficits? In the \$344 million backcast year there is an operating deficit of \$250 million before abnormal items—and do not let that get in the way of your misinformation. The following year there was an operating deficit of \$100 million. The year after that it was \$148 million; the year after that, \$131 million. Only after there was a quantum leap in Commonwealth funding did we go into surplus. How do you reconcile that?

MR HUMPHRIES: Mr Speaker, first of all, I am not going to accept any figures that Mr Quinlan quotes at me today. I want to see for myself what those figures are before I assume that what he says is the case.

Mr Quinlan refers to misinformation from the government. I have to remind him yet again that this misinformation is obviously such clever misinformation that it has actually been able to fool the ACT Auditor-General, who endorsed that figure in his report a few years ago.

It is also no coincidence that today Mr Quinlan desperately wants to rake back over figures that are several years old. He is trying to reconstruct the shattered shell of Labor's legacy to the ACT—to somehow build back a shiny cathedral when in fact it was only a smoking ruin for this government to have to deal with. It is not surprising that he should try to do this, given the figures that I was quoting earlier today in my answer to the question from Mr Hird, which demonstrate that at the moment the ACT is enjoying a very good economic performance.

Is it a coincidence, I wonder, that the opposition is doing everything it can not to talk about those figures—not to talk about the good news for the ACT, the good news for people employed, the good news for people in retail, the good news for women? They prefer not to talk about any of those things but instead try to backcast and reconstruct the situation from the period when Labor was in office.

Let me give some advice, Mr Quinlan. I would leave the former government's—

Mr Quinlan: I don't want it, thanks. If it is anything to do with finance, I don't want your advice. Spare me.

MR HUMPHRIES: If I were you, Mr Quinlan, I would stop trying to defend the former Labor government, as this offers a new broom, a new agenda. You should not try to pretend that what the former government did was particularly good when it comes to economic performance.

Mr Quinlan's theory of economic management is that it does not matter a fig what you do in the ACT—it does not matter if you reduce jobs, if you reduce the size of your workforce or if you invest in jobs growth; it does not matter if you do all these things—because you are just a little cork bobbing up and down in the ocean and other forces wash over you and you have no control. I do not buy that line. I think the ACT is able to

exert considerable influence on its present position. Every Treasurer who has risen in this place—

Mr Quinlan: How good are you?

MR HUMPHRIES: Mr Speaker, if I could ask for some—

MR SPEAKER: Mr Quinlan.

MR HUMPHRIES: I know you do not want to listen to this but you have asked the question. Every Treasurer, Labor or Liberal, who has risen in this place has tried to influence the factors affecting the ACT's economic outlook by the things they do in their budget. Every Treasurer has done that and they have said that they have been doing that. Why should we be any different? If by some chance, after the October election, Mr Quinlan happens to be over here sitting where I am, he may well find that he will have to make the same sorts of plans and predictions for the ACT, the same sorts of plans to influence the factors that affect the ACT's economic outlook.

I do not believe that any government is powerless in these circumstances. Of course there are circumstances where things happen that you cannot control. I do not pretend to exercise much control over things like interest rates or the international price of oil. But I am not giving up. I am not treating the ACT as a sort of basket case, waiting for something to happen to it. We are going to act decisively to influence the circumstances in this territory and the evidence is that the influence has been pretty good so far.

Canberra Hospital—nurses

MRS BURKE: Mr Speaker, my question is to the minister for health, Mr Moore. Minister, I listened to your answer to Mr Stanhope with great interest. However, I feel you omitted to advise this Assembly about the progress of the government's very attractive pay offer to our nurses. Would you please do so? In particular, can you inform the Assembly of what action the unions and the ALP have taken to prevent nurses from getting better conditions and a pay rise? What will be the cost to the nurses of their actions?

Mr Corbell: I take a point of order, Mr Speaker. Mrs Burke should know that she cannot ask the minister for a report on what the ALP has done as it is not within his responsibility.

MR SPEAKER: The point of order is upheld, but the minister can answer the rest of the question.

MR MOORE: Mr Speaker, the Labor Party has tried to have an influence in this matter and, insofar as that is the case, I will touch on it, rather than coming out with policies or whatever.

MR SPEAKER: But you cannot reflect on whatever its policies might be on this matter.

8 March 2001

MR MOORE: Mr Speaker, I have just been advised in papers to me that the Calvary nursing services agreement has been varied and extended until 27 March 2003, with the full support of the Health Services Union and the Australian Nursing Federation. In a statement to the commissioner, apparently a Mr Ron Johnson, an organiser with the Australian Nursing Federation, commended Calvary for its vision in including in the variation the union secondment provision. I think that it highlights the progress we have made more than anything that 83 per cent of the nurses at Calvary have accepted this offer.

Members are aware, of course, that the offer was made in December, a package of just over \$20 million, and that 83 per cent of the Calvary nurses now have got their way. It is interesting that in the advertisement that appeared in the paper on the weekend Calvary Hospital has put the slogan "Enjoy the best pay and conditions in the ACT". That shows extraordinary progress. More importantly, I suppose, they could be putting, "Enjoy the best pay and conditions in Australia." It certainly looks like that will remain for some time.

I think it is well known to members that staff of the Canberra Hospital and community care are now set to have no access to this offer. I have to say that that is a great disappointment to me, because I have put a huge amount of work and my staff have put a huge amount of work into making sure that we had an offer that we hoped would be accepted. Whilst we have had a great deal of pleasure in seeing it accepted at Calvary, it has been a huge disappointment for us here.

What has become clear, and is even more disappointing, is that the real reason, the underlying reason, that the nurses at the Canberra Hospital are missing out on this offer has more to do with the political aspirations within the Australian Nursing Federation in the use of their position to seek some political advantage, perhaps for the Labor Party or perhaps for their own candidates that they have announced they will run.

I warned about the politicisation of the process. One of the reasons I have stayed right out of it as far as possible is that I did not want to see that happen. Unfortunately, it is sad but it is true. The success at Calvary, it seems, actually had the opposite effect from what we would have expected on the union leadership. The ANF, of course, is led by Colleen Duff. She is also currently the president of the ACT Trades and Labour Council, and I must say that I feel—

Mr Corbell: I take a point of order, Mr Speaker. You made reference earlier to standing order 117 (d). I think that you should observe the minister's answer in relation to his approach to this matter also.

MR MOORE: Mr Speaker, speaking to the point of order: the reason I mentioned Ms Duff is that I think that no person who has followed this debate has not heard Ms Duff speaking very publicly on the issue—on television a couple of times a week and on radio very regularly. Normally, I do not use names; but, Mr Speaker, I am using parliamentary privilege to suggest an improper motive because I feel that Ms Duff has confused her role as head of the federation—

Mr Corbell: On the point of order, Mr Speaker: questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion. Mr Moore is being critical of the character of a person who is unable to respond in this place.

MR SPEAKER: I have the standing order in front of me. I am not sure that there is any reflection or he is being critical of the character or conduct of a person who happens to be involved somewhere in the Trades and Labour Council. I think it is rather a slur on the TLC, but—

Mr Corbell: Oh, Mr Speaker!

MR SPEAKER: No, I am sorry, Mr Moore did not infer, far less suggest. He did not reflect; it was critical of the character of the person for being whatever the woman is so far as the Trades and Labour Council is concerned. Nevertheless, I accept the point that, if one wished to make an issue of that particular matter, then I would uphold standing order 117 (d) that you would have to have a substantive motion.

Mr Humphries: Before you finish, Mr Speaker, may I address you on the point of order?

MR SPEAKER: Indeed.

An incident having occurred in the chamber—

MR SPEAKER: Put that down.

Mr Humphries: Mr Speaker, you have ruled before that that is behaviour which is inappropriate in the Assembly.

MR SPEAKER: Do that again and you will be out.

Mr Berry: I won't.

Mr Humphries: Mr Speaker, standing order 117 (d) says that questions shall not be asked which reflect on or are critical of the character or conduct of those persons.

MR SPEAKER: Indeed.

Mr Humphries: Mr Moore is answering a question, not asking a question. I would respectfully suggest that standing order 117 (d) has no bearing at all on an answer given to a question. Members may be as critical as they wish in the answer to a question.

MR SPEAKER: Thank you. It is also not necessarily being critical of the character. I do not think you attacked the person concerned for being a member of that organisation.

MR MOORE: Mr Speaker, I am surprised that Mr Corbell sees it as a slur to be head of the TLC.

8 March 2001

Mr Corbell: No, you are suggesting that it is a political campaign, rather than the fact that she is representing her members.

MR MOORE: Are you suggesting that it has not been a political campaign, Mr Corbell?

Mr Corbell: You are suggesting that she has personal motives.

MR MOORE: The Nursing Federation has said very clearly that it is going to run candidates at this election. Of course there is a political motivation. They are the ones that are saying they have a political motivation.

Mr Corbell: You are suggesting that she has personal motives.

MR SPEAKER: May I interpose between the two people having an argument across the chamber. I would ask Mr Moore to be careful, although he has not reflected or been critical. He has simply stated what I trust, and it is entirely up to Mr Moore, is a fact.

Ms Tucker: I would like to speak to the point of order. I am interested in Mr Humphries' point of order. I do not understand your response to that. If Mr Humphries is right and standing order 117 does not apply to an answer to a question, we do not have an issue for debate; but standing order 117 (b) refers to questions not containing statements of fact or names of persons unless they are strictly necessary to render the questions intelligible.

Mr Humphries: In questions.

Ms Tucker: I know that that was your point of order, but we are also having a debate about whether it is critical and you have not ruled on that, Mr Speaker. I am interested to know that. It does not seem to me that the name needed to be mentioned for him to say what he sees as a problem with the organisation of which this person is a member.

MR SPEAKER: I cannot uphold the point of order because standing order 117 (b) (i) refers to questions and, as I recall, the question did not make reference to the woman's position anywhere else. The matter refers to standing order 117 (d) and I have not yet heard Mr Moore make a critical attack or a reflection upon the person for being a member of some organisation.

Mr Quinlan: On a point of order, Mr Speaker: to state or imply that a person is prolonging an industrial debate that involves a number of people—not the person concerned—and to state that this person is hijacking that industrial debate for her own political purposes is, I believe, a slur on her character and a criticism and should be ruled out of order, otherwise Mr Moore would not be doing it in the first place.

MR SPEAKER: Just a moment: I think that is a slur on the minister.

Mr Quinlan: As a man of honour, I withdraw it.

MR SPEAKER: Thank you. Sit down.

MR MOORE: Mr Speaker, I think it is really important that I answer questions under standing order 118. All standing order 117 is about is the asking of questions. That having been said, Mr Speaker, I take the tone of what you are saying.

MR SPEAKER: It shall be concise, however, Mr Moore, if I may say so.

MR MOORE: I beg your pardon.

MR SPEAKER: I said that it shall be concise.

Mr Humphries: Mr Speaker, with great respect, there have been continual points of order and interjections and concise language is very difficult to achieve in these circumstances.

Mr Wood: You have never stood up time and again on points of order, by chance, have you?

Mr Stanhope interjecting—

MR SPEAKER: Gentlemen, the minister cannot be concise if you are constantly interjecting and taking points of order.

Mr Smyth: I take a point of order, Mr Speaker. The Leader of the Opposition, in his last interjection, implied that that Mr Moore was a hypocrite. He should withdraw that.

Mr Stanhope: I said that I thought the Speaker was suggesting that he had been a hypocrite.

Mr Smyth: That, of course, would be disrespectful to the Speaker. You should withdraw that as well.

MR SPEAKER: I beg your pardon!

Mr Stanhope: I beg your pardon, Mr Speaker.

MR SPEAKER: Thank you.

Mr Stanhope: I interpreted your ruling on a point of order to be a suggestion that the minister was being so duplicitous in his position on this matter that he was at risk of being hypocritical.

MR SPEAKER: I think that also needs to be withdrawn, thank you. Withdraw that one as well.

Mr Stanhope: I withdraw.

MR SPEAKER: Let us get on with question time, please.

8 March 2001

MR MOORE: Thank you, Mr Speaker. The point I was making was that the ANF, led by Colleen Duff, has made a very clear statement that they wish to run candidates in the next election, which I welcome. I always welcome anybody who wants to run in a democracy. But I also pointed out that Ms Duff is the President of the ACT Trades and Labour Council. You were wondering about which position. The disappointing part there is that I said that it seems to me there is a confusion in her roles as leader of the ANF and leader of the Trades and Labour Council in dealing with this issue.

Mr Quinlan: You are an Independent standing over there in a Liberal government.

Mr Stanhope: Residents Rally, NIMBY, Independent, Democrat.

Mr Smyth: Mr Speaker, standing order 202 (e), persistently and wilfully disregard the chair.

MR SPEAKER: Yes. Mr Corbell and Mr Berry are already under a warning.

Mr Berry: And we are being very good in intolerable circumstances.

MR SPEAKER: I will be the judge of that.

MR MOORE: It seems to me, Mr Speaker, that what we know clearly from Calvary is that 83 per cent of nurses think that this is an excellent offer. We have an almost identical offer—in fact it is a little more generous in some respects—at the Canberra Hospital, and it is the nurses federation in particular and a small number of hard line federation members who are preventing this from going to a democratic ballot. A democratic ballot is the most important way. They seem to have had some success in convincing some of the nurses at the Canberra Hospital that the Calvary Hospital offer was somehow very different. That simply was not the case. In fact there were minor extra workplace reforms which differed between each of the three agencies where the offer was made. The core pay and conditions are the same. The differences were also known right from the beginning, from 4 December when the offer was published. Nurses, unfortunately, are not going to be allowed to exercise any say on this issue.

Mr Berry: Mr Speaker, on a point of order: this question was directed to Michael Moore, the minister for health, an Independent in the ACT, not Peter Reith.

MR SPEAKER: Sit down. There is no point of order. Do it again and you will be in trouble.

MR MOORE: How many times are you going to tell him he is going to be in trouble? The union has retained to itself the right to block the industrial rights of the great majority of nurses, and that is the part that I think is frustrating, unfair and disappointing in its reflection of the way that some unions work—the sorts of unions that Mr Berry constantly supports and seems to think should have a say over the top of the bedside nurses

Mr Stanhope: You are getting to the nub of it now.

MR MOORE: Mr Speaker, even more interestingly, I have also been informed that a union organiser has been telling nurses at Canberra Hospital that a secret deal has been made with the ALP that Labor will grant a 24 per cent pay rise if it gets into government after this year's ACT election.

Mr Hird: How much?

MR MOORE: A 24 per cent increase. There is no doubt that this has a powerful effect—

MR SPEAKER: Order please, Mr Hird. I cannot hear the minister. What did you say, minister?

MR MOORE: Mr Speaker, I said that I have been informed that one of the union organisers has been telling nurses that Labor will give them a 24 per cent pay rise after the election if they are elected.

Mr Quinlan: It must be true then.

MR MOORE: Mr Speaker, there is no doubt that this claim has a powerful effect on some nurses to encourage them to forgo the offer that is now on the table and to put it off for the better offer at the end of the year. Of course, that is also necessary to keep the hardline union members on board in this aggressive strategy denying nurses an open vote.

Mr Speaker, one of two things has to be true. Either there is a deal with the ALP or there is not. In the first case, if there is a deal with the ALP to make a 24 per cent pay rise it means we have now discovered that the ALP has made a secret deal to spend another \$30 million.

Mr Stanhope: On a point of order, Mr Speaker: could the minister confirm that in addition to the 24 per cent there was also a car each and a block of flats in Tasmania? Could he confirm whether they were attached to the offer as well?

MR SPEAKER: There is no point of order, and I did not hear the minister because of the interjections.

MR MOORE: Mr Speaker, this is what is being told—

Mr Corbell: On a point of order, Mr Speaker: first of all, the minister is expressing an opinion. He is commenting on matters in relation to ALP policy that you have already ruled ministers cannot comment on. He is speculating on ALP policy. I don't know how he can comment on something he is speculating on even if it does fall within his area of ministerial responsibility, which it doesn't.

MR MOORE: You can't ask me for an opinion but I can give you one.

Mr Smyth: Mr Speaker, on a point of order: under the standing orders an opinion cannot be asked for, but I am not sure that the standing orders say that a minister cannot offer an opinion in his answer.

8 March 2001

MR SPEAKER: Questions may not ask ministers for expressions of opinion. As I understood from the minister's response, he was speculating on what would happen on the one hand or the other. That is hardly an expression of opinion, in my view. However, I did not hear it very clearly, so you might like to repeat it for my benefit.

MR MOORE: That was because of all the interjections, Mr Speaker.

MR SPEAKER: Indeed.

Mr Stanhope: Tell us about the block of flats.

MR SPEAKER: Just be quiet.

MR MOORE: I think it is reasonable to say that Mr Corbell misunderstands the standing orders.

Mr Kaine: On a point of order, Mr Speaker: for how much longer are you going to connive with this government to turn question time into a joke? If you are not going to uphold the standing orders, Mr Speaker, you should leave the chair.

MR SPEAKER: Mr Kaine, I would ask you to withdraw that.

Mr Kaine: I do not. I just told you that if you are not going to uphold the standing orders you should leave the chair.

MR SPEAKER: I am endeavouring to uphold the standing orders, and I ask you to withdraw it.

Mr Kaine: I won't withdraw it. Question time is a joke, and you are conniving in it.

MR SPEAKER: Then I will have to name you.

Mr Kaine: Under the circumstances, I am happy to leave, because I am sick up to here with this farce. So, by all means, go ahead and name me. And Mr Humphries can jump to his feet and seek to have me removed, and I will be happy to go.

Mr Moore: Under standing order 203, I move;

That Mr Kaine be suspended from the service of the Assembly.

Mr Corbell: Mr Speaker, I seek leave to move that so much of the standing and temporary orders be suspended as would prevent me moving a motion of dissent in your ruling to name Mr Kaine.

MR SPEAKER: The question is that the motion be agreed to.

Mr Corbell: Mr Speaker, I seek leave to move that so much of the standing and temporary orders be suspended as would prevent me moving a motion of dissent in your ruling to name Mr Kaine.

Leave not granted.

Mr Corbell: I move that so much of the standing and temporary orders be suspended as would prevent me moving a motion of dissent in your ruling to name Mr Kaine.

MR SPEAKER: The question is that the motion be agreed to.

Mr Corbell: Mr Speaker, I am very happy to move this motion. Thank you for putting the question.

Mr Moore: On a point of order, Mr Speaker: I have moved a motion under standing order 203. There is no room for Mr Corbell to be able to do this. You know quite well, Mr Speaker, what standing order 203 says. I have moved that Mr Kaine be suspended from the service of the Assembly, and we must proceed directly to a vote on that motion.

Mr Corbell: On the point of order, Mr Speaker: you have put the question to the Assembly that so much of standing and temporary orders be suspended.

MR SPEAKER: I put the question that the motion be agreed to.

Mr Corbell: The question before the chair is the question you just put, which is the motion I moved.

Mr Rugendyke: On the point of order, Mr Speaker: I clearly heard, when Mr Moore moved his motion under standing order 203, you put that motion.

Mr Berry: Mr Speaker, can I raise a point of order which may assist. At any point in debate a member can rise in this place to seek leave to do certain things. That has always been the practice. Leave was requested by Mr Corbell, and refused. Subsequently, Mr Corbell moved a motion to suspend so much of the standing orders, which is always received by the chair. You received the motion and put it. The motion to suspend standing orders needs to be debated.

MR SPEAKER: Standing order 203 quite simply states:

The Speaker shall forthwith put the question, on motion being moved, no amendment, adjournment or debate being allowed, "That such Member be suspended from the service of the Assembly".

Mr Berry: Can I challenge you on that? At any point a member can move to suspend standing orders.

MR SPEAKER: You will do nothing of the sort. You will sit down. During this week there has been nothing but a stream of objections from the opposition when ministers were trying to answer questions.

Mr Wood: That is half the problem.

8 March 2001

MR SPEAKER: Be quiet. Like other people, I find it is not always easy to hear answers. Mr Kaine suggested that I was somehow manipulating question time, and I refute that statement. I am trying to be as impartial as I can as Speaker. I appreciate that not everybody believes that. Nevertheless, I try to do my best in this chair.

Mr Kaine, I have named you. I have attempted to explain my position. If you wish to apologise on that basis, I would be happy to accept it.

Mr Kaine: No, Mr Speaker, I won't.

MR SPEAKER: Very well, if you feel strongly enough that that is the case.

Mr Kaine: I am firmly of the view that the government has turned question time into a farce and a disgrace, and I have said so.

MR SPEAKER: You did indeed.

Mr Kaine: I won't withdraw that. Go ahead.

Mr Moore: On a point of order: standing order 203 says very clearly—that is why I put the motion—"shall forthwith put the question", which does not allow Mr Corbell the opportunity to either seek leave or move for the suspension of standing orders. The word "forthwith" means that once I have moved that motion you have to put it to the Assembly. That is the meaning of the word "forthwith".

Mr Humphries: I simply want to make the point to the house that this place operates on the basis that the Speaker will be viewed as a person with the authority to be able to conduct the business of the house. If members are not satisfied with that, members should take it up with the Speaker. I don't know which members have taken up this issue with the Speaker. I suspect none have.

We have come this path before on occasions in this place. We have taken the view in this place that in a small Assembly, just 17 members, we will not operate effectively unless the authority of the chair is respected. Even in the past when I had violent disagreements with your predecessor, Speaker McRae, and others had disagreements with Speaker Prowse, there has always been an attempt at the end of the day to respect the integrity of the office of the Speaker of this Assembly.

What Mr Kaine said, to be perfectly frank, Mr Speaker, is clearly outside the standing orders of this place. Had it occurred in any other parliament in Australia, it would have been asked to be withdrawn. Irrespective of what the lead-up to it was, it would have been asked to be withdrawn. The parliament concerned would, in each case, have respected the authority of the Speaker by naming a member who refuses to withdraw in those circumstances.

I think it is wrong to argue that there has been a lack of balance today. Earlier today Mr Berry held up a placard in this place, after having been warned on a previous occasion about bringing such props into this place.

Mr Quinlan: On a point of order: this is a very important issue. Would he stick to the issue at hand?

MR SPEAKER: There is no point of order.

Mr Humphries: I am arguing it is important that the house respect and uphold the authority of the chair. It cannot operate on any other basis if we don't.

Mr Speaker, my point of order is that a matter has been put before the house. It is clearly foreshadowed by standing orders that this matter be dealt with without debate. Standing order 203 makes it clear that this matter is to be dealt with without debate. Mr Moore has moved already that Mr Kaine be suspended from the service of the house.

Mr Berry: Mr Speaker, you have indicated you are going to put the question under standing order 203. Just do it.

MR SPEAKER: The question is that the motion be agreed to.

Ms Tucker: I am not totally clear what we are debating—whether we are debating the suspension of standing orders.

Mr Corbell: On a point of order, Mr Speaker: you have already ruled that there can be no debate. So why is there a debate?

MR SPEAKER: Because people keep taking points of order.

Ms Tucker: So now I cannot speak to it? Okay, I will take a point of order. I am certainly concerned at what has just occurred here. I am concerned about the implications of it. I think Mr Kaine has made a good point. I would support Mr Kaine staying here, but I would not be supporting a substantive motion against Mr Speaker. I think Mr Kaine has made a point which he has a right to make. I want to say I take very seriously any situation where the Speaker is challenged. So I don't take this lightly.

MR SPEAKER: I am going to have put the motion.

Question put:

That Mr Kaine be suspended from the service of the Assembly.

The Assembly voted—

Ayes 8

Noes 8

Mrs Burke

Mr Rugendyke

Mr Berry

Mr Stanhope

Mr Cornwell

Mr Smyth

Mr Corbell

Ms Tucker

Mr Hird

Mr Stefaniak

Mr Hargreaves

Mr Wood

Mr Humphries

Mr Kaine

Mr Moore

Mr Quinlan

Question so resolved in the negative, in accordance with standing order 162.

Adjournment

Authority of Speaker

MR MOORE (Minister for Health, Housing and Community Services) (3.32): Mr Speaker, I move:

That the Assembly do now adjourn.

I think we need time to think about what has happened here.

Mr Wood: You are going to go and cool down, are you?

MR MOORE: I think it is an appropriate time to adjourn the house.

Mr Berry: What are you talking about?

MR MOORE: It is my prerogative to move the adjournment of the Assembly. It is your prerogative to vote no.

Mr Humphries: If I can speak—

MR MOORE: I will speak first.

Mr Berry: Mr Speaker, he is closing debate.

MR MOORE: No, I am not. I will speak first and then I will close the debate later. Mr Speaker, the reason I moved the adjournment is because I believe that a very serious precedent has just been set and it is a matter of grave concern to the government. I moved the motion under standing order 203 in my role as manager of government business, and only in that role. Mr Speaker, the precedent that has been set now is something that we ought to consider very, very carefully. Each and every one of us needs to see how we generated this, and that includes me. I am not resiling from that. I think it is appropriate for us to suspend the house, Mr Speaker, in order to give us time to think about it before things degenerate.

I have conceded here that I played a role in getting things to this stage. Mr Kaine, in particular, I appeal to you, because you know that this is a particularly serious business. I understand that you were involved in the middle of it. You understand the precedent.

Mr Wood: You are debating a vote of the house. You are reflecting on a vote.

MR MOORE: I am speaking in the adjournment debate. I can speak on a matter that I see is appropriate. Mr Kaine, you in particular, and Ms Tucker, as you recognise, this is a very serious matter. I think it is appropriate for us to adjourn the house and to consider this matter in the cold light of day with a bit of space between us and the emotion that is currently in question time, Mr Speaker. I call on members to support the motion for the adjournment of the Assembly at this stage.

Authority of Speaker

MR HUMPHRIES (Chief Minister, Minister for Community Affairs and Treasurer) (3.35): Mr Speaker, if I may speak in support of this motion, the Assembly has done today what it has not done at any stage before in its history. It has repudiated the authority of the Speaker to make a decision on the floor of the house.

Baldly speaking, Mr Speaker, what occurred was that a member made a comment which would be considered unparliamentary. He was asked to withdraw. It was a reflection on the chair. If it had been made about any other member of this place it probably would have been unparliamentary as well, but it was made about the chair. It was asked to be withdrawn and it was not withdrawn. The result was that there was vote to uphold the Speaker's ruling and that vote was lost.

Mr Speaker, if we continue to sit today every decision that you make as Speaker is without foundation. If a member is disruptive or disorderly and in breach of the standing orders, what authority does the Speaker have to bring that member to order, knowing that he, the Speaker, has not the authority to enforce the standing laws against a member in this place? It is outrageous and unacceptable to expect to conduct the business of the house this afternoon when we do not have a Speaker with authority to do so in the course of the afternoon.

Mr Wood: Oh, sit down. Don't you know you are liable to talk too much altogether?

MR HUMPHRIES: I am sorry you see the need to make this personal, Mr Wood, but I am concerned about the reputation of this place. I am concerned about the reputation of this place, Mr Speaker. I was around, Mr Speaker, as were you, Mr Wood, when there were posters in front of the newsagents of this territory referring to this place as the house of farce.

Mr Wood: And you are not to blame for anything. "Holy me." Oh, goodness. Bow to you, Mr Humphries. Bow to you.

Mr Moore: That is not what he said. Why are you so sensitive?

MR HUMPHRIES: Mr Speaker, I am not apportioning—

Mr Wood: Don't you lecture me about behaviour. That is what I am saying. Do you hear that?

MR HUMPHRIES: Mr Speaker, I am not apportioning blame to anybody in this debate. I am saying that it is very difficult to conduct any further debate in this place today because of the position in which the Speaker has been left. I think it is a mistake to try to do that. By what authority do you expect the Speaker to exercise any power or control over this house in the course of the rest of this today?

Mr Wood: We don't want to hear you. Sit down.

MR HUMPHRIES: I know you don't want to hear, Mr Wood. I suggest you leave if you don't want to hear me.

8 March 2001

Mr Wood: You are talking nonsense.

MR HUMPHRIES: I am entitled to speak in this place.

Mr Wood: Yes, too much.

MR HUMPHRIES: I was elected here by the electors of the ACT. I am entitled to put my point of view.

Mr Wood: Too much. Over and over again.

MR HUMPHRIES: I am concerned about the house. I would be concerned if this happened to a Labor Speaker who was unable to conduct the business of the house with authority.

Mr Wood: It is serious. I agree with you.

MR HUMPHRIES: It is a serious situation. Now, how do we resolve that? By carrying on as if nothing has happened?

Mr Wood: Well, you learn to count. That is one thing you do.

MR HUMPHRIES: Mr Speaker, I think we should adjourn. I think we should adjourn.

Authority of Speaker

MR RUGENDYKE (3.38): Mr Speaker, on this debate on the adjournment of the house it could be argued, it could be perceived, that the division brought about over the authority of the chair has been manipulated by the fact that we are missing a member. Mr Osborne is absent. I believe that the reason why the motion failed was that Mr Osborne, being absent due to the birth of his most recent child, was unable to arrange a pair on his own behalf. I asked Ms Tucker if she would provide a pair for Mr Osborne, knowing myself that he would not dissent from the authority of the chair. Ms Tucker declined to acknowledge that pair. This house has been brought into severe disrepute as a result of that division, manipulated by the absence of Mr Osborne. I support an adjournment of the house until this matter can be resolved.

Authority of Speaker

MR KAINE (3.40): Mr Speaker, I appear to be the catalyst in this. My only defence is that I have been exceedingly provoked. Members of the government now get up and pontificate when they were the reason for this. The behaviour of the government during this question time has been appalling. They turned it into a joke, as I said before. In the heat of the moment, Mr Speaker, I drew you into that. For that I apologise. But I make no apology for my strong expression about the members of the government.

I think their behaviour during question time, not only today but over a long period of time, has been absolutely appalling. They refuse to be held accountable for anything. They do not allow question time to serve the purpose that it is intended to serve under the

standing orders of this place. They do everything to avoid answering questions. Their questions are way beyond the reasonable tolerance of standing orders in that they are supposed to be concise.

We had four questions answered this afternoon. In fact, we did not get to hear the full answer to the fourth, and it was approaching over three-quarters of an hour from the beginning of question time. Mr Speaker, that is not concise. It is not consistent with the standing orders, and government members do it deliberately. So I do take offence at the government.

I apologise to you, Mr Speaker. It was in the heat of the moment. I do not know whether the government ought to proceed with their adjournment debate. I am quite happy, if I am the catalyst for some ill feeling, to leave the chamber for the rest of the afternoon anyway. That will solve the problem. But the government may find that it needs my vote on a couple of issues later today so it is entirely up to the manager of government business as to whether he persists with this nonsense or not.

I think some of us in this place are provoked by the government's behaviour. They should be aware of it. Hopefully, after today, they are, and they will stop playing games with question time, use it in the sense meant by the standing orders, and respond to questions by non-government members in a sensible way in accordance with the standing orders, not play some stupid game of evasion or avoiding the question.

I repeat, Mr Speaker: I apologise to you. I am quite happy to withdraw, if that is the wish of the Assembly, for the rest of today's session, or for three hours or whatever the punishment is, but I do think it is an absurdity to adjourn the house when there is serious business before it. If I am the catalyst for all of this I am happy to leave the chamber and let you get on with your business, but it depends on the will of the house, Mr Speaker.

MR SPEAKER: Thank you, Mr Kaine, for your apology. Mr Berry, I have spoken to the Clerk and I think the way to resolve this is to put the question about the adjournment. Perhaps we can speed things up a little. I am not stopping you from speaking, but perhaps the way to resolve this, according to the Clerk, is simply to put the motion for the adjournment and if it is defeated we go on with our business. That is all.

Authority of Speaker

MR BERRY (3.43): Mr Speaker, as the manager of opposition business I need to express briefly the Labor Party's view in relation to this matter.

MR SPEAKER: Then go ahead.

MR BERRY: Mr Speaker, we will be supporting the motion for the adjournment. We think the government has brought this crisis on itself. Its behaviour in question time has been unacceptable for a long time. Mr Speaker, the government has forgotten that it is a minority government. On today's performance I think they have expected far too much loyalty from you as the Speaker, and I think the Speakership has been drawn into this as well.

8 March 2001

Mr Speaker, we are happy for the government to go away and have a look at itself, and we are happy to resume debate in this place at an early moment, but we will be supporting the motion for the adjournment.

Authority of Speaker

MR MOORE (Minister for Health, Housing and Community Services) (3.44), in reply: Mr Speaker, I just remind members that I will be closing the debate. Mr Speaker, I conceded that I may have played some role in the way I answered the question, and I will certainly look at the way I have been answering questions. Mr Berry stood up and, effectively, apportioned blame to the government for this. Mr Speaker, no member on the government side has been warned during question time for as long as we can remember because—

Mr Stanhope: Precisely. Precisely.

Mr Wood: You said it.

MR MOORE: Even now, Mr Speaker, I have interjections. The reason, Mr Speaker, is that we have been deliberately controlled in the way we deal with ourselves in question time. We have had discussions on this on many occasions and have remained deliberately controlled. Mr Speaker, there is no doubt in my mind that we all need to go back and check the standing orders. Standing order 117 is about questions and standing order 118 is about answers.

Mr Speaker, I am very pleased that Mr Berry, as manager of opposition business, has agreed that the house should adjourn now. I hope we will return at the end of this month when we have cooled down somewhat.

Question resolved in the affirmative.

Assembly adjourned at 3.45 pm until Tuesday, 27 March 2001, at 10.30 am

Answers to questions

Barton Highway—bridges over Ginninderra Creek (Question No 327)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the funding for the strengthening of bridges on the Barton Highway over Ginninderra Creek.

- (1) Do the bridges require strengthening.
- (2) Has the Commonwealth Government allocated funding to perform any required remedial works on strengthening the bridges when it duplicates the remaining section of the Barton Highway; and
- (3) What is the estimated cost of any remedial works.

Mr Smyth: The answer to the member's questions is as follows:

(1) The twin bridges over Ginninderra Creek were strengthened to T54 Design Vehicle (axle loading) in May 2000 at a cost of \$214,518.50 (plus GST). The Commonwealth funded the work. However in December 2000, subsequent to the completion of this work, the National Road Transport Commission recommended a new standard to allow heavier axle loads. This new standard has been included in the draft Australian Standard for Bridge Design. The Barton Highway bridges will therefore require further strengthening to meet the new standard. It is expected that the work will be funded by the Commonwealth. This issue however has not yet been discussed with the Department of Transport and Regional Services.

(2) No, the Commonwealth has not specifically allocated funds for further upgrading of the subject bridges as part of the Barton Highway duplication project. The section of the highway to be duplicated does not include the bridges over Ginninderra Creek.

(3) Engineering investigation and analysis will be required some time in the future to determine the extent and cost of the additional strengthening work to satisfy the new standard. The timing of this work will depend on the timing of strengthening of other bridges on the Barton Highway within New South Wales. It is anticipated that the cost would be in the order of \$300,000-\$400,000.

**Greenfleet
(Question No 334)**

Mr Corbell asked the Minister for Urban Services, upon notice:

1. How many people have subscribed to Greenfleet in the ACT per year since its inception.
2. How much has been raised in subscriptions per year from ACT subscribers since its introduction.
3. How many subscriptions are renewed each year (a) as a total and (b) a percentage.
4. How many trees have been replanted under the Greenfleet scheme per year in the ACT.
5. What was the value of the replantings per year.
6. What fragile areas have been subject to Greenfleet replantation.
7. What funding from Greenfleet has been spent in the ACT to promote fuel-efficient technology per year
8. What projects, if any, have attracted funding for promoting fuel-efficient technology from Greenfleet in the ACT.

Mr Smyth: The answer to the member's question is as follows:

1. 1997/1998 - 2 subscriptions
1998/1999 - 303 subscriptions
1999/2000 - 43 subscriptions
2000/2001 - 533 subscriptions
2. 1997/1998 - \$155 (including donations)
1998/1999 - \$7,115 (including donations)
1999/2000 - \$1,305 (including donations)
2000/2001 - \$14,767 (including donations)
3. 1997/1998 - Not applicable
1998/1999 - 2 renewals, 100%
1999/2000 - 282 renewals, 93%
2000/2001 - Not available

Note. Insertion of Greenfleet subscription notices in registration renewal notices commenced September 2000.

4. 1997/1998 - 0
1998/1999 - 0
1999/2000 - 0 (800 trees were planted in Yass, as a site in the ACT could not be sourced)
2000/2001 - 15,000

5. 1997/1998 - \$0
1998/1999 - \$0
1999/2000 - \$1,411
2000/2001 - \$26,470

6. 1999/2000 - Trees were planted in Yass as no site in the ACT could be sourced.
2000/2001 - Trees were planted as part of the rehabilitation of the Boboyan Pines area in Namadgi National Park.

7. Donations for technology are spent on national programs rather than state/territory based programs. Expenditure for the ACT is not available.

8. Programs that Greenfleet is involved in include:
 - Promotion of the Toyota Prius on Carbon Awareness Day in 1998;
 - Sponsoring the “Spirit of Canberra” solar race car from Lake Tuggeranong College;
 - Display at the 2000 Qantas Australian Grand Prix - showcasing new automotive technology;
 - Production of “Auto Parts Recycling - A Guide to the Future” - a guide to the auto parts recycling industry in Australia;
 - Partnering the World Solar Challenge to present “The World Electric & Solar Vehicle Conference” in Adelaide in 1999, and
 - Developing a program to showcase future technology through vehicle demonstration events coupled with displays that promote fuel efficiency and renewable energy.

**Former Chief Minister—farewell functions
(Question No 335)**

Mr Berry asked the Chief Minister, upon notice, on 28 February 2001:

1. What functions were held by (a) the Government, (b) individual Ministers or (c) any government agencies, to recognise the departure of, or to farewell the former Chief Minister, Kate Carnell.
2. What (a) hospitality or (b) entertainment was involved in such functions.
3. What was the cost of such (a) hospitality or (b) entertainment.
4. Which venues were used.

Mr Humphries: The answer to the member's question is as follows:

1. The only function held to farewell the former Chief Minister, Mrs Kate Carnell, was a reception hosted by Mrs Carnell on 8 December 2000.
2. (a) The hospitality offered at the reception was basic cocktail food and beverages.
(b) No entertainment was provided.
3. The cost of the hospitality was \$825. This cost was met from the Executive Budget.
4. The Business Promotion Centre at Regatta Point was the venue.

**Former Phillip motor registry site—sale
(Question No 336)**

Mr Hargreaves asked the Minister for Urban Services, upon notice:

In relation to the sale of the former Phillip Motor Registry site:

- (1) When was the sale concluded.
- (2) What was the sale price.
- (3) Who is the current Lessee of the site.
- (4) What is the intended purpose of the site.
- (5) When will renovations or refurbishment commence and conclude.
- (6) Is the new activity consistent with the Territory Plan.
- (7) Why has there been extensive delay in change from the Motor Registry activity to the current state.

Mr Smyth: The answer to the member's question is as follows:

- (1) The sale was concluded on 18 October 2000.
- (2) The sale price for the land and existing improvements was \$2,400,000.
- (3) The Current Lessee is Michalis Holdings Pty Ltd and Nikias Property Developments Pty Ltd.
- (4) The Lease was granted with existing improvements and additional development rights. The existing improvements could be incorporated within a new development or demolished in whole or in part and removed from the site. The purpose of the site permits any one or more of the following land uses:
 - Bulky goods retailing
 - Business Agency
 - Industrial Trades (limited to vehicle repair and maintenance and sale and display of building materials)
 - Light Industry
 - Office
 - Plant and equipment hire establishment
 - Retail Plant Nursery
 - Store
 - Vehicle Sales
 - Warehouse
- (5) The lease provides for commencement of construction within 12 months and completion within 36 months from the date of the auction (29 June 2000). It also provides for further time as may be approved by the Territory.
- (6) The permitted uses are consistent with the Territory Plan and are subject to the provisions of the Territory Plan.
- (7) In 1997 negotiations under the ACT Business Incentive Scheme to attract a major international advanced technology company to Canberra led to the company entering into an ACTBIS agreement in March 1998. The Agreement included the direct sale of the Phillip Motor Registry to the company.

8 March 2001

A formal offer of lease was made by the Territory in December 1998. Extensions were granted to accept the offer but the company was unable to proceed with the offer and withdrew from negotiations on 28 July 1999.

The site was then prepared for public auction on 16 December 1999. The site was passed in when bidding failed to reach reserve. Following a review of the development conditions and valuation, the site sold at auction on 29 June 2000 with settlement in 56 days. The settlement was extended to 18 October 2000 to enable the Territory to remove underground heating oil tanks as directed by the Dangerous Goods Unit.