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THE
GOVERNMENT
OF THE
AUSTRALIAN CAPITAL
TERRITORY
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THE
GOVERNMENT
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Ruth Atkins

University of Queensland Press
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Preface

I owe so much to so many people for information, comment, advice, and other help that I cannot name them all. To these, certainly I owe very special thanks: Ray Archer, Frank Brennan, Jim Costello, Lou Engledow, Richard Gray, Dick Kingsland, Peter Harrison, Bob Lansdown, Jim Leedman, Don Nairn, Sir John Overall, Jim Pead, Tony Powell, Gordon Walsh, and the late Jim Fraser; Nancy Anderson, Thomas Brereton, Richard Clough, Fin Crisp, Joyce Harrison, Colin Hughes, Lucy Rees, Don Rowat, Robin Ryan, Hugh Stretton, and the late Gavin Long. Of course, none of these is responsible for what I have written.

Many departments and agencies have generously provided information, especially the National Capital Development Commission, the Department of the Capital Territory and its predecessor the Department of the Interior, the A.C.T. Legislative Assembly and its predecessor the A.C.T. Advisory Council, the A.C.T. Electricity Authority, the A.C.T. Police and the parliamentary Joint Committee on the A.C.T. Of course none of these has any responsibility for my use of material from reports and other documents.

Having called on John Bunyan to enliven the story, I now use Samuel Johnson to help me excuse its errors and omissions. Like Johnson with a far greater enterprise (his Dictionary), I can say that “When I first engaged in this work, I resolved to leave neither words nor things unexamined”, but that, having discovered this to be impossible, I realized that “Whatever abilities I had brought to my task, with these I must finally perform it. To deliberate where I doubted, to enquire whenever I was ignorant, would have protracted the undertaking without
end, and perhaps without much improvement . . . I saw that one enquiry only gave occasion to another, that book referred to book, that to search was not always to find, and to find was not always to be informed; and that thus to pursue perfection was, like the first inhabitants of Arcadia, to chase the sun, which, when they reached the hill where it seemed to rest, was still some distance from them.” If there are still faults not smoothed over by that apologia, I will borrow again and put them down to “Ignorance . . . pure ignorance.”

Ruth Atkins
September 1977
Gate of Glory

This book it chalketh out before thine eyes
The man that seeks the everlasting prize;
It shows you whence he comes, whither he goes,
What he leaves undone, also what he does:
It also shows you how he runs, and runs,
Till he unto the Gate of Glory comes.

Canberra is Australia's national capital, a city especially created in its own capital territory to provide a symbolic centre for the Australian federal Commonwealth inaugurated in 1901, and the headquarters of federal parliament and government. Intentions were grand, but their fulfilment took a long time. Parliament was officially opened in Canberra in 1927, but thirty years later this was still a small scattered township of about 40,000 people, variously described as a bush capital, a good sheep run spoiled, or five suburbs in search of a city. The last twenty years have seen a transformation, a five-fold increase of population to about 200,000, and such varied development that a recent book announced in its introduction that “Canberra is a sophisticated cosmopolitan city and one of the world’s most beautiful capitals.” Allowing for criticisms and regrets about detail, and recognizing the difficulty of making judgments on “beauty”, this assessment would now have many supporters.

The idea of a national capital city has developed over a long period, especially with the rise of nation-states. The creation of a specially planned capital has sometimes represented the power of an autocratic monarch, but in several well-known cases it has been linked with the formation of a federal union. The wish that no one member-state would dominate the federal headquarters, or gain special prestige or influence from the
presence of the national government, was the main reason behind the establishment of the United States capital, Washington, and the same arguments were adopted in Australia. A new capital like Brasilia, however, represents, among other things, a change in federal policy towards decentralization rather than a new federal system. Transfer of the capital from Leningrad, the old St Petersburg, to Moscow in 1924 symbolized the new Soviet Union's turning away from Western Europe and from the reminders of the old Russian monarchy. For many old and famous cities, such as Paris or Rome, London, or Stockholm, the removal of capital status would necessarily symbolize some upheaval in the country's fortunes, but need not mean the end of that city's importance.

Capital cities are as varied as the countries to which they belong and the locations where they are established. But some common features are discoverable; whether small or large, new or old, a national capital is usually the seat of national government, the headquarters of national administration, and the centre for diplomatic missions to that country. With a new capital, once those basic functions are provided for, we can generally watch a magnetic influence at work: the headquarters of government attracts other headquarters' organizations seeking information or influence, the diplomatic corps adds social and cultural diversity, the symbolic aspect of the capital is often used to justify the establishment of national cultural and educational centres and a variety of other head-office institutions. With an old capital, leadership in social, cultural, and economic affairs may have been acquired even before the city was formally recognized as a capital; some of that leadership might survive the transfer of formal capital status.

In Canberra we find that the name of capital precedes by decades the actuality of this town being the effective seat of government and the centre for diplomatic representation. We might interpret Canberra's slow and uncertain growth as indicating that the nationalism symbolized was not very strong and its demands not very urgent. Until the Second World War Australia relied largely on Britain for foreign diplomatic connections. The first foreign embassy in Australia, that of the United States, was not established in Canberra until 1940. From
about 1942 onwards every year brought some new diplomatic mission until the Australian capital had almost as wide a range of foreign representation as would be found in London or Washington, Paris or Moscow. This added to the city’s variety in architecture and in people, while at the same time it demonstrated recognition of Australia as an independent nation and of Canberra as its capital city.

Capital cities may have some functions in common, but they do not share any common form of government. Some years ago a French student of constitutional affairs examined forty different capitals and their systems of government. Dr. Dreyfus concluded that the history of any capital city usually revealed some important features of the nation’s history, and that no matter how unique a particular capital city appeared to be, it was in the specific national background that many explanations of its character would lie. She warned against any expectation that capital cities, just because they were capitals, would have similarities in administration, in the presence or absence of local autonomy, in financing, or in any other governmental feature. We should scarcely need this warning about old and complex capitals like Paris, Rome, Moscow, or Peking, where so many factors other than capital status must influence the city’s administration, but we may need such a warning about cities where capital status is the main purpose of the enterprise, cities created de novo as national symbolic centres and government headquarters.

Brasilia and Canberra can serve as examples here because they share so many common features. Each is a new, specially created, specially designed federal capital; each is inland in a country where almost all the main cities and towns are on the coast; each was built on land formerly empty or sparsely settled. For both cities the main growth has occurred since 1960. Brasilia in 1976 had about 500,000 people, Canberra about 200,000, so both are relatively small by the standards of today’s great cities. In both there has been a dispersed pattern of urban settlement. At a seminar held in Brasilia in November 1976 on the future planning and government of that capital one important question raised was whether growth and diversification should be welcomed and encouraged as reducing the insulation of government from the general community being
governed, or perhaps restrained as likely to threaten effective performance of the main national capital functions. These questions have sometimes been raised in Canberra as well. But almost all the other issues recognizable in both these capitals could be classified as problems of new towns rather than problems specific to capital cities. Neither the forms of government, nor the values and policies of government, in these two capitals are made similar by their capital status. The obvious differences between the two cities reflect the very different social, political, and economic conditions and priorities of the two nations. Brasilia is a city region of extremes, with dramatic and costly buildings for President, Congress, Judiciary, and Foreign Affairs, and an impressive cathedral, but noticeable inadequacies in shops, streets, schools, as well as in the housing of any but the top ranks of officials and the foreign embassies. There are lush gardens in an exclusive residential area, but the town itself is bare, unfinished, and very much lacking in trees. Canberra's string of bright new suburbs, with as yet no permanent Parliament House, suggests not merely a difference in planning but a vast difference in the factors influencing that planning. This is not surprising. In the same way, two remote new mining towns, one in Siberia and one in Western Australia, might have some technical and social features in common, but that would not make us expect to find similarities in administrative and political organization.

In another study specifically of the government of federal capitals, Professor Donald Rowat recognized that the form of government will vary from city to city, but asserted the special importance of two questions: Does the capital city have its own territory? and, Does it have local self-government? Using these two questions, he put Washington and Canberra together in a small category of federal capital cities, those having a special territory and not (as yet) having local self-government. In these two capitals he envisaged similar problems arising from these shared characteristics.

On close inspection, however, the supposedly common features do not look like uniformities, and the problems arising in Washington and in Canberra seem to have much less in common than Rowat suggests. Washington was established, almost 190 years ago, in a special federal district, but nowadays
the District of Columbia is a small inner area of the metropolitan region, with a high proportion of Washington's federal government employees living over the border in Maryland or Virginia. The Canberra situation is obviously very different with its much larger territory and the attractions of residence within the Australian Capital Territory for the vast majority of people working there. In Washington there are frequent complaints about wealthy suburbs, outside the District of Columbia, not contributing to the central city's cost. In Canberra some local government councils outside the A.C.T. have complained that wealthy Canberra does not contribute sufficiently to the costs of such things as roads affected by heavy transport moving to the capital. It is true that both the District of Columbia and the Australian Capital Territory have faced opposition to expansion of the capital district or territory by acquisition of further land from the neighbouring state or states, but even this problem takes very different forms in the two capitals.

It is also true that neither Washington nor Canberra has had local self-government, in that neither city has had elected municipal or territorial government—apart from Washington's brief experience 1871-74. But this lack of self-government has meant different things in each city. Rowat seems to assume that residents in a capital will press for the right of local self-government and that federal governments will tend to resist such claims. In Washington home rule has been set as a goal by many people directly concerned with providing urban services in this capital; they see this as the most likely way of achieving effective administration, improved services, and more reliable national funding. In Canberra, however, there has been some resistance to and little enthusiasm for proposals made by federal governments about self-government. Many residents of Canberra have seen local self-government as a possible threat to good administration and adequate national funding. They think that the change might make Canberra worse off, rather than rescue it from difficulties.

Like the citizens of Imperial Rome, many Canberra people have been less interested in having their elected representatives actually govern the city than in seeing that it was governed as they wished. Washington's interest in local self-government
and Canberra's hesitation would seem to indicate that Canberra's citizens have been relatively well provided with opportunities for influence on those with governing power in the capital. Self-government always requires a great deal more than an elected representative body, even with executive and legislative powers. With parliamentary representation, a vigorous local press concerned to publicize local grievances and demands, and most of the official managers of this city being also residents, it seems likely that Canberra has had many of the ingredients of self-government even though governing powers for the A.C.T. Legislative Assembly are still only on the horizon. Washington has not enjoyed similar advantages in the effective expression of claims for attention to the city's needs and the preferences of its resident population.  

These references to Brasilia and Washington are intended to illustrate the assertion that capital city status in itself has little predictive value if we are concerned with the government of a capital city. Even so we will find later that many questions about Canberra appear as different versions of this general question: *What consequences follow, or should follow* (in administration, finance, planning, etc.) *from the fact that this is the Australian national capital and a city specially created to fulfil that role?*

Institutions, people, and issues are the broad categories from which we build up a picture of the government and politics of any city, or territory, as of any other place. Canberra has been a government town in more senses than one; federal government established it, federal government has always been the principal employer, and federal government agencies have been the managers and providers of most urban services here. In 1974 the parliamentary Joint Committee on the A.C.T. described the general situation thus: "The dominant role in relation to all aspects of A.C.T. government and administration is played by Australian government departments and instrumentalities." That has been true since Canberra's inception, and it is likely to remain true even if proposed changes in the powers of the elected Assembly are implemented. The departments and instrumentalities concerned with Canberra have themselves been changing in recent years, mainly in the direction of establishing separate specialist agencies for
different functions in the A.C.T., and in that process removing the old dependence on New South Wales for personnel or specialized services that Canberra in its earlier days was not able to provide. In 1974 the Joint Committee, in the report just quoted, mentioned first the National Capital Development Commission (N.C.D.C.) and the Department of the Capital Territory (D.C.T.). These two bodies provide the core of A.C.T. administration. The department is, in effect, the municipal administrator of the whole Territory, and has some wider responsibilities in local transport, housing, and in a variety of regulatory activities. The commission is the planning and development authority, responsible for providing serviced land and regulating its uses, and in many other ways for planning urban growth and change, being helped in its tasks by government ownership of land and an established system of leasehold covenants.

Hugh Stretton sums up the situation as it affects the local residents, “Public Authority builds the framework of the city including about one-third of the houses, then leases the rest of the prepared land to private uses . . . ”, and he adds the comment that “the citizen has more security than changeable regulations and zonings sometimes allow him in other cities”. The broad scope of N.C.D.C. responsibilities was described in 1973 by the Department of the Capital Territory in evidence to the Joint Committee on the A.C.T.; the following extract gives some hint of that scope.

The Commission’s planning and construction activities determine the location of virtually all urban facilities, services and buildings. Its control of external siting and design of buildings affects the choice of business and residential lessees . . . Its overall land-use strategy determines the mode and extent of travel of residents to and from work, workplace and places of entertainment and recreation. Its land development policies determine the availability of land for residential and specific business activity at any time.

It is worth remembering that the N.C.D.C. is also concerned with water resources in and for the capital, and that this still further concentrates responsibilities for Canberra’s present and future servicing.

Even with such concentration of functions under one Depart-
ment of the Capital Territory and one National Capital Development Commission, there is still plenty of opportunity for conflict and disagreement in the capital's affairs. The N.C.D.C. may look very powerful, but it has always needed the cooperation of other agencies, and long-term financing, and it has little power to command. D.C.T., like its predecessor, the Department of the Interior, has many municipal functions under its management, but the fulfilment of its programmes, on transport for example, is not something that the Department alone can determine. Moreover quite a few important functions in the A.C.T. are managed by relatively independent agencies, such as the A.C.T. Schools Authority, the Capital Territory Health Commission, the A.C.T. Electricity Authority, and a number of others. Whatever the virtues or defects of such arrangements, they make it very likely that separate groups of experts will concentrate on the claims of separate functions and agencies, and that the adjustment of competing demands will be a continuing problem. Political and administrative conflicts about Canberra have seldom been conflicts between federal government en bloc and the nongovernment sector; they have often been contests between one sector of government and another. Some federal departments, such as Attorney-General’s, Immigration, Defence, Treasury, or Prime Minister’s, and others as well, are thought of as having general national responsibilities and interests that would not commonly have a special effect in Canberra, but occasionally these departments do have special claims in the capital. There is no federal department or agency in Canberra—A.C.T. that could be completely excluded as a factor in Canberra’s administration.  

Parliament itself is also a continuing participant, and not just as the provider of ministers and cabinets or even as a forum in which questions about the capital’s affairs have regularly been aired. At various times different parliamentary committees have been active in investigating matters affecting this city and territory; a random sample would include the Joint Committee on Public Accounts, the Senate Standing Committee on Regulations and Ordinances, the Senate Select Committee that reported on Canberra’s development in 1955, and the Joint Committee on Public Works. The parliamentary committee of most continuing and current importance for Canberra is the
Joint Committee on the Australian Capital Territory. Established in 1956, as a consequence of the Senate Select Committee’s 1955 report, this committee has been re-established by each government, usually with three senators and two members of the House of Representatives from the government side, and two senators and two M.H.R.s from the opposition. An outsider might expect this Joint Committee to have the continuing task of monitoring and assessing the management and development of the capital on Parliament’s behalf, but this has not been its role. It was first given the duty of examining and reporting on proposals to modify or vary Canberra’s gazetted plan of 1925. For some years this task was not difficult, and submitting proposals to modify or vary the “plan of the lay-out of the City of Canberra” to this committee at least ensured that such proposals were made public; while growth was moderate, this referral worked fairly well. But since Canberra has expanded into new towns never envisaged in 1925, or even in 1955, this task has become more difficult. The Joint Committee has sometimes been faced with technical detail that it and its staff are not equipped to judge, and at least one major issue affecting the basic plan, the Black Mountain Tower proposal, was not referred to the committee. The second task for the committee was to report on matters referred to it by the minister or by either house of Parliament. Ministers of the Interior, and later of the Capital Territory, have asked for and received reports on such varied topics as a proposed Canberra-Tumut road, employment opportunities in the A.C.T., the milk industry, trading hours, and freehold lands. In the last few years the committee has been very busy with inquiries into self-government and public finance, the disposal of Canberra’s city wastes, and now it is examining planning procedures. There is no requirement that any issue should be referred to the committee, and it has no power to initiate inquiries. Sometimes a minister’s decision to use the committee looks like a delaying tactic or a cathartic exercise in “letting people have their say”. Even with varying membership and some unavoidable discontinuities, however, the Joint Committee has developed effective techniques of patient enquiry and of sturdy independence in reporting. It has been served by a competent and dedicated staff, and its reports have offered
valuable information and comment. Ministers decide whether or not to use the committee, and governments choose whether or not to accept its recommendations, but its work surely represents a generous allocation of parliamentary members' time and of parliamentary staff and funds to consideration of the needs of the capital city.

“The public” in Canberra for many years consisted almost entirely of public servants. While that was the case, representation via public service organizations was more important for most people than via the partly-elected Advisory Council, established in 1930 and replaced by a fully-elected Assembly only in 1974. For most, Canberra was only a temporary home town. Another factor was the Public Service Regulations which at least until the late 1940s restricted the right of public servants to comment openly on the local administration.

In its long history Advisory Council membership changed from three elected and four nominated members to a final composition of eight elected and four nominated. Just occasionally elections were lively contests and brought unusual contestants—as when the journalist, Alan Fitzgerald, won election as a “True Whig” and introduced some welcome lightness to frequently dull proceedings—but the limits on council powers disheartened some members and deterred some potential candidates. The circular pattern is familiar. Without adequate staff or an administrative base the Council had difficulty in presenting advice that commanded attention; without power even its best proposals could be ignored. Public indifference did not help, and sometimes the council faced ministerial intolerance and bureaucratic condescension. After the Advisory Council was replaced in 1974 by the new A.C.T. Assembly, the Joint Committee on the A.C.T. wrote that, “The Council seems to have been overworked and underestimated, while its formal role remained essentially the same over its forty-four years of existence.” In the same report the Joint Committee was sceptical about the new fully elected Assembly, seeing its powers as not much greater than the Advisory Council’s. “The Assembly has no power to initiate laws or to amend or veto proposed laws ... The most it can hope to do is to influence the content of law by persuasion.” Even so, the Assembly during its first term of office developed beyond the point
reached by the Advisory Council. Staff and other services have been more adequate than those for the council. With a clerk and a deputy clerk well experienced in parliamentary business, the Assembly's proceedings have been made more formal, managed more strictly, given more expert recording—in minutes, reports, notice papers, etc., than was the case with its predecessor. The atmosphere is different. All Assembly members are elected, and there is no "official" group with better access to information than the elected members have. Without real power, though in the expectation that powers will be delegated to it, the Assembly has won some acceptance as a body to be informed by the various governmental agencies concerned with the capital, and sometimes to be consulted.

Elected representation has not been confined to the Advisory Council and the later Assembly. The Australian Capital Territory was given one parliamentary representative in the House of Representatives in 1950, at first with limited voting rights; in the last five years this representation was increased to two senators and two members of the House. Moreover, there are other forms of representation through such things as appointment of people outside government to boards, committees, trusts, and the like, these including such varied organizations as the Law Reform Commission, the Theatre Trust, the Bush Fire Council, and a long list of professional and trades registration boards, and now a number of local school boards.

Though Canberra is no longer exclusively a government town, the distinction between governors and governed is not always clear, because so many people will be both—on one occasion acting as part of the government, on another occasion acting as a private citizen trying to influence some government agency. The private sector has grown in size and variety, especially over the last twelve or fifteen years, but there is still something in Alan Fitzgerald's comment that "People in the service industries are known as private enterprise employees, which means that they are the public servants' servants."^{20}

As with other one-industry towns, if this town lost its main industry, government, much other employment would fade away. In 1974 an N.C.D.C. associate commissioner said that "55 per cent of the labour force was employed in the Public Service and Statutory authorities in connection with . . .
national government business. The local government functions, planning and development activity and the administration of the leasehold estate are also undertaken by the Australian government and represent 5 per cent of the workforce. In addition there are a number of bodies like the A.N.U., the C.A.E. and C.S.I.R.O. whose employees are also on the government payroll." In the rest of Australia the average federal government employment is about 5 per cent. For manufacturing industry, the figure in Canberra is only 8 per cent of the workforce, whereas the average for other Australian cities is more than 30 per cent. Not surprisingly, in Canberra the professional and technical category of employment has a higher than average share, while clerical work accounts for nearly twice the share it has in the rest of Australia.

Among the several consequences of Canberra being a headquarters of national government, with a concentration of top officials among its many public servants, is that Canberra has a high proportion of university graduates: at the 1971 census 6.1 per cent of the population, compared with a national average of 1.4 per cent. (The presence of the Australian National University and the Canberra College of Advanced Education of course would help increase this figure.) Again, only 5.8 per cent of the A.C.T. population terminated their formal education at the end of primary school, whereas the national figure is 16.2 per cent. A high level of education need not make one community wiser than others, but it is likely to make it more articulate, and this has been noticeable in Canberra, whether expressed through professional organizations, through the press and other media, or through any other channels. In Canberra we find average family incomes higher, and those incomes more evenly distributed than in the rest of Australia, and secure enough for Canberra's per capita savings bank funds to be less than in any other Australian city (in 1976).22

We might expect this middle class affluence to be reflected in political party affiliations. Yet for more than twenty years Canberra was regarded as a Labor party stronghold. From 1951 to 1970 Jim Fraser easily retained the one A.C.T. seat in the House of Representatives, and on his death Kep Enderby had little difficulty in retaining that seat for Labor. When a second
M.H.R. was provided in 1974, another A.L.P. man, Ken Fry, joined Enderby in the House. In September 1974, however, in the Legislative Assembly elections, Liberals won seven seats to Labor's four, with two from the Australia party and five Independents. In December 1975, the two federal divisions showed a marked swing to the Liberals, and for the first time parliamentary representation was equally divided between Labor and Liberal, one M.H.R. and one senator each. This seems like a story of gradual change from one-party dominance to a competitive two-party situation, but there are other interpretations. Being on the inside of government, being employed by it, and having that government in control of local community affairs, might encourage Canberra voters to become disillusioned with any party in power. This might explain the success of opposition, Labor, candidates 1951 to 1972, and some build up of support for the Liberals once they became the opposition. On this hypothesis we might expect the Labor party to be assisted in A.C.T. affairs by not having federal power after 13 December 1975.

However, the long career of Jim Fraser as A.C.T. member does not need to be explained by making Canberra a Labor stronghold. Jim Fraser had a remarkable personal following, and an obvious devotion to the cause of remedying local grievances and injustices. In his case, all the clichés about being affectionately admired by all his parliamentary colleagues, and widely trusted and respected by his constituents, were statements of fact. When the A.C.T. was first given representation in Parliament, the one member's power to vote was restricted to matters directly concerning the Territory. When that restriction was removed, Jim Fraser welcomed the change as long overdue, but said that he would still have to concentrate on A.C.T. affairs. There were so many problems in housing, schooling, transport, and the welfare of newcomers, he said, that his time was more than fully occupied with these local issues. He seems to have acted as an ombudsman even before there was much talk of such a person or office, and whilst there is no doubt of his sincere allegiance to the Labor party, he was noticeably an independent local spokesman and a critic of government, and was able to act in these ways all the more freely because the government in power was not of his party.
This explanation of Fraser’s popularity is in line with the results of a study of the A.C.T. electorate and its voting preferences made by Dr. Greg Snider in 1975. His questions were designed to identify those who were committed to a specific party, those who would prefer an independent candidate if possible, and those whom he called “indifferent partisans”, with a general preference for, but no active commitment to, a specific party. His conclusions were predictable on some things: that the Labor party had rather more voters committed to it than the Liberal party had; that those committed to other parties formed only 2 or 3 per cent of the total; and that the main party contests were, and were seen as, Labor versus Liberal. Some conclusions were more surprising; for example, that the proportion of voters committed to the Labor party, though the largest group of the committed, were only 13.3 per cent, and that only 10 per cent were committed to the Liberal party. Those positively preferring “any viable Independent” made up 13.1 per cent, 32.8 per cent were classified as “indifferent partisans”, and the rest as “non-partisan”. According to Snider, the A.C.T. had not been a Labor party stronghold, in fact not a party stronghold at all, but a community with strong potential support for independents. Snider explained Jim Fraser’s continued hold on the A.C.T. by his being not only a highly respected Labor man, but also a “man for all parties”, acceptable to most Liberals as well as to Labor voters, to many “indifferent partisans” and even more “non-partisans”. Almost certainly there have been conditions here in the capital making local candidates rather less dependent on a party base than is common in Australia. If we had another clearly identifiable local community of less than 200,000 with the same opportunities for local leadership and publicity as Canberra offers, we might find that similar conditions developed.

Whether or not we accept or reject Snider’s hypotheses about party preferences, whether or not we discover significant differences between the A.C.T. and other parts of Australia in age structure, income, income distribution, occupation, or in governmental structures for local affairs, we would only be discovering hints or pointers concerning the processes and consequences of government as affecting this capital city.
Listing the known ingredients may alert us to some things we might expect or watch for, but the proof of the pudding is in the eating.

To get some impression of how Canberra has been, and might be, governed, we must look at things over time, in process and not just as a static picture. We need some history first, to show us what political conflicts have arisen, what decisions have been influential, who has lost or gained, which groups or individuals have played important political roles in Canberra's affairs.

What danger is the pilgrim in,
How many are his foes,
How many ways there are to sin,
No living mortal knows.
Some of the ditch shy are, yet can
Lie tumbling in the mire:
Some though they shun the frying-pan,
Do leap into the fire.

NOTES

With one exception, at p. 15, quotations beginning or ending sections or chapters are taken from John Bunyan, *The Pilgrim’s Progress* (Penguin English Library, 1968).
3. S. Dreyfus, “Les capitales et leur statut juridique”. Dreyfus developed the idea of a capital city as a magnet, especially in her concluding chapter.
4. See Chronology, pp.000, for examples.
6. SEPLAG 1, a seminar held in Brasilia 20–27 November 1976, at which I was one of nine invited “foreign experts”.
8. Ibid., especially Introduction.
10. Ibid., and see also in the same series, no. 2, "D.C. Reorganization: Making It Work" (September 1967), and no. 4, "Managing the Nation’s Capital" (December 1970).
12. Ibid., paras. 52 and 53.
15. Joint Committee on the Australian Capital Territory, *Canberra’s City Wastes*. Appendix G includes the Department of Defence in the list of departments concerned with the disposal of waste in Canberra. 

16. The duties of the Joint Committee on the Australian Capital Territory are set out in many of the committee’s reports, e.g., *Self-Government and Public Finance*, p. 1.

17. Ibid.
18. Ibid., para. 33.
19. Ibid., para. 51.
22. Census data at the collectors’ district level are available as computer print-outs from the Australian Bureau of Statistics; they show the remarkably even distribution of socio-economic characteristics in the urban area.
23. I talked with Jim Fraser on two occasions early in 1969.
24. See *Canberra Times* 9 December 1975, for a detailed report of Dr. Snider’s unpublished work.
Founding a Capital

MOUNT SION: A PLACE FOR A CAPITAL

...and behold, at a great distance he saw a most pleasant mountainous country...very delectable to behold.

At the various constitutional conventions of the 1890s there was not at first agreement on the principle that Australia's new capital city required a special federal territory. But by the time the draft Constitution was presented to the British Parliament in 1900 it included Section 125 which stated,

The seat of Government of The Commonwealth shall be determined by Parliament and shall be within a territory which shall have been granted to or acquired by the Commonwealth and shall be in the State of New South Wales and be distant not less than one hundred miles from Sydney. Such territory shall contain an area of not less than one hundred square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor. The Parliament shall sit in Melbourne until it meets at the seat of Government.

The smaller colonies were anxious to ensure that neither Melbourne nor Sydney should permanently dominate the federation, and the decision to put the capital somewhere in New South Wales, while reluctantly accepted, was made partly to encourage sufficient voting support there to ensure acceptance of the federal scheme. Clearly, to be selected as the host state was regarded as a prize worth winning, as was Melbourne's consolation prize of being the temporary seat of government. In this underdeveloped, underpopulated land—4½ million inhabitants when the Commonwealth was founded,
valuable growth of population and trade was expected from the new capital enterprise. Certainly the New South Wales government made vigorous protests later, when the development of their gift of land seemed unduly delayed. There were even murmurs about secession. Perhaps we should ask, at some time, whether the benefits expected were realized, whether it has been an advantage to New South Wales to have the Australian Capital Territory like an island within the state? Some such questions came up in 1975 when expansion of the existing Territory was proposed; a N.S.W. government committee of inquiry emphatically rejected the proposal.¹

Even before the Commonwealth was established, the N.S.W. government showed their interest in providing the seat of government by commissioning Alexander Oliver,² the president of the N.S.W. Lands Appeal Court, in 1899 to investigate possible sites so that the Commonwealth Parliament might be offered a choice. Dozens of townships made representations, from Eden, on the south coast near Victoria, to Tenterfield on the northern tablelands, and Hay and Orange in the west. Having called there briefly in November 1899, Oliver returned in June 1900 to hold an inquiry at Queanbeyan’s court house.³ Subsequently Oliver’s recommendations put Bombala-Eden first, with the districts of Yass-Canberra and Orange-Canoblas bracketed in second place. His enquiries also led Oliver to recommend that one hundred square miles would be far too small an area, and that the territory should be closer to one thousand square miles. This was also a recurring theme in the early federal parliamentary discussions of the proposed territory and capital.

The other dominant theme had been introduced earlier, that the ownership of land in the new territory, wherever it was formed, should be retained by the Commonwealth. Most attention was given in the years from 1901 to 1908 to the selection of the site for the new capital city, but two other points were not forgotten, the need for a relatively large territory and the need for public ownership of land. Also there was agreement that the new city should be built on new, unused land, to facilitate planning, and not be formed by adding to an existing town—hence the territorial boundaries carefully excluded Queanbeyan.⁴ Just before Prime Minister Edmund
Barton left the parliamentary arena for the High Court, he asserted that the Commonwealth must be the landlord or the proprietor of all land in the area chosen, and that leases with "periodical reappraisals" would be the principal device for meeting the expenses of this capital project.\(^5\)

The desirability of having a capital was recognized, but no one wanted to pay for it. Hence references to "the revenue to be obtained from land ownership" helped to encourage a comforting belief "that the as yet unknown residents of the as yet unselected territory would meet part or even all of the expenditure involved. This untapped source of riches was now being described as "a handsome endowment for all time".\(^6\) This was probably a useful political tactic, but there is also evidence of a genuine wish, shared by conservatives and radicals alike, to try out an experiment in land nationalization and in reducing land speculation.

Long before these parliamentary discussions of land policy, in fact before the first Commonwealth Parliament had its grand ceremonial opening in Melbourne in 1901, the N.S.W. premier, Sir John Lee, had sent Oliver's report to Barton, offering three areas in New South Wales for the Commonwealth choice of a capital site and territory.\(^7\) In the next few months the premier indicated a readiness to add other areas to the list. It might seem that only a choice was required, that many possibilities had been carefully examined, and that the choice would be simplified by the expressed preference for a relatively open, unsettled region. But things were not so simple. Local pride was aroused. Federal parliamentarians wanted to inspect the site themselves and were urged to present the claims of their districts. A Commonwealth Royal Commission in 1904 favoured Albury. This was highly unacceptable to New South Wales, as was the Commonwealth government's indication that they intended to select the territory "independently of any action of the State Parliament of New South Wales by way of offer". This last was part of an indignant comment by Oliver who saw his careful investigations and recommendations being pushed aside, lost in the excitement of the jaunts and junketings of politicians inspecting likely, and unlikely, sites.\(^4\)

Feelings in New South Wales were further outraged by the Commonwealth Parliament independently choosing Dalgety (a
small town in the Snowy Mountains area), and passing an act in 1904 to transfer this area, one which New South Wales had not even offered. Opposition to this Commonwealth highhandedness solidified N.S.W. support for the Yass–Canberra district, and parliamentarians from New South Wales spoke vigorously in favour of that district in 1907. In 1908 the Act to transfer Dalgety was repealed, and after the usual preliminaries, the Seat of Government Act 1908 provided that “the seat of Government of the Commonwealth shall be in the district of Yass–Canberra” and that the territory was to be “not less than nine hundred square miles”. Some further provisions authorized the conduct of a survey and compensation for damage to property resulting from that survey. In this minor skirmish, New South Wales came out as the winner, since its claim to be recognized as the donor was accepted, whatever the constitutional position was. In another sense, the Commonwealth was the winner because it does seem that the site chosen had advantages over any of the others considered. Certainly few regrets have been expressed, and most observers see these comical wrangles as ending fortunately for the Commonwealth.

New South Wales now lent Charles Scrivener, a district surveyor, to make topographical surveys for the Commonwealth government, to draw provisional boundaries for the Territory, and to suggest a site or sites for the capital city. He was required to consider the need for an adequate water supply and sewerage system, the wish that the capital should have easy access routes to Sydney and Melbourne, and especially that it should be “a beautiful city, occupying a commanding position with extensive views and embracing distinctive features”.

Scrivener wrote glowingly of the area he investigated, and especially of the site available there for the city. With some minor changes his proposed boundaries for the Territory appear in the First Schedule to the Seat of Government Acceptance Act 1909. The transfer of jurisdiction was to be “on a day to be fixed by Proclamation after the Parliament of the State [New South Wales] has passed an Act ratifying and confirming the said agreement, and surrendering the territory to the Commonwealth”. The Act was assented to on 14 December 1909, and the proclaimed day of transfer was 1 January 1911 on
which day the land became a territory of the Commonwealth. There is not much disagreement now over the wisdom of Scrivener’s choice of site, given what was asked of him, or about Canberra’s good fortune in being provided with this particular area of capital territory. A few people will always wonder whether Australians necessarily benefit from having their national politicians and leading bureaucrats isolated in Canberra, insulated, they say, from contact with the general problems besetting most Australians, especially in the big cities. But if a new capital city was the right thing to create, this was a pretty good place to choose for it. If Hugh Stretton is right in seeing Canberra’s new towns as the most significant and valuable achievement in the whole capital city enterprise, then this is further justification for seeing the early choices of this amount of land in this region as fortunate and fruitful.

Some other arrangements provided by the Act are worth noting. Section 6(1) says, “Subject to this Act, all laws in force in the territory immediately before the proclaimed day shall, so far as is applicable, continue in force until other provision is made.” This was a necessary and sensible provision. But it has meant that unless special Acts or Ordinances make special provision for the A.C.T., the applicable law from then on was that in force in New South Wales before 1 January 1911, and that brought problems later (see pp. 82–92). The 1909 Act also empowers the governor-general (which means, in practice, the Commonwealth government) to use state instrumentalities for “any power or function” that may be “exercised or performed on behalf of the Commonwealth by the authority of the state”. From this derived the arrangements whereby New South Wales provided teachers for A.C.T. schools, jails for A.C.T. offenders, for many years a visiting magistrate to conduct a local court when necessary, and a range of other facilities and personnel. The Act gave the Commonwealth a special claim on “the use and control of the waters of the Queanbeyan and Molonglo rivers”, restrained New South Wales from allowing pollution of these rivers, and “without payment therefor” gave the Commonwealth “the right to use the waters of the Snowy River . . . for the generation of electricity for the purposes of the territory”, a right which was to be significant in later years.

Certainly this piece of inland Australia has more varied
topography and vegetation than almost any other stretch of land that could have been selected whether in New South Wales or elsewhere. From the Molonglo plain, 450 m above sea level, it rises westward to Mount Franklin (1,646 m), Mount Gingera (1,856 m) and Mount Bimberi (1,912 m), offering snowfields in winter and snow gums and dramatic views all the year. Before its transformation by landscape gardening, the city area itself was, in summer, a dusty plain with so few trees that hundreds, fully grown, were brought in temporarily for the ceremonial opening of Parliament in 1927. Low rainfall in this central city area (500 mm per annum) led to early, and continuing, emphasis on ensuring water supplies and water catchment and storage areas. But in some places the annual rainfall is over 1,500 mm and this results in rich growth and lively streams. For many people a special charm of Canberra has been its ready access to a varied countryside. (Less kindly observers put the statement this way, Canberra has always been a good place to get away from.) From Burley Griffin's time on, there has been much continuous effort to cherish and increase the local assets of vegetation, waterways, and animal life. The Tidbinbilla reserve, the lakes and the lakeside plantings are only a few of the dozens of possible examples.

When in 1911 the Australian Capital Territory was formally transferred from N.S.W. jurisdiction to that of the Commonwealth, all Crown lands in the area became Commonwealth property without cost. Privately owned lands in the newly designated city area were purchased by the Commonwealth government. It was made clear that all freehold lands in the Territory could be acquired by the Commonwealth, but for the time being only the city area lands were purchased. It was about fifty years before all the other freehold lands were seriously in danger of acquisition.

The jurisdictional change had little immediate impact on local people. Before the construction workers moved in, the designated city areas had a church, a post office and store, a small flour mill, and a few houses. There were probably about 1,700 people in the whole Territory; there were also 224,760 sheep, 8,400 cattle, and 1,760 horses. By 1921 there were about 1,150 newcomers in the Canberra city areas. Most were surveyors, engineers, and construction
workers, many living in tents. For some of these newcomers a few country homesteads provided a pleasant change from the raw, makeshift town they were building. The next major influx, the public servants sent to Canberra to make possible the opening of the provisional Parliament House in 1927, are said to have been less readily accepted by these country people, the "descendants of the first white invaders of this land". Sir Robert Garran, who was the Commonwealth's first solicitor-general, tells us that when he and other pioneers arrived in Canberra in 1927, they found that the small group preceding them—the surveyors, the founders of the Military College, the scientists connected with Mount Stromlo's new astronomical observatory, one of the first institutions established in the Capital Territory—had been accepted by what he calls "the autochthones, the county", but that it took years for the 1927 newcomers to gain acceptance.

This may seem to give support to the legend of Canberra as a snobbish, socially stratified town, with one salary grade condescending to those below, and all "government" people being frowned upon by the established land holders. The modern version of this legend was put neatly by a knowledgeable Canberra journalist in late 1970. Responding to a question about social changes in Canberra, she said, "The landed gentry have never quite accepted the public servants; the public servants joined the gentry in condescending to people 'in trade', and now the 'old' residents can all enjoy looking down on the very new newcomers." True enough. There may have been and still are occasions for such social games and people to enjoy them. But many of the "old" residents, or people who knew Canberra in its small town stages before the leap forward of the 1960s, insist that one noticeable feature of early Canberra was the ease with which people of very different incomes, backgrounds, and ages came together in local associations and social occasions. In the matter of country people accepting the newcomers, it is worth remembering that it took only a few years for the city area population to outnumber the rest of the Territory. Canberra's city areas had approximately 1,000 people in 1920, growing to 7,000 plus in 1930, nearly 12,000 in 1940, and about 22,000 in 1950. From 1920 to 1950 the rest of the Territory, the rural areas, increased
in population by only a few hundreds. Supposing they had wished to show acceptance of newcomers, how could these few country dwellers in practice have done so? There are stories of social exclusiveness making it difficult for public servants, at least of some grades, to gain invitations to "prestige" occasions such as Country Club Race Balls, but even if these old stories are true, they scarcely indicate a peculiarity of Canberra. Several other small towns could provide parallel stories.

It is also worth noting that the original or early landowners contributed significantly to the capital city enterprises. Duntroon House, which became the headquarters of the Royal Military College; Yarralumla, which became the Canberra residence of the governor-general; Tuggeranong, another homestead acquired in 1916 and used for some years as the headquarters of the Australian Official War History with C.E.W. Bean in charge; and St. John's church, built half a century before Canberra was begun, provided the brash new Canberra with a few old and usually gracious buildings. A completely new town like Brasilia might well envy Canberra's good fortune, a good fortune that has continued into recent years when several other old homesteads in the A.C.T. have been acquired for the Commonwealth and put to new uses.

At any time after 1911 the freehold lands outside the city areas of Canberra could have been acquired by the Commonwealth, but for many decades there was no obvious need to do so, and such resources as were directed to the capital were needed for more urgent things.

Within a few years, another piece of land was added to the Capital Territory, the 72.5 km² of coastal land at Jervis Bay, which was made part of the Capital Territory in 1915. When the location of the capital was being decided, access to the coast was specifically required. It was believed that the capital city would need a port; that a naval college there could complement the military college at Duntroon; and that this coastal stretch would provide a healthy change of climate for the residents of the new inland city. The idea of a special port was not pursued, and though a naval college was set up at Jervis Bay, it never became the principal centre of naval training in Australia. Access to the coast for Canberra's residents has come
from the building of a good road from Canberra to Bateman's Bay, not from Commonwealth control of Jervis Bay.

This coastal outlier of the A.C.T. is a strange place now. Its lonely, deserted atmosphere is in marked contrast to that of the Canberra region, where new houses, shops, and schools seem almost to spring out of the ground and march across the countryside. The Jervis Bay area near Sussex Inlet in the early 1970s had a not-very-tidy collection of picnic and camping areas, a few guest houses and holiday houses, all on leased blocks of land. But there were no signs of continuing urban life. New roads stretched shining grey ribbons through the empty scrubby landscape. One road ended at a cluster of white houses perched above a rocky beach—Wreck Bay, a small Aboriginal settlement. Another led past high gates, with a tree-lined driveway, and glimpses of the buildings of H.M.A.S. Cresswell, the naval college, its "No Entry" sign barring the casual visitor. The newest strip of road led to another such sign, beyond which was an airfield belonging to the R.A.A.F. If an atomic energy station had been built in this area, as was proposed, another even more firmly closed gate would have appeared.

Though the Jervis Bay area was formally added to the Capital Territory in 1915, its isolation has caused it to be administered separately. In 1971 there was one member of the A.C.T. police force listed as responsible for Jervis Bay, but such law enforcement or court facilities as had been needed in that isolated area were provided from Nowra, the nearest town in New South Wales. In 1967 the report by the Department of the Interior, *Self-government for the A.C.T., A Preliminary Assessment*, noted that Commonwealth legislation in 1915 had stated that the Jervis Bay area should be treated "as if it were part of the territory for the seat of Government", and suggested that the Jervis Bay area would have to be considered in any plans for self-government in the A.C.T. In recent years, official publications have occasionally seemed to distinguish between the Jervis Bay territory and the A.C.T. proper, but reports on education in the A.C.T. have regularly included references to the school at Wreck Bay. In 1970 the Department of the Interior invited members of the A.C.T. Advisory Council to join a special inspection tour of the Jervis Bay region. One
purpose of this expedition was to allay some fears about ecological damage, alleged to be a possible consequence of Commonwealth government activities there. Asking the A.C.T. Advisory Council to inspect implied that Jervis Bay was still treated as part of the A.C.T. In 1973 when the Joint Committee on the A.C.T. was given the task of examining appropriate forms of self-government for the Territory, the committee’s terms of reference required them to consider whether or not Jervis Bay should be included in any self-government scheme. In the event their report favoured its inclusion.17

We need to remember that the Australian Capital Territory is more than urban Canberra. There is still a rural hinterland and it is still productive. In 1969–70 the A.C.T. had 244,000 sheep, 15,000 cattle, and produced 72,000 bushels of wheat.18 But this rural production was being threatened by urban growth. In the early 1950s, the Department of the Interior held field days, junior farmers’ contests, and made awards for achievements in rural production. By the late 1960s, Interior and the N.D.C.D. were concerned that the owners of some of these freehold lands were planning lucrative subdivisions, which would have been outside, and possibly conflicting with, the N.C.D.C.’s planning schemes, and the government was urged to take steps to prevent this and to acquire all the remaining freehold lands. By 1975 it seemed probable that the only farmlands likely to remain as such for long would be kept as experimental farms and as tourist attractions. The government-managed timber industry might remain, but acquisition of land held by private landholders and rural lessees has been occurring faster than most people expected. The rural sector of the A.C.T.’s population has been very dissatisfied in recent years with the compensation offered for lost land, and with the allegedly high-handed and unsympathetic treatment they have received. From the government side come counter-charges of extortionate demands and lack of cooperation.

If Canberra is to continue growing, and if that growth is to be channelled into the planned scheme of new towns, then expropriation of most rural lessees and land owners seems inevitable. The planners assert that much of the rest of the Territory is rugged, mountainous, or otherwise unsuitable for urban development. Not everyone accepts that assertion
Founding a Capital

without challenge. After all, some very rugged country has been used, in other places and times, for spectacularly successful urban development. As Canberra’s growth swallowed up the rural lands of the A.C.T., there have been increasing assertions from some Canberra administrators that expansion into New South Wales would be necessary, and beneficial for all (pp. 72–79). In 1910 New South Wales had been a willing donor; it was much less ready to hand over land by 1975, and the proposal for expansion has now (1978) virtually been dropped.

THE VISION SPLENDID: GRIFFIN’S DESIGN

It was builded of pearls and precious stones, also the street thereof was paved with gold, so that by reason of the natural glory of the City, and the reflection of the sunbeams upon it, Christian with desire fell sick . . . [but] . . . the foundation upon which the City was framed was higher than the clouds.

The site for the capital was chosen. The Territory was under federal jurisdiction. A physiographer from the Commonwealth Weather Service (Griffith Taylor) was making surveys and models of the area; Mount Stromlo had been reserved for an observatory. The next questions concerned the design and building of the city.

In 1911 a worldwide competition for the design of Canberra was announced by the Fisher government. Topographical models were displayed in Washington, London, Paris, Chicago, and some other cities. Statements were distributed describing the site and indicating some expectations. The designer were to assume a population of 25,000 with a possible gradual increase to 75,000. Parliament, Government House, and the prime minister’s residence were each to have dominant positions. In the hope that this seat of government would become a headquarters city for the nation in many ways the list of buildings included a university, a national theatre, a States’ House, a national museum, and a mint. For the city-territory itself, it was expected that there would be a need for a military barracks, a stadium, courts, a jail, and a city hall. There were also to be some ornamental waters. Competitors seem to have found the information satisfactory, but there was concern about
two things: there was no guarantee that the winning design would in fact be used, and the client government, through the minister, reserved the right to select items from any or all of the award-winning designs. From the government’s viewpoint, competitors were offering only suggestions, the use of which would be paid for by awards of £1,750, £750, and £500.

Architects and their professional associations in Australia, and even more in England, were indignantly critical of these conditions. To consider selecting scraps from several schemes meant ignoring the unity of any one design. They insisted that competitors would and should be induced to devise imaginative and practical designs not primarily by the offer of these monetary awards but by the possibility that their vision might be translated into reality. Moreover, said the critics, taking pieces from various design could be disastrous for the city. Suggesting this showed ignorance of design and an arrogant assumption that officials could make the best choices. When these protests had little effect, the competition was virtually boycotted in Australia and in Britain and most of the British Empire. This partly explains the fact that the first three awards went to foreign competitors. The first award went to Walter Burley Griffin of Chicago, the second to Eliel Saarinen of Helsinki, and the third to Alf Agache of Paris. However, if the chairman of the Design Board advising the minister had had his way, the first award would have gone to an Australian group, and none of the three would have won any award. The prize went to Griffin as a result of King O’Malley, the responsible minister, accepting the advice of two out of three of his Design Board.

Few now dispute the wisdom of the first award. Griffin’s design was immediately appealing and “was presented in an impressive set of drawings”. To illustrate his plans, as the terms of the competition required, he submitted a “dramatic perspective rendered in colour. As well as being a tour de force in presentation the drawings showed with remarkable clarity the designer’s understanding of the topographical characteristics of the site and his ideas for the future city.” Griffin himself acknowledged the influence on his Canberra design of the McMillan plan for Washington, and (especially in his street designs) of Wren’s plans for the rebuilding of London after
the Great Fire of 1666. The garden-city movement of Griffin's own time had an obvious influence, as had Frank Lloyd Wright and Louis Sullivan. The World's Columbian Exposition at the Chicago Fair of 1893 had "first made popular the idea of the City Beautiful" and from this Exposition and its plan for the 243 ha site beside Lake Michigan, Griffin drew many suggestions later incorporated in his Canberra design.

The statement accompanying his design mentioned, as lessons to be learned from these examples, such desiderata as "largeness in unit buildings" and "liberality in public space", and welcomed the possibility in Canberra of avoiding tall buildings and of "securing a horizontal distribution of the large masses for more and better air, sunlight, verdure and beauty". To the layman what is striking about Griffin's design is its use of the characteristics of the site where his scheme was to be applied. Partly, this was making a virtue of necessity. However confident he was at first, however delighted by the potential of this site, Griffin knew that it would be many years before the major buildings appeared. "In these circumstances", his biographer tells us, "Griffin did what appeared the only thing possible: he designed a grand formal landscape, ... taking advantage of all that the splendid site could offer." Before he had ever visited Australia, simply from the topographical models Griffin produced a scheme that used the hilltops as "terminating climaxes" for the wide avenues in his triangular scheme, which turned the flood plain of the Molonglo into formal water basins and provided "vistas linking the city with the enveloping countryside and giving promise of more beyond".

It was a grand design. Each side of his central triangle was 3.2 km long. He envisaged the "Capitol" (Parliament House and the associated buildings) on one hill, a casino at the foot of Mount Ainslie, a civic centre on another small hill, and a market centre, with the railway station, nearby. The water basins were to link the separate parts of the whole scheme, and also to set the Capitol apart from the places where day-to-day affairs of the local populace would be conducted.

When Griffin was making his first design, or amending it after he first visited the site in 1913, there was scarcely any local populace. He hoped for an eventual population of 75,000,
Griffin's Design

the maximum set by the competition terms, and for busy lines of shops, houses, and offices along his avenues. His dreams appeared wildly unrealistic to most politicians and administrators concerned with the capital. Many people expected, and hoped, that the capital would never be built; few believed in Griffin's vision. Press reports of the ceremonial Foundation Day, 12 May 1913, were mostly jocular or scornful, making fun of the procession led by the governor-general riding over the dusty landscape to the place where Lady Denman, the governor-general's wife, announced the city's name as Canberra and where three foundation stones were laid, one by the governor-general, one by the prime minister, Andrew Fisher, and one by the minister for Home Affairs, King O'Malley.

However, it was not Griffin's plan that was being initiated. In the months between his being awarded the first prize and this Foundation Day, a Departmental Board had advised the minister to adopt none of the award-winning designs, but instead to accept a more modest, less expensive scheme devised by the board members, and this advice was followed for the time being. It was understandable that these officials, knowing the limitations of available resources, should have run away from Griffin's grand design. They deserve some sympathy for wanting a workable township soon. But it seems that their knowledge of town design was so limited, and their presumption so great, that what they proposed was not even a practicable scheme for the first stage of a small town. From England Patrick Abercrombie "thundered in the columns of the Town Planning review" that the new plan was "evidently a product of a Department whose personnel is utterly untrained in the elements of architectural composition", and that "the perspective sketch with its innumerable kiosks and its irregular distribution of everything that is undesirable, reminds us of a third-rate Luna Park". Though this editorial was used as the basis for comment in the journal of a group of architects' institutes in Australia, Peter Harrison says that "the lack of any cogent criticism from the Australian professions was evidence of the limited local knowledge of city planning".

Rescue came in mid-1913 when the Fisher government was defeated and Joseph Cook became prime minister. Cook also became minister for Home Affairs, but delegated much of that
Griffin was invited to Canberra, and he arrived there in August. In the discussions that followed, Kelly showed himself receptive to Griffin's ideas and impatient of objections from the Departmental Board. In the upshot, the board was disbanded, and on 18 October 1913 Griffin became Federal Capital Director of Design and Construction, a humiliation for the board, apparently a triumph for Griffin. The designer was less concerned with, or aware of, political wrangles than with the possibilities of the landscape he now observed for the first time. In very quick time, a couple of weeks, he presented the minister with a revised plan, accompanied by his "Report Explanatory of the Preliminary General Plan". This is a remarkable document, brief, simple, clear. It has the compelling elegance that scientists welcome in theoretical structures. Also, as Richard Gray has written, the "intellectual grasp of the topography in his competition report has been converted . . . into poetic fervour by the spell of the Monaro". Griffin was clearly delighted by the possibilities of the amphitheatre setting, and not "deterred at the idea of a single composition in space of which the three sides were each nearly two miles long". Into this windswept, almost treeless plain already he was planning the introduction of massed groups and avenues of trees that would—and did—transform the place.

Griffin took his high-sounding title very seriously. As federal capital director of Design and Construction, he assumed that he had a right and duty to concern himself with water supply, the sewerage system, roads, and other such things. But the Territory's administrator, David Miller, and Percy Owen, the director-general of Works, and his officers thought differently. They wanted Griffin to confine his activities to designing the townscape of the city area. They would have been happier without him, but at least he should not try to do their jobs. Kelly, as minister, did not seem clear about whose job was what. When Griffin wanted consultants to be used for advice on street lighting, local transport, etc., he met with resistance; the Works Department could deal with these things. When he wanted staff, there were delays, though the administrator kept pressing him for further detailed plans.

Things got worse, not better, with the next political swing.
This brought William Archibald to the portfolio of Home Affairs in September 1914. It was soon obvious that Archibald was unsympathetic, if not hostile, to Griffin, and ready to support Miller and Owen against the “outsider”. Three years later, an official inquiry found that Archibald and some officers formed “a combination . . . hostile to Mr Griffin and his design for the Capital City”. It does seem that Archibald, Miller and Owen shared a wish that they could reinstate the “Board’s plan” in place of Griffin’s, and that they used various manoeuvres to discredit Griffin and delay his work.36

However, the next change in the government brought help to Griffin. Late in October 1915, King O’Malley became minister for Home Affairs once again. When he had previously held this portfolio, at the time of Canberra’s official foundation, O’Malley had been responsible for putting aside Griffin’s design and accepting the “Board’s plan” instead. In the intervening two and a half years, he had changed his mind and had become an admirer of Griffin’s work. Once in office, O’Malley acted quickly, even if he was not always tactful in the methods he used to push his departmental officers into cooperation with Griffin.37 Then again, these were wartime years, and even with ministerial support, it was difficult to get funds or staff allocated to the capital enterprise.

Griffin and some of his supporters, notably the postmaster-general, William Webster, felt that wartime difficulties were compounded by resistance among senior departmental officers, such as Owen and John Murdoch, the Commonwealth architect. Webster’s virulent denunciations of obstructive tactics led to a Royal Commission in 1916. Wilfred Blackett, the commissioner, reported overwhelmingly in Griffin’s favour. His official findings included statements that “necessary information and assistance were withheld” from Griffin, that he was denied “his rights and duties under his contract”, and that “the Hon. W.O. Archibald and members of the Departmental Board endeavoured to set aside his [Griffin’s] design and to substitute the Board’s design”, as well as finding evidence of the “hostile combination” against Griffin already mentioned.38 Though it seems likely that the commission’s inquiry was less than just to several officials, and did not reveal the occasional arrogance and indiscretion on Griffin’s side, its report must be regarded
as a triumph for the hard-pressed federal capital director. While the inquiry was proceeding, O'Malley, with cabinet's full support, had renewed Griffin's contract for three years.

Griffin's second three-year term was a little more peaceful than his first, but before it was ended a different minister was in charge of the capital's affairs, Littleton Ernest Groom. Though the new minister was an admirer of Griffin's work, and was personally convinced that Griffin's design should be followed, he was also convinced that the management of the enterprise was not a task for Griffin alone. Groom was the first minister responsible for the capital city scheme who was both a convinced supporter of it and aware of the organization it required. He wanted to establish an independent commission, with wide powers in development and management. When Cabinet did not accept this, he proposed instead an advisory committee to assist Griffin, the director-general of Works, the surveyor-general, and two others, and he tried to persuade Griffin to accept this scheme. He failed. Griffin appealed to the prime minister and others for reinstatement in a position of effective authority. Having failed in these efforts, Griffin reluctantly accepted the termination of his contract at the end of 1920. Disappointed and hurt, he distributed a pamphlet to most newspapers and journals in Australia, under the title "Federal Capital—Termination by the Government of the engagement of Walter Burley Griffin as Director of Design and Construction" dated 8 February 1921. To a brief statement, he appended copies of correspondence, the findings of the Blackett Commission and other documents, ending with a letter to the prime minister. His gesture may have been futile, likely to give opponents more ammunition, and to make supporters even more doubtful of Griffin's capacity as an executive, but it was brave and understandable. He had been treated shabbily. Though there was no competition for a permanent Parliament House design, which was very disappointing for Griffin, there were two competitions in 1924: one for the first permanent office building in Canberra, another for the Australian War Memorial. Neither for these buildings, nor for any other part of the planning and building of Canberra after 1921, was Griffin consulted officially. In 1925, Sir Charles Rosenthal, president of the Australian Institute of Architects,
gave an address on "The Development of Canberra" without even mentioning Griffin.\textsuperscript{41} Until there was some critical comment in the Australian press, Griffin was not even invited to the ceremonial opening of the provisional Parliament House in Canberra in May 1927.

If Griffin's ghost were to appear in modern Canberra, he would find a lake, but not of the shape he planned. He would find no building of his design, and nothing of the busy pedestrian activity he hoped to provide for with lines of offices and shops in the central triangle. He might be pleased to find the 1967–8 report of the National Capital Development Commission regretting the lack of Griffin-designed buildings and commenting that "the perspective of his competition-winning design shows well-massed building groups sensitively attuned to the topography".\textsuperscript{42} That a brilliant man gains admiration after disappointment, and that his ideas are referred to with reverence, does not mean that his followers or successors act or even preach as he would have wished. Many references to Griffin in official statements or publications about Canberra show a ritual obeisance, and must not be taken to mean real understanding or support. But the ritual itself is significant. If he could return, Griffin would be surprised at some things done in his name—what founding prophet would not be?—and shocked at some transgressions of his principles. But at least his mark on Canberra is indelible.

There are parallels between the story of Griffin and Canberra and that of Utzon and the Sydney Opera House, even though forty years separate them. Both Griffin and Utzon were architects of great originality, coming to the Australian scene from backgrounds very different from the places where they were to work. Each won an international competition sponsored by a government. Each presented a design that stood out from those of other competitors, especially in its obvious recognition of the dramatic potentialities of the site to be used. Each began the task of implementing his design in a blaze of international celebrity, if not with universal acclaim in Australia, and had some years as the director of the scheme. For each, the end of the story was most unhappy. Each resigned reluctantly; each felt that he had been pushed out by administrative pettiness, by lack of understanding of necessary expenditures, and by
changing or vacillating political leadership. Certainly some problems arose, in both cases, from the stubborn, even self-righteous, attitudes of the designers. Neither was easy to work with. Some problems arose, and are always likely, because government was the client in each case. Since governments change, the client’s views and demands are liable to change suddenly and drastically. In Griffin’s case, changes in political leadership twice threatened, but also twice rescued, his design. A change of government in New South Wales led to Utzon’s resignation in 1965. In each case, too, there were problems arising from the terms of the competition. There were no clear initial statements that could ensure satisfaction for both client and designer. Perhaps such statements would have been impossible, or drastically limiting. Both designs were on a vast scale, were experimental, and required a long time and vast resources for their full implementation. If things had been clear from the beginning, the client in each case may well have given up the whole enterprise.

Some of the difficulties in each story can be linked with the designs themselves. Both had a strong emphasis on visual qualities rather than on functional needs. Ideally, Griffin should have been faced with carefully argued proposals for such modifications of his plan or programme as might have made this bush capital a workable town in a few years, without destroying his long-term scheme. But the battle of the plans divided people into two opposing camps and sympathetic criticism was pushed aside. Ideally, Utzon perhaps should have been given less indulgence and uncritical treatment in the early stages of the Opera House, and saved from some of the abrupt changes that led to his departure. Here, too, the division into pro-Utzon and anti-Utzon did not help rational discussion. In Griffin’s period, Commonwealth politicians were quite unfamiliar with the role of being clients for a city design or for any part of one. Among their official advisers none was really capable of offering skilled professional judgment on a long-term basis. How could they have been? In the 1960s, N.S.W. politicians were no more experienced in this client role for the Opera House complex, no more certain of what they wanted, or how it should be achieved, than their federal counterparts of almost fifty years earlier. And their official and “expert”
advisers seem almost to have been frightened out of a responsibly critical role by a determination not to be so crassly unimaginative as the Departmental Board in the Canberra–Griffin story.

If Griffin had been less angry and hurt in the 1920s, he might have been able to see that all was not lost. It was true that the chairman of the new Federal Capital Advisory Committee, Sir John Sulman, wasted no time in recommending that only the south side of the Molonglo River should be used for the city, whereas Griffin had planned development on both north and south, with the stream eventually becoming the "ornamental waters" that would bring the two sections together in a single design. But the minister, Littleton Groom, rejected the chairman's advice and persuaded cabinet to approve continued adherence to Griffin's general ground-plan. Even Percy Owen, Griffin's old critic and opponent, reminded Sulman and other members of the Advisory Committee that they had been "charged to work on the basis of acceptance of Griffin's plan for the city lay-out". Such acceptance was new, though it did not result in much action. The committee's three-stage proposal for the capital in 1921 concentrated on basic engineering works, houses, a few shops, and other local facilities, leaving for the distant future the question of providing any architecturally monumental national capital features, or indeed anything beyond a cheap, simple township where Parliament could meet.

Even this modest aim was nowhere in sight by 1924, but in that year Littleton Groom managed to arrange for two things, the setting up of a Federal Capital Commission, with general powers for the development and administration of the Territory, and a provision that Griffin's basic layout plan, as set out in the Commonwealth Gazette, should not be varied without approval of both houses of Parliament. This requirement still exists, and has had very important consequences. Does that suggest a naive confidence in the efficacy of parliamentary supervision, or conjure up a picture of knowledgeable parliamentarians recognizing any likely departures from the gazetted plan and vigilantly preventing such variations? Nothing so fanciful was required to make the gazetted influential. An important rule was clearly laid down. Public servants are generally obedient to such rules. Those immediate-
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ly concerned with the capital city’s affairs had had enough trouble already over Griffin and his plan not to want more, once the rule was firmly made. Except when required to make decisions such as this one, parliamentarians usually were pleased to leave the affairs of the capital city to the officials. The establishment in 1953 of an important Senate Select Committee to investigate Canberra’s development was, in large part, the result of Senator J.A. McCallum arousing parliamentary interest in and objections to some clear breaches of the rules supposedly established in certain buildings that in style, material, and siting should not have received official sanction. The gazettal of Griffin’s basic plan, and the retention of this by parliamentary supervision, helped to preserve areas for future development.

Of course the maintenance of these general guide-lines was only possible because growth was so slow; there was no real pressure for change. Once really rapid growth came, the gazetted plan had to be modified. But by that time, the N.C.D.C. was in charge of planning and development.

The conflicts and confusions of the Griffin story did serve as a warning. Littleton Groom, as minister, in 1921 began the gradual and difficult process of encouraging among politicians, administrators, and others a more sophisticated understanding of the government’s role as client in the city-development business, a process that eventually made possible the establishment of the National Capital Development Commission. A major achievement of the commission after 1958 was the development of machinery for devising plans for and making recommendations about every aspect of city design and urban development, from a picnic place to a flora and fauna reserve, from a new fountain to a new town centre. By explaining, informing, discussing, that is by consulting effectively, the commission won through to a position where most of its recommendations have been accepted. Even with such major buildings as the National Library and the National Gallery, and perhaps someday the “new and permanent” Parliament House, once the decision to build has been taken, the paths to completion have looked much smoother than they were years ago. Griffin faced a situation where the whole capital city enterprise could have been abandoned and where those reluc-
tanty accepting the need for it wanted costs kept to a minimum. In the 1970s we can be sure that no government will abandon the enterprise, and that high quality will be expected and some high costs accepted.

The real debt to Griffin comes of course through the work of others who have been inspired by his ideas and hence persuaded to work towards turning his dreams into reality. The chain of influence is remarkable. Though Griffin had his opponents while he was federal capital director of Design and Construction, he also had vital support from O'Malley, from Commissioner Blackett, and others. Even as Griffin was leaving, there was a Minister, Littleton Groom, determined to retain Griffin's basic design, and with Charles Daley appointed as secretary of the new Federal Capital Advisory Committee, Groom arranged the gazettal of the basic layout for Canberra in 1925. Daley went on to become secretary of the Federal Capital Commission from 1925 to 1930, then to become city administrator for many years. Another admirer of Griffin's vision was Senator McCallum who chaired the Senate Select Committee on the Development of Canberra, reporting in 1955, and went on to membership of the parliamentary Joint Committee on the Australian Capital Territory established in 1956. A planning conference in Canberra in 1951 had as its principal guest speaker a distinguished town planner from London, William Holford (later Lord Holford), who on this occasion shared with others his interest in Griffin's work and especially his plan for Canberra, and discussed this with an Australian town planner, Peter Harrison, then fairly new to his devoted study of Griffin's life and work. In 1957 Holford's advice to the prime minister, R.G. Menzies, could be summed up as an exhortation to act boldly and to make as much use as possible of Griffin's scheme. When the government set up the National Capital Development Commission, and John Overall became the first commissioner early in 1958, Holford's advice almost certainly encouraged the appointment of Peter Harrison as chief town planner.

Since Griffin's time, at every stage in Canberra's history at least for fifty years, there has been someone devoted to the city's growth who was also a supporter of Griffin's ideas, though not necessarily an uncritical supporter. Other cities have had
an initial design scheme officially approved. Canberra is unusual in that so many features of the present design are recognizably related to the original design. It surely matters little that Lake Burley Griffin is very different in shape from Griffin’s “water-basins”. Would there have been a lake at all without Griffin’s plan, and the 1925 gazettal? Need we deny or disparage Griffin’s influence because the particular kinds and colours and groupings of trees that he hoped for never appeared? Instead, should we not recognize that he started a programme of massive tree planting that has been continued, modified, improved, but still owes much to his start? Even if Canberra has no Griffin buildings, surely it has a strong Griffin imprint? There is some danger of underestimating his influence. There is, of course, a like danger of exaggerating it and of failing to recognize that even what we think of as “Griffin’s vision realized” could not have been realized without other, later, imaginative people who did a lot more than just consider “What would Griffin have done here?” There is a chain of influence, but there are many links in the chain, and there have been many things added, good or bad, that Griffin never thought of.

Happy hearts and happy faces
Happy play in grassy places
That was how in ancient ages
Children grew to Kings and Sages.

R.L. Stevenson

NOTES

1. Report of the N.S.W. Committee of Inquiry into the Expansion of the National Capital into New South Wales.
3. E. Lea-Scarlett, Queanbeyan, pp. 150ff.
4. For these and other historical details in this chapter, I am especially indebted to F. Brennan, Canberra in Crisis, chapter 1; Wigmore, The Long View, chapters 2–4; “A Historical Outline of the Planning and Development of Canberra” (N.C.D.C. unpublished paper, 1967); and draft chapters of P. Harrison’s unpublished study of Walter Burley Griffin.
6. Ibid., p. 26; emphasis in original.
8. Ibid., p. 39.
10. Scrivener’s praise is mentioned in “A Historical Outline of the Planning and Development of Canberra, pp. 3-4.
12. For stock figures, see Wigmore, The Long View, at p. 52; for population figures at different stages, see Appendix to “Submission from the Department of the Capital Territory to the Joint Committee on the A.C.T. November 1973: Inquiry into Self-Government and Public Finance”, also Commonwealth Yearbooks and publications of the Australian Bureau of Statistics, including A.C.T. Statistical Summary, in recent years.
14. Ibid.
15. Statement made to the writer in private conversation.
17. Joint Committee on the Australian Capital Territory, Self-Government and Public Finance in the Australian Capital Territory, para. 95. The ministerial statement on constitutional development for the Australian Capital Territory, issued in September 1977, does not propose to include Jervis Bay in territorial self-government. See Appendix p.000 and postscript to chapter, 8, p. 202.
20. Ibid., pp. 53-60.
22. Wigmore, The Long View, p. 56. Harrison writes, (Ibid., chapter 4) “Saarinen had already achieved distinction by winning the competition for the design of the railway station at Helsinki in 1904, a highly original work. Alf D. Agache went on to a distinguished academic career.” Ibid.
28. See n. 25.
30. The board consisted of David Miller (administrator), Percy Owen (director-general of Works), and Charles Scrivener (director of Lands and Surveys), with three other departmental officers assisting.
31. Harrison, unpublished study of Griffin, chapter 4. Abercrombie was a professor in the civic design department at the University of Liverpool. Grenfell Rudduck studied with him in 1947–48, and ten years later became an associate commissioner in the N.C.D.C.
32. Ibid.
33. This was made available to the writer by the N.C.D.C. in 1968.
35. Ibid., p. 6.
37. Ibid., p. 76.
38. Ibid., p. 78.
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40. Ibid.
41. Ibid.
43. Harrison, unpublished study of Griffin, chapter 5.
44. Ibid.
46. A long letter from Senator McCallum to me in 1968 gave useful information on Canberra and on the 1953–55 Senate Select Committee. Senator McCallum had entered politics in 1949 after distinguished work as a teacher of history in secondary schools, and he was especially interested in promoting a national university, a national library, and in the development of Canberra as a true national capital.
The Long Haul

HILL DIFFICULTY

Christian “... Be content, good neighbours, and go along with me”.
“What!” said Obstinate, “and leave our friends and our comforts behind us!”

By 1927 Canberra was officially the seat of government. Parliament House had been opened there, and Melbourne had lost its position as the temporary capital. But it was many years before Canberra became the real capital and before Melbourne lost its position in practice as the headquarters for most Commonwealth government agencies.

For more than thirty years Canberra’s growth was slow and sporadic. The now familiar story shows federal parliamentarians approving the idea of a new capital city, but postponing any action on it; wanting a handsome new city free from some of the evils and disadvantages of older places, but hesitating about paying for it. It took ten years after the Commonwealth was established to select a site, acquire the territory, and announce a competition for the design of the capital. It took another sixteen years before Parliament House was opened in Canberra. The first breath of the Depression frightened ministers and Parliament into calling an abrupt halt. After 1934 recovery in the capital was too slow even to match the gradual expansion of federal government activity. With the advent of the Second World War in 1939, Canberra’s facilities proved hopelessly inadequate for the national government’s expanded responsibilities. Most of the growth of Commonwealth administration therefore took place in Melbourne, and to a lesser extent in Sydney. It seems that Canberra was rescued from stagnation only by the determined efforts of some
senators who produced a report in 1955, and by the prime minister and his government acting upon that report in the next few years. This well-known story is true as far as it goes. But it is too simple and it can be misleading. Behind it is the assumption that, with political goodwill, this capital could have been developed much earlier and more quickly than it was. This assumption is open to challenge. Perhaps the conditions for successful development of Canberra were not present before the 1950s. Instead of asking “Why was there so long a delay?”, we should ask “Why was a breakthrough possible in the 1950s? What new conditions made things easier?” Too much emphasis can be placed on political choice, and too little on the conditions making some choices viable.

The rapid development of Canberra after 1958 was not primarily the result of the Menzies government deciding at last that the capital city should be developed now. The slow growth of forty years was not simply the consequence of earlier governments evading such a decision. Of course decisive political leadership was necessary for the capital’s growth, but it was not sufficient. Among the conditions making prospects favourable in the 1950s, and not before, were such things as the development of air transport and other communication links that reduced Canberra’s physical isolation, interest in and training in town planning, the relatively affluent state of the national economy, and, most particularly, developments in the Commonwealth public service. Hugh Stretton comments that a few years of depression and war cannot excuse or explain “a quarter of a century of mucking about”. True enough. We must not look only at those crisis years. Also, we must not look only at Canberra’s story. The “mucking about” was not confined to the capital: it was probably only specially noticeable or noticed there. We will more readily understand the story of Canberra’s long gestation, and of its surprising growth and of some recent developments if we think of the capital city reflecting on a small scale some general features of Australian politics and administration.

Our founding fathers worked hard in the 1890s, but they changed as little as possible, borrowed ideas as much as possible, and left a great deal for later decision. The proposed capital city was one such matter. It was a major triumph that the draft
Constitution in 1898 and also, of course, the final constitutional document of 1899, arranged that "The seat of government of the Commonwealth . . . shall be within a territory . . . acquired by the Commonwealth . . . in the State of New South Wales . . . not less than one hundred miles from Sydney . . . [and] an area of not less than one hundred square miles." Section 125 also stipulated that Parliament should meet in Melbourne "until it meets at the seat of government".

Some things about the proposed capital city were thus decided. But it was a dream, a symbol, a vague plan for the future, not an immediate scheme. And the practical requirements had received little attention, the costs of the dream had not been calculated. Politicians who had suggested that Federation would cost each citizen "no more than a dog-licence"* were scarcely in a position to underwrite the building of a completely new government headquarters. They were caught up in much more immediate conflicts and problems. Between the years 1901 and 1910 Commonwealth governments changed frequently, sometimes twice in one year. It is not surprising that these governments took ten years to select and acquire the territory for the capital. But, supposing they had completed these preliminary tasks within a year, would this have caused an effective new seat of government to appear more rapidly than it did? This seems very doubtful.

It is clear that the new Parliament and its administration had to have a working headquarters, and that once established in Melbourne they were unlikely to welcome another major upheaval. It should also be clear that the task of planning and building a new city, of transferring and accommodating the government agencies and officials, could not be carried out by parliamentary representatives alone: a competent and knowledgeable administrative organization was essential. But in 1901 the Commonwealth Public Service scarcely existed, and it was no easy task to create it.5 Those who tried to do so were not, of course, primarily or even at all consciously concerned with seeing that some part of that administrative organization would be capable of dealing with the proposed capital city. But without a generally competent public service to draw upon, the capital city enterprise was likely to suffer. The first Commonwealth Public Service Commissioner, D.C.
McLachlan, was appointed in 1902. For ten years at least, he had his work cut out to build a unified federal service out of various groups of officials, most of whom came from the public service in one or other of the six states. There were many problems connected with the preservation of "existing and accrued rights". For most of these officials, the change to the new Commonwealth Public Service, and perhaps the necessity to move to Melbourne, were quite enough to deal with. The idea of a new capital city in the bush as their future home was not welcome and was seldom presented to them for serious consideration. Commonwealth parliamentarians played with the capital city proposal in these years, making visits of inspection, awarding the prize now to this place, now to that. Frequent changes of leadership encouraged these games, but lack of coherent advice from the administrative side was a significant factor.

By 1913, when Canberra was officially founded, the new Commonwealth Public Service was in fair working order. But discontent soon reappeared. In the war years, 1914–8, the public service associations were angered by failures to carry out election promises on union recognition, superannuation and other such matters. Though at first the arrangements were welcomed that gave leave of absence to volunteers for military service and guaranteed their re-employment when (or if) they returned, by 1916–7 the conscription issue had "split the service as much as it did the nation". In the war years, and for some time afterwards, the Commonwealth public service was "dis-organised and dissatisfied".

These were the years when Walter Burley Griffin was federal capital director of Design and Construction in Canberra. The uncertainties of his position, and the administrative confusions he faced, are less puzzling when we recognize that the Commonwealth Public Service was generally in difficulties and that political leaders were vacillating or contradictory in their proposals in national affairs, and not only for Canberra. In the 1922 federal election campaign, all contesting parties promised more assisted immigration, more efforts to develop natural resources, with special emphasis on the Commonwealth territories, and a specific promise to transfer the seat of government to Canberra. At the same time, each leader stressed economy, a
reduction in Commonwealth expenditure, and an overhaul of the "vastly expanded" public service.

Some of these promises were fulfilled in the next few years, partly because Commonwealth revenues increased noticeably. In four out of five years 1923-8 federal income taxes were reduced, while total revenue from them continued to increase. In this economically comfortable position it was fairly easy to divert some resources to the capital city. In 1925 a Federal Capital Commission was set up under the chairmanship of Sir John Butters, with instructions to produce in the next three years a provisional Parliament House and some essential offices, houses, and other facilities, and with wide powers to carry out these instructions. At no time in Canberra's history have administrative and development controls been so concentrated, and Butters used his powers with energy and enthusiasm; though not, it seems, with much tact or sensitivity to local feelings. The pace of building in Canberra was more rapid and more noticeable in 1924-8 than at any other stage of Canberra's growth before the 1960s.

There was nothing surprising in Australian governments' attempts to meet the financial crisis of the 1929-33 Depression by drastic reductions of expenditure. One of the first things cut was expenditure on Canberra, but this was not the only, or anything like the most serious, reduction. Political leaders—and most other people—in the United States, in Britain, in Europe, and in other parts of the world were bewildered by the Great Depression. Just possibly a Franklin Roosevelt could have seen the Canberra project as a good place to do some "pump-priming", but even Roosevelt's programmes for reviving the American economy did not get under way until 1935.

Both before and during the depression years, Canberra's problems were not only financial. The tasks connected with getting the provisional Parliament House opened in Canberra in 1927 strained the resources of the Commonwealth Public Service Board. For many months in 1926 and early 1927 the chairman of the board, Brudenell White, was "occupied full-time in arranging the Royal Visit" for the opening of Parliament and his senior colleagues spent most of their time organizing the several hundred transfers that were essential. Even if funds had not been cut off within a year or two, it
is doubtful whether the efforts of 1926-7 could have been sustained. Special efforts were made to prepare for the ceremonial opening, but otherwise the Public Service Board and Commonwealth agencies generally were not very interested in Canberra.

Having completed his duties as organizer of the Royal Visit of the Duke and Duchess of York, the chairman of the Public Service Board resigned in 1928 rather than transfer with the rest of the board's members and central staff to the new capital. His reluctance was widely shared. Not many of his colleagues had the private resources that cushioned Brudenell White's resignation. He had a country property in Victoria and business interests to which he returned.\(^{10}\) There was much dissatisfaction among those who did accept transfer to Canberra, especially about accommodation and about the allowances made for transfer. The Public Service Board seemed determined to pay as little as possible to as few as possible. Accepting a transfer to Canberra to gain promotion did not make one eligible for special transfer allowances; these were restricted to those who were compulsorily transferred. Such petty economies made for discontent in Canberra, but they were not confined to this section of the public service. According to Gerald Caiden, such penny-pinching was common and was destroying morale in much of the federal administration.\(^ {11}\) During the Second World War the recruitment of outsiders from universities, business, and the professions to leadership positions was so noticeable that it suggested some real deficiencies in the regular public service, and such deficiencies affected Canberra. However, that recruitment was one of several factors leading to a cumulative revolutionizing of the Commonwealth public service during the Second World War.\(^ {12}\) Economy ceased to be the watchword, experiment had to be encouraged, new responsibilities had to be accepted, new ideas tried. Though in the short run, the wartime developments seemed to run counter to Canberra's advancement, in the long run they made possible the changes ten years later that made Canberra a real national capital.

In 1938, most federal departments had some central office staff in Canberra, but the Defence departments had remained in Melbourne and the new departments of Civil Aviation (1938) and Supply and Development (1939) were established in
Melbourne. The centre of the enlarged Commonwealth wartime administration was Melbourne, though federal government activity increased in Sydney and Brisbane, and to a lesser extent in the other state capitals. The restriction of some private commercial and other activities during the war meant that office space was available in the older cities and could be taken over by the Commonwealth government. It was not available in Canberra and could not readily be built. Also there were some wartime government enterprises that were more suitably placed in the big centres of population and at the major ports, rather than in a small inland town, even if that town had been well provided with office space.\(^\text{13}\)

But in Canberra, the only public offices built since 1928 had been the Patent Office and some extensions to West Block, the offices near Parliament House. Establishment of a Prices Branch in Trade and Customs in 1939 caused a temporary wooden structure to be built. The departments of External Territories (1941), Postwar Reconstruction (1942) and Immigration (1945) fitted their staffs into some very odd corners, including the old hospital buildings. There was a threefold increase in Canberra’s public service personnel during the war,\(^\text{14}\) but this meant overcrowded offices and long waiting lists for houses, and hostel accommodation for almost all the public servants transferred, whether or not they had families. Usually their families were left behind in Sydney, Melbourne, or wherever their previous appointment had been located.

In 1945 a new Department of Works and Housing was given some functions previously dealt with by the Department of the Interior, and some new responsibilities, but this new department was set up not in Canberra but in Melbourne. P.W.E. Curtin comments that “This was a most critical move, for the department was thereafter lukewarm in its efforts to build the national capital although its Canberra branch did what it could”.\(^\text{15}\) It is hard to decide what is cause and what is effect. The decision to locate Works and Housing in Melbourne almost certainly was encouraged by officials who did not want to go to Canberra and were not convinced that the government’s headquarters should be concentrated there. Once the change was made, administrative attention to the capital’s needs became marginally more difficult to win than it had been with
the old department. This departmental reshuffling was a political choice unfavourable to Canberra, but the choice was encouraged by administrative advice and by the long-standing reluctance of public servants to accept the new capital.

In the next two years, however, a most significant change occurred. For the first time in Canberra’s history, we find the chairman of the Public Service Board and other senior Commonwealth officials recognizing not only that the effective development of the capital required positive and vigorous action but that the efficiency of Commonwealth administration was suffering because the capital city was inadequate as a headquarters. In 1947, all ranks of departmental officials in Canberra, in all sections of departments, were directly or indirectly suffering from the acute shortage of housing and office space. Those who were housed comfortably were aware of the difficulties faced by their colleagues; heads of departments or sections, wanting more staff, or a more contented staff, were frustrated by these shortages. When representatives of the Public Service Board, and of Treasury, Works and Housing, and Interior met as an interdepartmental committee, they readily agreed that the time had come when the efficiency and morale of the Commonwealth Public Service, at least of its Canberra section, required determined efforts to do two related things, to organize the transfer of all the head-office staffs of all the major departments from Melbourne to Canberra and, necessarily, to provide for a building programme that would make those transfers workable. That their ambitious programme was not fulfilled can be partly explained by the preoccupations of the Chifley government during the years 1947–9 with constitutional issues, industrial troubles, and then with an election in which the Labor party was severely defeated. But in 1952, after three years of Liberal-Country party government, the Public Service Board was again pleading for attention to the problems of the capital city, and of the officials employed there. Though little immediate action was taken to speed up the programme of building and transfers, in 1953 the government did set up a Senate Select Committee to report on the development of Canberra, and this proved to be a turning point in the capital’s history.
Simple said, "I see no danger"; Sloth said, "Yet a little more sleep"; and Presumption said, "Every fat must stand upon his own bottom . . ." And so they lay down to sleep again and Christian went on his way.

TO THE CELESTIAL CITY: THE SENATE COMMITTEE REPORTS

This hill, though high, I covet to ascend  
The difficulty will not me offend  
For I perceive the way of life lies here.  
Come, pluck up heart; let's neither faint nor fear,  
Better, though difficult, the right way to go  
Than wrong, though easy, where the end is woe.

The task of the 1953 Senate Select Committee, which eventually reported in 1955, was "to inquire into and report upon the development of Canberra in relation to the original plan and subsequent modifications and matters incidental thereto". Under the able and enthusiastic chairmanship of Senator J.A. McCallum, the inquiry was lengthy and thorough, with eighty-three witnesses being heard and many written submissions studied. Their report of 80,000 words with various appendices gave the most thorough survey yet made of the history and problems of the capital city enterprise. Having made clear and definite judgments about what had delayed and frustrated development, they offered vigorously stated recommendations on what was needed.

The committee’s conclusions were, in effect, answers to these main questions.
1. Has the development of Canberra been adequate to provide for the administrative centre of the Commonwealth?
2. Has this development been worthy of a national capital?
3. How adequate was the original (Griffin) plan for the city?
4. What variations have been made from this original plan?
5. What is now necessary for Canberra’s future development?
6. How should Canberra be governed and administered?

To the first two questions, the committee’s answer was a resounding "No". Impatiently, it condemned the "timidity, lack of imagination and preoccupation with Departmental prob-
lems”, insisted that “the problems will not be solved if left untouched”, and “a clear programme” must be drawn up for the transfer of central departments to Canberra. Against the foreseeable costs, it placed the predicted gains in efficiency, in avoiding “long expensive travel for short meetings”, and the incalculable symbolic as well as practical gain of at last having a true capital for the nation. The committee’s courageous vision included a national gallery, theatre, conservatorium, opera house, and museum. This city should be a centre for much more than national government. The time for action was now; the scale of action had to be grand.

As to the method of action, the committee’s report recommended a development authority with clear responsibility for all aspects of the capital city as a city, for its planning and construction and for its general administration. Instead of the almost powerless Advisory Council, the committee wanted a legislative council able to make laws on social, educational, welfare, and other local community matters, with perhaps some municipal government to be added later. However, the central demand was for clear commitment to long-term planning, construction, and national funding of the capital.

The McCallum Committee report was lucid, lively and confident, but those qualities alone would not have ensured success. The committee was pushing against doors already half-open. Public Service heads were convinced that efficiency and economy required effective development of Canberra as the government headquarters. Political leaders of all major parties also accepted that this development was desirable. After six years in office Menzies was a confident prime minister. As a cultivated man, a natural for ceremonial, Menzies enjoyed the role of patron to the Australian National University and now also to the capital city.

As in 1924–8 financial circumstances helped. No magic had made the national purse bottomless but Commonwealth resources had grown to such an extent that what was needed for Canberra could be an almost unnoticeable fraction of the national budget. Ten times what was actually spent on the capital in 1958 or 1959 could have been spent without putting the government in danger. It was politically convenient then, and later, that the exact costs and the revenues of Canberra
The Senate Committee Reports

were not revealed, not even known, being hidden in various departmental accounts and never presented as a consolidated budget for the capital.

Despite favourable economic conditions, Menzies and his government did not act for two years. They sought further advice from William Holford in London. In a report to the government on the future development of Canberra in 1957, Holford reinforced the calls for action made by the McCallum Committee and tactfully concentrated on "the way ahead" instead of on past failures or delays. He warned against critics "asking for half-measures" when what was needed was an "all-out continued operation . . . much more difficult in peace time than in war". Holford's concern was primarily with effective urban planning, not with the general administration of the city region. He recommended some imaginative construction—the lakes, bridges, a new Parliament House and some other central-area buildings—which he believed could turn indifference into proud support. He offered practical modifications of Griffin's road plan and of his formal "water-basin" contours, and changes in the siting of some buildings. He advised appointing a commissioner to concentrate on planning and building the city, giving him a long term of office, some expert colleagues, as much freedom as possible to develop his organization, and assured finance. Arrangements in the 1957 legislation that established the National Capital Development Commission showed the influence of Holford's advice, and a close liaison was maintained for many years between the commission and the government in Canberra and Holford and his planning staff in London.

What was created by the 1957 Act was a planning and development authority. There was no legislative council, no extension of community representation, no immediate change in the general administration of the capital city. In much the same way as the founding fathers changed as little as possible by the federal Constitution which came into effect in 1901, the government of 1957 produced a new agency to concentrate only on those planning and development functions that were recognized as not being within the capacity of existing governmental arrangements.

While the Senate Committee was making its inquiries in
1953–4 and even after it had reported in 1955, only a few people in Canberra expected much practical result from this exercise, seen as only the latest and most elaborate of a series of criticisms of governments' failures to develop the capital. Outside Canberra especially, but inside it too, many people would have seen Anthony Trollope's comments on Washington circa 1860 as clearly applicable to Canberra in the 1950s. Trollope pronounced confidently that "the Legislative and Executive of the country together have been unable to make Washington anything better than a straggling congregation of buildings in a wilderness". In Canberra there was also an uncomfortable scatter of buildings, with two small shopping places miles apart, and the almost empty parliamentary triangle between them. Trollope's complaint that "it is impossible to state with accuracy the actual population of Washington" since it is "very full during Congress and very empty during recess" has a familiar ring. He even complained about the ease of losing one's way in 1860 Washington, not because of the complexity that might cause this in London or Paris, but through being "faced with this ragged unfinished collection of unbuilt broad streets". The future of Washington in 1860 looked bleak to Trollope, who asserted that "few towns in the Union were so unlikely to enjoy a speedy increase of population". This was still a common judgment on Canberra in the 1950s and earlier. Trollope's explanations for his pessimism are equally interesting. First, he believed the original city scheme was too grand. "It is well to be prepared for good fortune", he wrote, "but one should limit one's preparations within a reasonable scope". (Anthony Trollope, one feels, would have joined happily with Griffin's departmental critics.) Second, he was convinced that "artificial" cities had little chance of success. "No man can ordain that on such a spot shall be built a great and thriving city. Commerce, I think, must select the site of all large congregations of mankind". "In some mysterious way", he continued, "she ascertains what she wants and draws men in thousands around her properties." Cities like Liverpool, Lyons, Lisbon, Venice, Chicago, New York, or London grew because "trade found them convenient for its purpose". But, in Trollope's view, trade seemed "to have ignored Washington altogether".
Canberra's growth from about 1960 may seem to refute that argument of Trollope's about only commerce being the motive force, by showing that deliberate government action could "draw men in thousands", and that a city did not have to wait for commerce to work in its mysterious way. However, in this period, trade did show increasing awareness that Canberra could be "convenient for its purpose". In the National Library's comprehensive collection of published material concerning the capital city and territory, that from 1960-1 stands out from earlier years in the number and variety of advertisements and articles in trade journals and other specialized publications informing technicians, suppliers, contractors, etc. of the opportunities arising from Canberra's development. Trade followed the flag in Canberra very noticeably once the future of the city as capital was firmly assured, and helped significantly to change the small town of the 1950s to the lively and varied city region of the 1960s. That process of transformation began clearly with a legislative decision taken in 1957.

NOTES

3. See A.G.L. Shaw, The Story of Australia (Faber and Faber, 1954), p. 137, "Australian development has tended to be a thing of fits and starts. At one moment there is a vigorous programme of expansion undertaken with over-optimistic enthusiasm and carefree abandon: then comes a crisis of greater or less severity, in turn followed by a phase of caution."
4. This slogan was used in 1890s' campaigns for federation in Tasmania.
7. Ibid., p. 268.
8. Ibid., p. 120.
9. Ibid., p. 199.
10. Ibid.
11. Ibid., p. 260.
12. Ibid., p. 268.
16. Then Sir William Dunk.
17. See the Annual Reports of the Public Service Board and of the Department of the Interior for the period 1946–47 to 1952–53.
The Long Haul

22. Sir William Holford, *Observations on the Future Development of Canberra*. In this report, Holford was advising the government and especially Prime Minister Menzies. His later reports were commissioned by the N.C.D.C.
24. Ibid.
25. Ibid., p. 165.
26. Ibid., p. 163.
27. Ibid., p. 164.
CANBERRA’S GOLDEN AGE

. . . They looked very lovingly upon them, and said, “Welcome to the Delectable Mountains”. The shepherds, I say, whose names were Knowledge, Experience, Watchful, and Sincere, took them by the hand, and had them to their tents, and made them to partake of that which was ready at present.

On 28 August 1957, federal Parliament was asked to approve the National Capital Development Bill. As minister for the Interior and Works, Alan Fairhall announced the government’s acceptance of the main advice from the Senate Select Committee’s report of 1955 that immediate action was needed to speed transfers of government personnel from Melbourne, and that a centralized authority was needed to take over those branches of Interior and Works which dealt directly with the planning, development, and construction of Canberra. A commissioner was to be appointed for a renewable seven-year term, with two associate commissioners. Further staff would be added as the commissioner decided; he could arrange for the transfer or loan of officers from various departments with the consent of departmental heads, or he could make direct appointments. This new commission would concentrate on planning and development, handing back the completed houses, offices, serviced land, or other work for administration or maintenance by other agencies. The commission would have liberal powers for its task, though required to keep the minister informed of decisions. The government recognized the need for five-year programming and would support this even though annual parliamentary appropriation would continue. The former Na-
national Capital Planning and Development Committee, set up in 1938 to advise ministers concerned with Canberra, was now to be replaced by a National Capital Planning Committee of eight members with the N.C.D.C. commissioner as chairman. Two architects, two engineers, and two town planners were to be selected from panels submitted by professional associations; two others were to be selected from among persons knowledgeable and experienced in the Arts. Jim Fraser, the A.C.T. member of the House of Representatives, tried unsuccessfully to persuade the government to add some local community spokesman. As in many arrangements for Canberra, the emphasis in this committee was on "the built environment" and that has remained strong, though there has been some change in emphasis in recent years.

The main task of the new commission was stated to be, "to undertake and carry out the planning, development and construction of the City of Canberra as the national capital, with power to do all things necessary and convenient to be done in connection with or incidental to the performance of its functions and the implementation of its powers". It was still necessary for the commission to adhere to the basic Griffin plan, or to get parliamentary approval for modifications, but otherwise the charter was broad and vague and the new commissioner seemed to be given unusual independence. He was required to report regularly, four times a year, to the appropriate minister, and annually to Parliament, but he was not placed directly under any minister's orders. If a dispute arose between commissioner and minister, this ultimately would be resolved at cabinet level. This unique arrangement may well have given confidence to the first commissioner, and discouraged some potential in-service hostility to the newcomer and his colleagues. Hugh Stretton comments that the "1957 Act looks 'strong' but it is weak. In effect it lets the government determine the new Commissioner's powers and allows him to act decisively as long as the government gives him money and the parliament tolerates his works." From the start, such power as the N.C.D.C. has built up has come from winning support by achievement and persuasion, not by any open confrontation. In the Black Mountain Tower dispute (see pp. 70–72), the
commission had no special protection against the claims of the Australian Post Office and some other departments.

John Overall took up his appointment as the first commissioner of the N.C.D.C. early in 1958. He came from the office of chief architect in the Commonwealth Department of Works, having re-entered the public service after distinguished wartime service that included commanding an airborne division. No one could have drawn up a full description of the capacities, experience, and temperamental qualities most likely to be needed in this new task, because the task itself and the means of achieving it had to be worked out by the man appointed, but Overall seems to have been a most fortunate choice, showing quiet skill in leadership and wisdom in choosing, and using, others to assist him, and much patience and tact in winning acceptance from politicians, administrators, and from the public.

His first team was a gallery of talents, with Grenfell Rudduck and William Andrews as associate commissioners, R.B. Lansdown as secretary-manager, Peter Harrison as chief town planner, and some highly skilled and enthusiastic people in landscaping, economic affairs, engineering and other fields. This was a rare opportunity for professionals to use their skills in city planning and development, and it aroused enthusiasm and devotion among the staff of the commission. Some of them, occasionally, might have preferred that their commissioner should ride openly into battle against apparently ignorant and petty criticism or obstruction, whereas John Overall seems to have tried diligently to avoid confrontations and to work patiently to get his organization securely established.

First, of course, he had to set up the organization. An important early decision was that the N.C.D.C. would be kept small, using consultants and commissioning reports, rather than building up a large organization. Two advantages at least came from this decision; first, all the N.C.D.C. heads could and did meet regularly and could therefore be kept aware of all developments and problems; second, the use of consultants allowed the commission to draw on much wider and more varied sources of expert advice than could ever have been available from a permanent staff. Moreover, these consultant reports provided a continuous review and assessment of what
the commission had done or proposed, and demonstrated to Parliament, the administration and often to the public that the commission aimed at a high level of rationality and the least possible appearance of arbitrary methods in its planning. Holford's advice encouraged the commission to go on with the lakes scheme, and thus to unite a divided town and to show that a new era was really beginning. A report in 1962 from Henry Wells judged that the N.C.D.C. was giving the government and the nation a good return for the money being spent, and that the process of urban development would continue to be profitable to them. This report recommended for study and possible adaptation some arrangements in British new towns through which assistance was given to the development of community organizations among newcomers to the city. Reports were commissioned about other capital cities, especially other new or specially planned capitals, with particular attention to their administration and finance. There were reports on possible schemes for a major rapid transit system, on regional economic growth, on likely developments in employment, and on a host of other subjects, some commissioned from outside experts, some produced by commission staff.

Since 1960 there can scarcely have been any city in the world so variously and extensively reported on as Canberra has been. Some of these reports were confidential to the commission, and through it to ministers and some officials; some of these were made public later, and of course many were intended for publication from the first. As far as the commission was concerned, right from the start, publicity was not confined to the printed word. The first commissioner worked indefatigably at communicating with local groups and organizations. Hugh Stretton commented in 1969,

Interested parties get notice of planning intentions. Citizens get a small homes service; builders a builders' material service . . . The Commissioner is a major supplier of tea and sherry to Parents and Citizens, Progress Associations, Church groups, Chambers of Commerce, Real Estate Agents, Master Builders, Insurers, Madam Chairmen of everything from local shoppers' protests to the National Council of Women.  

The commission's first Annual Report for 1958–9 indicated the following as its main tasks.
1. To complete the establishment of Canberra as the seat of government.
2. To give the city a character and atmosphere worthy of the national capital.
3. To make Canberra "a place to live in with comfort and dignity".  

By 1965, during the commission's first term of office, some real movement had occurred along each of these paths. The N.C.D.C. had acquired confidence in its capacity to transform raw land in an orderly way into houses, shops, and schools, with services and facilities generally available as new residents arrived. The urban development process was being made a smoother and more effective operation than was possible in most other Australian communities. Here a single development authority worked for one land owner, the government, handing over the processed land and buildings to be managed principally by one department of that government. Though many different government departments and agencies had some responsibilities for Canberra-A.C.T. or were clients of the N.C.D.C. for buildings, etc., there was a noticeable concentration of general government functions within the Department of the Interior. Canberra telephone books in the mid-1960s gave a whole page to Interior, listing more than seventy A.C.T. functions. These ranged from adoption of children, agricultural services, architects' registration, through housing, lakes administration, meteorology, police, to weights and measures, welfare, and wide load permits. For ten years or more the main business of attending to the growth, management, and servicing of Canberra was shared between the N.C.D.C. and the Department of the Interior. Liaison between these two contributed to the apparent smoothness of Canberra's administration in the 1960s.

By 1965 Canberra's growth had outstripped all predictions. Now a population of 250,000 was envisaged within fifteen years, possibly 500,000 in twenty-five years. Expansion beyond the old designated city areas was inevitable. So the commission proposed a series of districts, each for 50,000 to 100,000 people, with landscaped areas separating one district from another, in essence a series of new towns. The very fact that population growth had outstripped predictions made things difficult for
the N.C.D.C. Continued shortage of serviced land and of houses and dissatisfaction about rising prices, led to an inquiry in 1965 by the Joint Committee on the A.C.T. into the supply of serviced land. Though it found the supply to be quite inadequate, the committee assigned little blame to the N.C.D.C., recognizing that it had worked on the best available predictions of growth and that some difficulties inherited from the pre-1958 years of neglect could not easily be overcome.

In general, the N.C.D.C. succeeded in its first period in gaining recognition and support. Bruce Miller, writing in 1964, saw the main results of the commission’s planning as “splendid”, welcomed the unusual circumstances of having a city the advantages of which, as a place to live in, were so noticeably increasing, and regretted that the general administration of Canberra was not as well coordinated or as subject to long-term coherent policy making as was its physical development. Lord Holford, reviewing Canberra’s growth and the commission’s progress to 1965 and its plans for the future, commended what had been done, urged that development should be stepped up, and approved the dispersed new-town pattern. He welcomed Canberra becoming a bigger, livelier, more varied city region, because this should make it a better capital, a more effective national centre, by reducing the isolation of politicians and administrators from those they govern.

By 1970, Hugh Stretton was demanding recognition of the achievement by Canberra’s planners of something more remarkable, in his view, than the lakes or bridges or any possible architectural or landscape wonders. Quietly and without any fuss, he said, they had produced urban settlements that avoided segregation by income, that encouraged a social mix rather than stratification, and that provided a much greater than usual equality of benefit from public services and facilities for all sections of this urban community. Good fortune, and good planning too, have made it likely that Canberra’s newest new towns, its outer suburbs, would have more attractive locations, a more comfortable micro-climate and more sensitive designs than even the best of the older residential areas. Few cities had that kind of good fortune. “A big city might grow here,” Stretton wrote, “to show the world how needless the old
Canberra's Golden Age

segregations are. If the planners and administrators can achieve
this they needn't worry whether architects or politicians win
the competition to botch the tombstone-park at the centre."

Of course, he had some criticisms, some fears, some wishes
for bolder experiments. But the general tone of Stretton's
comment is more than pleased, it is exhilarated. Canberra had
been fortunate; its achievements were remarkable; its future
possibilities exciting. And those most responsible were the
National Capital Development Commission and some able and
responsible national politicians and administrators. Stretton's
comments, and the handsome, impressive *Tomorrow's Can­
berra*, published by the N.C.D.C. in 1970, represent a high
point in the prestige of the N.C.D.C. as the main producer
of the capital's new era of success, and in the general confidence
that this success would continue. When self-government was
under discussion in 1973–4, there was a suggestion that the
commission was the obvious agency to be given general
governing powers, while there was another suggestion, among
the dozens of submissions to the parliamentary inquiry, that
an elected A.C.T. government was needed to curb the “over­
whelming power” of the N.C.D.C. These proposals illustrate
common illusions about the commission.

Success as a planner-developer did not make the N.C.D.C.
capable of equal success in general administration. Part of that
success came from having a limited task, from not having
responsibility for the conflict-laden policy areas outside the
immediate realm of physical planning; another part came from
having a “lead” position in offering rewarding opportunities
for professional staff. (By the time the N.C.D.C. was ten years
old, competition for such skills was increasing greatly in
Australia.) But especially the commission's success was made
possible by the leasehold land system, the availability of “new”
land without the costly unpopularity of having to displace
existing owners and by not having to work through a local
budget, or be dependent on funds raised locally for local
expenditures. Each of these favourable conditions faced
challenges by 1971, if not before. Moreover, the N.C.D.C. never
did have “overwhelming power”. In the 1960s it gradually
established a position of leadership, with little apparent
challenge and a fairly strong presumption of its recommenda-
tions being accepted. That was a quiet miracle of persuasion, but not a sign of the power to command.

There is a parallel between Canberra after 1958 and Toronto, Canada, after 1953. In Toronto, under the flamboyant chairmanship of John Gardiner, the new Metropolitan Council transformed the city in many ways: better roads, better water supply, more equally distributed schools and public housing, and through the Transit Commission an impressive coordinated public transport system. "Metro Toronto" was written up, talked about, cited internationally as the model for metropolitan government. Yet by 1964–5 there were problems, conflicts, an enquiry, reorganization.

In Canberra, under the much quieter leadership of John Overall, the N.C.D.C. worked its transforming magic in urban development. Yet here again the first confident years faded into a period of greater conflict and controversy. In both cases there had been a backlog of urgently needed physical construction; while many of the obvious and recognized needs were being met, other conflicts and problems were less noticeable, perhaps put aside, but they did not vanish. We might remember also, that to those who knew Canberra before 1958 the transformations of the next few years might have seemed truly remarkable. But what about all those thousands of people, many more than the old hands, who had never lived in a Canberra without the lakes, the new roads, bridges, shops, schools, and so on? "Think how much better it is now than in the old days!" is seldom a persuasive argument for those who didn't know "the old days", and it can be a spurious argument even for those who have experienced the changes.

There is another, more important point. Pieter Geyl, writing critically of Toynbee's grand simplifications about stages of civilization, makes this comment: "When one studies a golden age in any detail one is struck by signs of corruption or weakness or distress at least equalling those which frighten us in our own time." This judgment applies to studies made on a much smaller scale of time and space. If we study Canberra's "golden age" in detail, we find more and more evidence of dissatisfaction, of promises unfulfilled, of problems emerging from the very advances which produced the illusion of a golden age. In 1965 it looked as if a new and permanent Parliament
Canberra's Golden Age

House would soon by built by the lakeside, with the old building being used as the nucleus of a conference centre. Lord Holford's 1965 review of the growth of Canberra included suggestions and sketch plans for the parliamentary triangle based on those expectations. But by 1968 there were disputes in Parliament about the site, hesitation about costs and further postponements. It is a curious feature of this capital city, designed as the seat of government, as Parliament's own city, that while the National Library is built, the National Gallery is on the way, the High Court buildings are appearing, Parliament continues to make-do-and-mend with its own building, just as it has done with the arrangements for governing the A.C.T. In the parliamentary arguments about the siting of Parliament House we find some expressions of resentment from the rank and file about leaders having ignored them in choosing the site, some fairly arrogant assertions that the right place for Parliament House must be the most dominant position above the city, and also some hints of objections to the N.C.D.C.'s attitude of "We know best". Rereading these parliamentary debates nearly ten years later does not give one confidence in the general level of politicians' understanding of their capital city's plans, and does leave a taste of "We are the masters here".

By 1967 some owners of freehold lands in the A.C.T. were looking to subdivision as a profitable scheme. When the government took steps to control the use and disposal of these remaining freehold properties, and to plan the acquisition of most of them for the Commonwealth, this affected about seventy owners of grazing or agricultural properties and about one hundred and seventy owners of small holdings, mainly residential blocks, in four villages. Among both groups there were many individuals who felt the threat of expropriation as much more than a financial problem. In other places the threat or shock might be much greater and more sudden, as when some new freeway brings destruction to long-established buildings, but the point here is that the A.C.T., for so long able to avoid these problems of displacement, was now reaching the point when they had to be faced.

In 1967 also, the Department of the Interior appeared to indicate that Canberra's administration and financing were to
be reviewed and modified. However Interior’s 1967 publication, *Self-government for the Australian Capital Territory: A Preliminary Assessment*, was only preliminary and offered no clear proposal for a new arrangement. Departmental studies slowly built up to the first estimated municipal accounts for Canberra (see pp. 106–9), and when these were published in December 1970¹⁵ this opened up the touchy question of what local residents should be asked to pay for local services. Against a background of some discontent about increased local payments of various kinds, in 1970 the government announced the decision virtually to abolish land rent in the A.C.T.¹⁶ There was some vigorous criticism of this change, some bewilderment, approval from some and much indifference. Publicly the N.C.D.C., through the commissioner and some of his colleagues, expressed only “concern” about possible difficulties in controlling redevelopment, but it was rumoured that the commission was seriously worried by this reversal of a long-established policy.

Also in 1970 came the first published news of the Post Office plan for a telecommunications tower on Black Mountain overlooking the city. Since the first proposal had been made, in 1964, the N.C.D.C. had been quietly objecting, offering alternatives, hoping to persuade the Post Office spokesmen to give up the scheme. The commission would seem to have had two strong points in its favour; firstly, it was recognized as having a major responsibility for the planning and construction of Canberra; and secondly, this proposal contravened one basic principle of Canberra’s plan as devised by Griffin and adhered to since 1925, the principle that as far as possible hilltops were to be kept free of buildings. However, when the Black Mountain Tower issue came into the legal and political arenas, neither of these two defences proved strong enough for the N.C.D.C.’s wishes to prevail.¹⁷

The Woden Valley flood disaster in 1971 aroused some hostile criticism of the N.C.D.C.¹⁸ Whether this criticism was deserved or not, this was just one of several incidents suggesting that the position of the N.C.D.C. was not as secure or as strong as had been assumed by many, and that there was less consensus about Canberra’s planning than had been thought. Machiavelli observed centuries ago that governments could never find
perfectly safe courses to follow and that seeking to avoid one trouble always made one run into another. In Canberra, the apparently safe course of fostering the capital’s long awaited growth led to quite a few troubles.

The trials that those men do meet withal
That are obedient to the heavenly call
Are manifold and suited to the flesh
And come, and come, and come again afresh.

NOTES

7. Quoted with permission from draft chapter of Stretton, Ideas for Australian Cities; published version 1970 at p. 33.
10. J.D.B. Miller, “The Government of Canberra”, paper for a symposium on “Canberra Today and Tomorrow” sponsored by the Canberra branch of the Liberal party of Australia in 1964; his “Self Government for Canberra?” , Public Administration (Sydney) 26 (1967) 218–26, is a revised version of this paper.
13. Ibid., p. 124.
17. See W.K. Hancock, The Battle of Black Mountain.
GROWTH BRINGS TROUBLES

Christian: “Pray who are your kindred there if a man may be so bold?” By-ends: “Almost the whole town; and in particular, my Lord Turn-about, my Lord Time-server, my Lord Fair-speech . . . also Mr Smoothman, Mr Facing-bothways, Mr Anything and the parson of our parish, Mr Two-tongues.”

When the Whitlam Labor government took office in December 1972 it was committed to establishing a department and a minister specifically for the Capital Territory, to extending self-government and local participation, and to continuing the investigation, already begun, of the costs of Canberra and the extent of justifiable local contribution to those costs. Other issues, talked about and written about, recognized as awaiting resolution included Canberra’s regional influence, and possible responsibility, and proposals to expand the Capital Territory. Perhaps we should add public transport, a continuing problem, and also the much discussed question of licensing poker machines in the A.C.T. Certainly one must add the Black Mountain Tower dispute, temporarily on ice during election campaigns but requiring national government decision sometime.

Of course there were other problems and disputes. Big towns get troubles that small towns sometimes escape. Petty thefts and vandalism increased; the keeping of dogs—and horses—became more costly; parking meters multiplied; land prices and housing prices and rents increased; and more traffic brought attempts to close off side streets to through traffic, and protests about this and about noise and dust and danger. No magic
protected Canberra from disturbances on the university campus, or from disputes affecting power supply, garbage collection, bus services, and so on. Lake Burley Griffin and the Murrumbidgee River were sometimes affected by spillages of various kinds. Having become the effective seat of government with the parliamentary triangle under a continuous spotlight of publicity, Canberra was liable to a special share of political demonstrations, marches, and protests, including the setting up of an Aboriginal Tent Embassy outside Parliament House. Some of these ripples on what had been a very placid stream were not open to remedy by direct government action, though in this "company town" the company was often expected to fix everything.

Even so, Canberra remained a fortunate place. This was a city whose urban facilities had noticeably improved as the population increased—not a common experience. Though there had been a doubling of population from 1948 to 1958, from 18,042 to 39,061, and the National Capital Development Commission did not start work until 1958, the commission actually came in ahead of the major growth, putting Canberra in the enviable position of having a prestigious authority with fairly secure political and financial backing responsible for managing the city's development while the city continued growing from 39,000 to 100,000 in less than ten years and to almost 200,000 in the following decade. The capital faced some troubles as the 1960s went on, but there were quite a few blessings worth counting.

Arrangements for restricted auctions offer one example. These allowed new entrants into the residential property market to be protected against some of the competition of builders, developers, and other commercial groups, and of those already owning a house. Relatively low payments for relatively high standard services could also be cited, even though some locals would hesitate to admit this in case that meant acceptance of the justice of higher local payments. Another blessing came from the chance this new city growth gave for the development of something like a model police force. Quick promotion chances attracted an enthusiastic and relatively young team; the chance of being identified with a small community and for winning its support also had its effect; and
it surely must be a relief for some police officers and trainees to find themselves in a situation favouring innovation. In a Canberra newspaper a regular police file made an effective contribution to good public relations. Also, for those who appreciate them, there were the incalculable blessings which Kenneth Slessor described.

It is a city without the city’s grime and smog and traffic delays, without the drabness of ancient suburbs, or the smoky fumes of industrial areas. It is a country settlement without the country’s inconveniences, without the isolation, deprivation, small-town banalities and lack of plumbing. It has metropolitan forms of sophistication—shiny hotels, candle-lit restaurants ... cosmopolitan fashions of the diplomatic quarter ... concerts by visiting celebrities ... It has the pleasure of the country—clean air, good earth, open space, trees with room to grow, skies with a view straight through to Betelgeuse on a fine night, rosellas in pink clouds, hills to ride through, rivers to swim, the lake to sail ... seclusion, even at times, silence.

Others may not have written or spoken so poetically, but these sentiments were not rare by 1970. People with diplomatic experience in many other cities, or even with business or professional experience of larger and more sophisticated places, were coming to realize Canberra’s special charms. Just at this point, a major threat seemed to be appearing; it was in 1970 that the first news was published of the proposed telecommunications tower and restaurant on Black Mountain.

This was a traumatic incident in Canberra’s social and political history, and one that challenged comfortable assumptions about the smooth benevolence of Canberra’s governmental system. For the detailed story, Sir Keith Hancock’s book should be read. To summarize very briefly; this was a contest between supporters and opponents of a proposal that a large telecommunications tower, with a restaurant and other tourist-attracting and money-making arrangements, should be built for the Australian Post Office on the top of Black Mountain. The project, having been secret (and tentative?) from 1964 to 1970, became more widely known, especially through the Canberra Times’s disclosures, less tentative, and increasingly a matter of dispute from 1970 onwards. Objectors warned against ecological damage, protested against unjustified contravention
of one of Canberra’s basic planning principles—that of preserving the hill-tops—challenged the Post Office’s assertions that their choice was the only suitable site, the only suitable design and size; and even denied the basic assumptions about the benefits this tower and this place would provide. Eventually some of the main objectors to the scheme formed the Citizens-to-Save-Black-Mountain Committee, and when various petitioning and publicity tactics failed, sought to have the matter decided through a court action. To an outside observer, that part of the story, especially the response to the court action, shows on the “government” side a greater than usual display of arrogance, trickery, and evasion. Some ministers and some agencies tried to persuade the dominant pro-Tower group to be more tolerant of criticism, more patient, more open to persuasion (so Hancock’s story indicates), and to give more attention to the old notion that “justice should be seen to be done”. But the pro-Tower slogans seemed to be these: “We know best!”, “Our opponents are cranks!”, or “We cannot back down!” Indifference and ignorance played their part. Some parliamentarians, officials, and some local citizens too, knew little and cared less about the long-established planning principles of Canberra. They found it hard to believe that any government agency should be hindered in a plan to improve television reception, to add a major tourist attraction, and to meet long-term technical needs of various kinds. Did not the process of new-town expansion in Canberra make inevitable much greater destruction of wildlife and natural environment than any one tower could cause? Was there not still ample “open space” and “nature” in the A.C.T.? The Black Mountain Tower story is the A.C.T. version of the battles about container wharves for Balmain in Sydney, or about Clutha coal mining south of Sydney, or about sand mining at Myall Lakes on the north coast of New South Wales, or about a sports complex in Centennial Park, Sydney. But then, was not Canberra supposed to be protected against such conflicts over land use, largely by the National Capital Development Commission, and the basic plan? The N.C.D.C. tried persuasion, tried to work out some acceptable compromise. Failing this, they had to yield as gracefully and as quietly as possible. They could not risk the whole work of the commission,
with a new commissioner, too, and a new departmental connection and some new tasks opening up beyond the capital, by being obdurate or by fighting openly alongside the Citizens' Committee. It might even be the case that the Tower proves acceptable and does less damage than its opponents feared. The bad taste left behind was much less from the practical result than from the high-handed methods that were employed to ensure that result. Those who wanted the Tower were, of course, convinced that they were benefiting Canberra and future residents of the capital. Some areas would get better television reception, a tourist attraction would be added, a new landmark would appear on the skyline. There was much less disagreement within Canberra about another proposal intended to benefit the capital—the proposal that the Capital Territory should be expanded.

TROUBLE WITH BORDERS

There is an endless kingdom to be inhabited . . . There shall be no more crying nor sorrow; for he that is owner of the place will wipe all tears from our eyes.

From 1968 onwards, there had been talk of expanding the Australian Capital Territory. Surprised by the growth of Canberra during 1958–68, its planners and administrators had had "exploratory" and "preliminary" discussions with N.S.W. officials at various times. It was a recurring topic, as was self-government: "When self-government comes, as come it must . . ." and "When the A.C.T. is enlarged, as it surely must be . . ." When at various times there were references to special strains placed on the services and finances of Yarrowlumla and Goodradigbee shires because of Canberra's growth, such as damage by heavy transport bringing supplies to Canberra, "hobby farmers" and others from affluent Canberra causing rapid increases in land valuations, and other disadvantages for the established residents of the rural areas around the A.C.T., a simple remedy sometimes suggested was a major expansion of the Territory. The local branches of the Labor party favoured stretching the A.C.T. from Yass down to Bega, including not only the immediate border lands where some
residential settlement was occurring, but also the south coast areas being colonized by Canberra residents acquiring vacation houses. The N.C.D.C.'s proposals were always more modest; for years, the commission's spokesmen indicated the hope, expectation, or belief that the A.C.T. would have added to it a considerable tract of country between its present northern border and the districts of Yass and Collector. In Canberra planning circles, this expansion was assumed to be necessary and desirable, even if it was not openly pursued; it was also assumed that land owners across the border would welcome it. In 1974, rumours of objections from New South Wales were seen as evidence of a non-Labor state government being obstinately resistant to a Labor national government, but things remained at the rumour stage. By early 1975, some of the secrecy had been removed, and both Sir John Fuller, the minister for Planning and Environment in the N.S.W. government, and the N.C.D.C. spoke of possible negotiations.

In May 1975 the N.S.W. government set up an inquiry, the general purpose of which was to assess "the need for expansion of the geographical area required to service and make provision for the national capital". More specific inquiries were to be made about (a) the likely effects of an increasing population in and beside the capital on, for instance, state roads and services; (b) the acceptability of N.C.D.C. estimates of population, land required, land likely to be available, etc.; (c) possible effects of Canberra's growth on schemes for Bathurst-Orange and Albury-Wodonga; and a long list of other matters. Clearly there was much more to be considered than the predicted growth of Canberra's new towns and the interests of a few owners of border lands.

Just before the N.S.W. Committee of Inquiry held public hearings in Canberra, 28–29 August 1975, the N.C.D.C. placed a four-page advertisement in the Canberra Times, advocating enlargement of the A.C.T. towards Yass and Collector. A month earlier, on 15 July, a statement from the N.C.D.C. commissioner, Anthony Powell, gave as the main arguments for "shifting the border":

(a) It is administratively far simpler and more efficient than any other arrangement;
(b) Co-ordinated development à la Canberra can continue, and this is beneficial for the community;
(c) New South Wales does not have to direct resources to this area and away from other areas;
(d) Small interests can be protected;
(e) Environmental interests can be protected;
(f) Increases in land values accrue to the people of Australia rather than to speculators;
(g) The national capital remains an entity rather than the mess of Washington or Ottawa.8

These assertions offer a nice example of the common planner’s disease of hubris, a disease not peculiar to them of course, and of a special A.C.T. variety of that disease that takes the form of overconfidence in the virtues of development à la Canberra. As arguments, they are weakened by easy neglect of contrary views. Shifting the border may appear to be a simple and efficient device, just as conquest may be simpler than negotiation. But for whom would shifting the border be simple? Surely not for those having to arrange legal, constitutional, and financial settlements? Simple for the present land holders? Efficient for rural production? Beneficial for all Australia? Once the A.C.T. was enlarged, things might be simple for the N.C.D.C., assuming that all that is needed for efficiency in urban development is more broad acres.9 But must we assume that more development à la Canberra is beneficial? In this country, where fertile land is so scarce and urban sprawl a recognized problem for so many services and supplies, should we accept unquestioned the kind of development that Commissioner Powell here seemed to recommend? It is arguable that the N.C.D.C. now needs the challenge of limited land resources if it is ever to provide an example that could or should be followed in other parts of Australia, and in future urban areas of Canberra itself.

Commissioner Powell’s third point implied that New South Wales, its government and people, should be grateful for having a burden taken off their shoulders. Behind some of these claims for A.C.T. expansion, there are hints of simplistic assumptions, such as that states are obviously outmoded and inefficient; that federal control would necessarily be better; and that, therefore, any sensible person (other than a speculator?) would support
transfer from state to federal jurisdiction. It is true that “small interests” and “environmental interests” could be protected under federal jurisdiction, but does Canberra’s story suggest, or its laws provide, any uniquely strong protection? The nature and extent of the urban development for which territorial expansion was demanded or requested would guarantee that some environmental features would be sacrificed and some small interests jeopardized. This is unavoidable. Moreover, what guarantee could there be that increases in land values would accrue to the people of Australia rather than speculators? There is the incidental point that some Australians, even some Canberra-Australians, are speculators; there is the much more important point that the principle of retaining increments on Canberra land values as national assets has been under attack in Canberra. There are vigorous advocates for assigning returns from A.C.T. land development to A.C.T. territorial revenues, and the abolition of land rent in 1970 has been described as making a present of a million dollar asset to some Canberra land owners. The N.C.D.C. cannot guarantee that the intentions of the city’s founders will win out against further claims of some A.C.T. residents.

The last point of Commissioner Powell’s list makes a misleading comparison. Assuming that there is a “mess” in both Washington and Ottawa, an expanded A.C.T. would not be necessary to prevent a similar “mess” in Canberra, or indeed sufficient to prevent another mess of our own devising. No one threatens Canberra with a shrinking of its federal district to a relatively small central area like the present District of Columbia within metropolitan Washington. Failure to shift the border of the A.C.T. could not itself produce the many other problems of Washington. No one threatens Canberra with the divided local government arrangements and the half-French, half-English background that Ottawa has. Shifting or not shifting the A.C.T. border has nothing to do with the question whether Canberra will be like, or unlike, Ottawa.

The views expressed by Commissioner Powell have been expressed by others in Canberra—some politicians, academics, administrators, and journalists. In 1974–75 there were quite frequent comments assuming that opposition to extension of the Territory was based on the claims of selfish land owners over
Trouble with Borders

the border, on hostility to Canberra, or on ignorance of the value of long-term planning in urban development. However, the N.S.W. Committee of Inquiry examined the issues carefully and its report in November 1975 presented strong arguments against the proposal. The basic conclusion of the report was stated simply. "Up to, and for a substantial period beyond the year 2,000 A.D. there is no need to expand the geographical area of the Australian Capital Territory in order to service and make provision for the national capital and its population."¹¹ Later the committee explained its conclusion by showing that "there is ample land within the A.C.T. to accommodate a population very substantially in excess of the [National Population Inquiry's] maximum population for the year 2001."¹² The committee decided that Canberra should not be encouraged to expand beyond a population of 500,000–600,000. Some of the reasons given related to "intolerable demands" on N.S.W. transport, roads, regional water supplies, etc., that could follow much greater expansion. Some related to the widely supported view that a population of about 500,000 is a desirable city size, allowing great variety in activities and services. The committee saw no evidence of a need for a government headquarters city of some 800,000 or 1,000,000 inhabitants or of these numbers being likely without concentrated federal government efforts to channel growth there and not elsewhere.

However, the Committee's report continued, "if, nevertheless, by reason of some unforeseen circumstances . . . a future need did arise [i.e., for more urban land for the capital], such a situation could be provided for by careful control of the border area in the manner suggested in Section 6 [of the report]."¹³ Examining various N.C.D.C. statements in 1970, 1971, and 1975,¹⁴ the committee noted confusing and inconsistent figures and a tendency to overestimate population and underestimate the land likely to be available within the A.C.T., using only the figures presented by the N.C.D.C.; some of these figures were open to challenge. The report quoted Kep Enderby, Tom Uren (Commonwealth minister for Urban and Regional Development) and the Cities Commission, as well as Dr Max Neutze and others outside Parliament and government, as preferring a levelling-off for Canberra at a population of about 500,000. In 1974 and 1975, the Department of the
Capital Territory had indicated that considerations of water supply, sewerage facilities, transport power, and the like, favoured a population of 250,000 to 500,000. Even at low density, the report showed, the existing areas of the A.C.T. could readily accommodate 650,000, and if 30 per cent were accommodated in medium-density housing, the total could be 732,000 on the basis of Canberra's present planning strategy. On the argument of numbers, then, the N.S.W. Committee of Inquiry's report rejected the need for shifting the border.

The committee also saw good reasons why some people working in Canberra might "quite genuinely wish to live away from the urban areas", free from "Canberra's constraints". Some might want a quiet environment, or sufficient land to keep horses, or to follow a rural hobby. These legitimate aspirations were not readily fulfilled within the A.C.T., and still would not be even if the A.C.T. were enlarged. Hugh Stretton had commented in 1970 on the fact that Canberra's leasehold policy did not cater for people who wanted a largish area of land and perhaps only a modest house. The N.S.W. Committee extended that idea, accepting that some people working in Canberra might prefer to live in New South Wales and should not be precluded from so doing, "whether in a rural or in an urban setting". The committee did not expect even an enlarged A.C.T. to provide for those wanting large areas relatively cheaply. It could also have argued that this would be a very peculiar justification for making the A.C.T. a bigger territory, when the prime argument for that enlargement was that urban growth required it.

The weakest part of the N.S.W. Committee's report is Section 6, on joint planning arrangements for the border lands. But this section offers suggestions only, from a committee neither formally empowered nor professionally equipped to develop schemes for intergovernmental co-operation in planning. Success in orderly planning of border lands near the A.C.T. would require co-operation among state agencies, the several local governments in these areas and, presumably, the N.C.D.C. and some other federal agencies, not omitting the Commonwealth Treasury. But much the same could be said of many regions in Australia where urban development is occurring or likely, and where one might hope for governmental action, and
intergovernmental co-operation, to increase the positive advantages of urban growth and decrease its potentially destructive impacts.

The coastal areas south of Jervis Bay may show evidence of colonization by residents of Canberra. Does this justify any special claim on Canberra's support? Residents of Canberra might buy land for holiday houses at Port Stephens or Fingal Bay or the Gold Coast; residents of Melbourne might choose Eden for their seaside investment. How far do we go in identifying the "foreign" invaders and asking for special indemnities? The proposal to expand the A.C.T. was based on a narrow Canberra view of the border lands as properly being used to serve Canberra's interests, and also on expectations concerning Canberra's growth that have become more and more open to challenge. Even before the N.S.W. Committee reported late in 1975, the N.C.D.C. had done some downward revision of population estimates, and by January 1976, the commission was advocating a regional growth policy that would encourage development in towns over the borders of the A.C.T. in New South Wales. The Canberra Times of 26 March 1976 referred to an agreement between the minister for the Capital Territory, Tony Staley, on behalf of the federal government, and Sir John Fuller, the minister for Planning and Environment, on behalf of New South Wales, by which, it seemed, the boundaries of the A.C.T. were not to be changed, and the two governments were to co-operate in drawing up a regional plan. No details, financial or administrative, were given.

The simple territorial claim deserved to be rejected. Even if it had been accepted, most of the problems would still have awaited settlement. All that talk for all those years about expanding the A.C.T. had diverted attention from those problems and allowed them to increase. A little less confidence in the natural rightness of Canberra's claims, and a little more attention to possible objections and to alternatives to expansion, might have encouraged a desirable collaboration. Is it at all likely that we will see N.C.D.C. advertisements, maps, plans, and persuasion concerning these regional development plans, comparable with the efforts concerning territorial expansion?
TROUBLE WITH LAND

Even in the capital's special land system, where things had formerly seemed calm, there were disturbances in the late 1960s. Public ownership of land and the leasehold system had greatly assisted the N.C.D.C., allowing it to achieve "a high degree of predictability in its development programmes" while having a relatively large amount of new land available for urban development had also been useful. We cannot prove a case for public ownership, or leasehold tenure, or land rent, just by demonstrating that the founding fathers intended to establish these arrangements and had good reasons for doing so, just as we cannot prove that the Black Mountain Tower is undesirable simply by demonstrating that it is in conflict with a basic principle of Griffin's plan for Canberra. In each of those cases we would need to justify and support the established arrangements by more than the fact of their being established. Equally, of course, we cannot disprove any such case by glib reference to the strait-jacket or the dead hand of decisions taken many years ago. There is a place for G.K. Chesterton's protest against the arrogance of those "who just happen to be walking around now" and for claims that the intentions of the founding fathers deserve some attention. These intentions were clearly stated. While he was leading the first government of the Commonwealth, Prime Minister Barton said, "So far as the law of the land allows, land within the federal territory will not be sold. Its ownership will be retained in the Commonwealth. The land will be let for considerable terms with periodic reappraisals." He continued, "We began in this country with land alienation and it is impossible to depart from it now, but in the federal area we shall have a free hand."

Frank Brennan seems justified in seeing the Canberra leasehold system as "a natural child of the history of Australian land settlement". The Joint Committee on the A.C.T., reporting in 1965 on the supply of residential land, having looked at early parliamentary discussions, concluded that two ideas were "uppermost in the minds" of those concerned, and these were that there should be no opportunity for land speculation and that the unearned increment from development should belong "to the people generally, the Nation." Land specula-
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tion was no threat while development proceeded very slowly and the question of who was to benefit from "unearned increment" scarcely arose while the potential benefits remained small.\textsuperscript{21} Rapid growth brought problems here too.

One reason why problems could develop was that not all the land of the Territory had been acquired and placed under national ownership and leasehold tenure. After the initial acquisition of city-area lands and the first development to 1927–8, there were only occasional purchases from the remaining owners of freehold property. A few purchases were made for road widening and other such purposes, some to provide the tracking station at Orroral (1964), some in 1964 and 1967 for the Tidbinbilla reserve.\textsuperscript{22} Then in 1965–6 the Department of the Interior became aware that some owners of large freehold properties were proposing to subdivide and sell their lands, in some cases introducing land uses conflicting with the plans that the N.C.D.C. hoped to implement for the expansion of Canberra. There were no direct legislative controls over such action. The N.C.D.C. worked through leasehold covenants in the designated city areas; it had no power to regulate the use of freehold lands not yet acquired for Commonwealth purposes.

An ordinance was promulgated by the Department of the Interior, but it was challenged in Parliament and disallowed, the Senate Standing Committee on Regulations and Ordinances recommending disallowance because the ordinance "unduly interferes with rights of property and contract by means of Ministerial discretionary action" and because "the Minister is bound by no rule of law" and "there is no right of appeal to any tribunal or Court of Justice from the Minister's decision".\textsuperscript{23} Various members of this standing committee expressed sympathy with the intention behind the ordinance, and surprise that there was not already some formal planning control for the whole of the A.C.T., but they were concerned about potential injustices in the detail of the ordinance.

When these matters were placed before the Joint Committee on the A.C.T., that committee recommended a widening of the powers of the N.C.D.C. "to undertake total planning for the Australian Capital Territory",\textsuperscript{24} and a continuing programme of acquisition to ensure that all the land in the Territory should become national property under leasehold
whenever the government chose to acquire it. While the committee sought to protect freehold land owners from injustice or arbitrary expropriation, its report insisted that “the position of freehold landowners in the A.C.T. is different from that of freehold owners elsewhere in Australia”. Soon afterwards some adjustments were made along the lines that the N.C.D.C. and Interior had sought, making it possible for all land in the Capital Territory to be transferred from freehold to leasehold as required for the developing city. However while leasehold tenure was apparently being made more general and planning was being applied to all the Territory, there was some concern about threats to the leasehold covenant system that might come from the abolition of land rent. In the short run, the covenant system would still apply, but some people saw difficulties arising as residents paying traditional rates and charges, and not land rent, came increasingly to feel that they owned rather than leased their residential or other land, so that control over redevelopment would become difficult. Moreover, this abolition of land rent almost certainly reversed one early policy decision—that unearned increment from Canberra's development should belong to the people generally, the nation.

Rapid development had thus brought into question arrangements about land tenure, land rent, planning, and the goals of the leasehold system, all of which had seemed fairly secure or settled in earlier years. Policy changes were defended as necessary adjustments to new conditions, but it was possible to argue that some of these adjustments were hasty and ill-considered, and that some of the capital's special features or arrangements were too casually sacrificed. On the question of A.C.T. law, however, we find the argument that things had been retained for too long and that there was a need for change was very slow in gaining recognition.

TROUBLE WITH LAWS

On 2 September 1969 the Sydney Morning Herald observed that “the biggest gamblers in Australia could assemble in Canberra and play baccarat for thousands of dollars without breaking the law”. The Herald was quoting the journal of the
A.C.T. Police Association, and went on to report that A.C.T. law seemed to forbid only four types of gambling apart from poker machines: fan-tan, pak-a-pu, pitch-and-toss and two-up. Prosecution for passing worthless cheques, it said, was unusually difficult in the capital, because the law on false pretences there was obscure and out of date. In 1970 the Joint Committee on the A.C.T. reported on laws relating to Sunday observance in the Territory. Its inquiry arose not from any parliamentary interest in enforcing special forms of Christian observance, but from a recognition that laws on this subject for the A.C.T. had some peculiarities and needed changing. The committee found that some British Sunday Observance Acts of 1625, 1627, 1677 and 1780 were still technically operative in the A.C.T. Here, as in the law on gambling, false pretences, and many other matters, the A.C.T. was still depending on legislation inherited back in 1909–10 when the Territory was being established.

The Seat of Government Administration Act 1909 had provided that, in the area being transferred from the jurisdiction of New South Wales to that of the Commonwealth, the laws in force on 31 December 1910 should remain in force unless and until other provision was made by the Commonwealth. This was a necessary and logical arrangement. Until specific territorial laws were enacted the established laws of New South Wales had to be retained. And once the Territory came under Commonwealth jurisdiction its laws were not changed unless Commonwealth authorities chose to change them. From 1911 onwards, then, the law applying specifically in the A.C.T. has been of two main kinds:

a. The pre-1911 laws applying in New South Wales; and
b. Commonwealth Acts and Ordinances after 1911 applying specifically to the A.C.T.

In addition, the A.C.T. was also subject to:

c. All Commonwealth legislation that applied generally throughout Australia.

The peculiarities of A.C.T. law derive from the first two categories.

For a long time such peculiarities as were noticed were mainly in the second group, in matters where the Commonwealth had made special arrangements for the A.C.T. There was, for example, the ministerial edict of 1913 restricting
the liquor trade in Canberra-A.C.T. There were the ordinances putting into effect the Commonwealth's powers over land and land development. Probably most of the people in Canberra, in the first few decades of settlement at least, were more aware of public service rules affecting their salaries, conditions of work, accommodation, and so on, than of laws peculiar to the A.C.T. whatever their derivation. Moreover, the few thousand people in this public-service town before the 1950s were generally so peaceable that there was little reason to notice the peculiarities of law that might be applied there, or the possibility of these oddities being exploited or enforced.

By the 1950s there was a growing awareness of possible problems. In 1951 the A.C.T. Advisory Council recommended the appointment of a law reform committee, and a former crown solicitor, K.C. Waugh, reporting to the attorney-general, urged the need for an orderly programme of ordinances to clarify and up-date A.C.T. law. In its Annual Report 1952–53, the Attorney-General's Department recognized that this was desirable, but said that staff shortages and other pressures hindered their efforts. For many years thereafter this was a familiar story. Critics urged the need for law reform and clarification, ministers and departments replied that they were trying but there were more urgent tasks. When some particular anomaly caught public attention, or revealed gaps in the federal government's armoury of powers to control the affairs of the capital, there was a scurry to get an ordinance drafted and approved. Even in individual cases (as, for instance, strata titles), the process was often a long one.

Recognition of legal complexities and of their possible consequences in delays and injustices of various kinds was quite naturally slower to develop and more confined to the knowledgeable specialists than was recognition of deficiencies in, say, offices, houses, and shops, and other facilities. Both before and after the establishment of the N.C.D.C., there was a continuing interest in forecasting (and encouraging?) population growth in the capital, estimating the facilities likely to be needed, and considering how those needs might be met. Public service organizations in Canberra for a long time pressed claims for better housing and living and working conditions. No similar
pressure was exerted—or could have been expected—to demand attention to A.C.T. law.

Up to the 1950s, the small numbers of people in Canberra meant that anomalies and obscurities in the law were seldom revealed. Among those people, there were not many who were knowledgeable critics of the law. But in the early 1960s, legal studies were well established at the Australian National University, and also by that time the growth of the city and the new diversity of activities greatly expanded the practice of law and added significantly to the groups of professionals who might be concerned with these matters.

In May 1964 Professor J.E. Richardson, a professor of law at the Australian National University, opened a campaign for law reform with an article in the Canberra Times. He noted the areas in which amendments in New South Wales had made that state’s law more adequate for modern conditions than the old arrangements still effective in the capital, and especially he emphasized the difficulties for citizens and legal practitioners alike in ascertaining just what law did apply in the A.C.T. Richardson urged the need for an independent body to be concerned continuously with the Territory’s law, and secured support not only from his university colleagues but also from the Law Society and the Bar Association in the A.C.T., and from some press commentators.

The minister for the Interior, J.D. Anthony, expressed interest, but said these were matters for the attorney-general. B.M. Snedden, as attorney-general, thought it was Interior’s job, since it concerned the A.C.T. specifically. There was some ironic comment on this buck-passing, which did seem to indicate that neither department was taking the matters very seriously. In the next few months, however, there were announcements of interdepartmental consultations, working groups in the departments of Health, Interior, and Attorney-General’s, and promises that new ordinances would be forthcoming on juries, maintenance, strata titles, compensation in cases of criminal violence, and several other topics.

Mr. Justice Joske later added his comments on the “ineffectual and absurd criminal laws in the A.C.T.” and offered to cooperate in any revision process. Understandably, ministers and many officials were not exactly enthusiastic in
their responses to these criticisms from outside professionals. Such criticism, and such proposals for taking important matters away from the public service, were fairly new in this government town. To the predictable opposition of insiders to outsiders was added the misunderstanding likely between old-hands and newcomers, and between practical men and academic theorists. For a few years the issue of law reform came up sporadically, with bland responses from the official side to the outside professionals' complaints.

In early 1968 the A.C.T. Law Society produced a report that developed and substantiated the sorts of criticisms and suggestions made by Professor Richardson four years earlier. It showed that the A.C.T. lagged far behind New South Wales in provisions for legal aid, workers' compensation and the regulation of some professional and trading activities. There was as yet no ordinance on legal aid, or on legal practitioners, no provision for compensation to victims of crimes of violence, no provision for strata titles. The report noted the many areas in which pre-1911 N.S.W. law still applied. In some of these there was little likelihood of enforcement, but relying on such discretion was seen as dangerous; justice was assisted if offences, penalties, rights of appeal, etc., were clarified; justice was endangered if the enforcers of law were left to pick and choose. Wherever they looked, peculiarities seemed to need attention, even in the ordinances specifically applicable to the A.C.T. As well as indicating the need for review and reform, the Law Society expressed grave dissatisfaction with the failure of ministers and their departments to keep their promises. Ordinances recognized as necessary two, three, or more years earlier were still not promulgated; there was as yet no continuing agency working on law reform for the A.C.T.; and there was no sign of the federal government fulfilling a promise that an active role in law review and reform would be given to members of the law faculty of the university and to the legal profession in the A.C.T. The Law Society was troubled by the low priority that A.C.T. legal problems seemed to have in the long list of responsibilities for the Attorney-General's Department. Commonwealth and state attorneys-general were currently concerned with developing uniformities in laws on companies, marketable securities, off-shore petroleum, and so
on, and this emphasis on consensus, so the Law Society felt, did not encourage interest in the peculiarities of the A.C.T. legal system or in experimentation there to make A.C.T. law a model system as Canberra was being made a model city. A specific body, concerned with law reform, was especially necessary, said the Law Society's report, because "unfortunately there is no legislative body for the Territory".\footnote{32}

The Law Society wanted a permanent and independent Law Reform Commission with its own research staff and its own powers to initiate action, so that the choice of what was to be investigated and reported on would not be exclusively that of a minister. The response of the new attorney-general, Nigel Bowen, was said to be angry and indignant. The *Canberra Times* of 18 June 1968 reported that he accused the Law Society of unfair criticism and of misrepresenting his attitude and that of his department to law reform. Jim Fraser, M.H.R. for the Territory, was in his turn said to be staggered by the minister's outburst. Admitting that the Law Society's proposal for a Law Reform Commission might be open to criticism on matters of detail, the *Canberra Times* insisted that there was "no question" but that the Law Society was right in demanding more attention to law reform. "For years, while Canberra has grown", its editorial stated, "the original body of law . . . has stagnated. Although in the States Parliaments have put new legislation on the books . . . in Canberra the departments have not wanted or have been unable to produce a comparable flow of ordinance for the A.C.T."\footnote{33}

Such criticisms did not seem to have much effect in 1968, but over the next two years things changed, probably helped along by the persistence of a few academics and some practising lawyers, reminders from the *Canberra Times*, and occasional information about the Law Reform Commission in New South Wales. In the event, on 20 May 1971 Bowen, still attorney-general, promulgated an ordinance establishing a Law Reform Commission for the A.C.T. The commission had neither the wide powers of initiative nor the research staff that the Law Society had proposed in 1968, but to date its reports have done much to clarify the law in the A.C.T. and to produce suggestions for improvement. In February 1969 the Law Council of Australia produced a Draft Criminal Code for the
Australian Territories, a matter on which a number of committees of the Law Council had been working since the then attorney-general, Sir Garfield Barwick, had requested the preparation of a code which might serve as a model for legislation in the Australian territories.

Law reform was becoming accepted, and on 17 September 1971 the new attorney-general, Senator Ivor Greenwood, referred several matters to the A.C.T. Law Reform Commission. One request was for

A review of the Imperial Acts that still apply in the Australian Capital Territory with a view to recommending—
(a) which of these Acts in their application to the Australian Capital Territory should be repealed,
(b) which should continue to apply in the Territory, and
(c) which should be replaced by legislation in more modern form.34

There is a special charm and fascination in the commission’s subsequent report. Most things noticeable about Canberra are new: new townships, new lakes, new buildings, new people arriving, new ministers taking office. Reminders of history are almost all of Australia’s fairly recent history, seldom earlier than 1913. But in this report the matter-of-fact listing and brief comments offer strong reminders of a much more distant past and of a very real “British connection” in constitutional and legal matters. Most of the Imperial Acts examined for the report were those “indisputably in force in New South Wales” on 31 December 1910, and thus enforceable in the A.C.T. unless specifically made inapplicable there. The commission was helped greatly by the work of the N.S.W. Law Reform Commission, which reported in 1967 and had its recommendations adopted, almost completely, in 1969. In a few cases the A.C.T. Commission disagreed with the N.S.W. recommendations; coming to the task later, they discovered a few imperial Acts that New South Wales had missed; and there were a few items on which Commonwealth legislative action was recommended where state action would not have been appropriate. The report of the A.C.T. Law Reform Commission made recommendations about retention, replacement, and repeal, in that order.

Constitutional importance and historical significance were
the main reasons for recommending retention in a number of cases, for example:

The provisions in *Magna Carta* confirmed 1297 promising that the Crown will not defer justice or right to any man; Sections of Acts of 1351, 1354 and 1368 stating principles of due process of law; The Petition of Right 1627; and The Slavery Abolition Act 1833.

Some other Acts or parts of Acts the commission wished to preserve until some better arrangements were made. Though a new and comprehensive ordinance was required on the guardianship of children, some parts of the Acts of 1267 and of 1660 should be retained until that new ordinance came into force. While a new Criminal Code was being prepared, the commission recommended preserving the Piracy Acts of 1717, 1721 and 1744, and the Slave Trade Act of 1843. The report lists forty Acts that the commission wanted to replace with modern provisions. The earliest was the Statute of Westminster 1267 dealing with certain obligations of a lessee, and the most recent was the Demise of the Crown Act 1901 which was concerned to “preserve the effect of all appointments to offices under the Crown upon the demise of the Crown”. In some matters the commission saw the N.S.W. Imperial Acts Application Act of 1969 as a helpful guide; most of these enactments concerned property, conveyancing and inheritance, but others referred to treason, fraud, and to “brawling” especially when it disturbed religious worship. The commission thought it “unwise to put an end to the effect of the Act of 1488” but recommended repeal of most of the Act of 1601 dealing with “the liability of a person who fraudulently intermeddled in the estate of an intestate”. A reminder that there were some unexpected problems connected with the establishment of the A.C.T. was given when the Constables Protection Act 1750 was being discussed. “Section 4 of the Provisional Government Ordinance 1911 provided that every member of the Police Force of New South Wales should, as regards anything done or performed by him in the Territory, be deemed a member of the police force of the Territory; but, as the latter force did not exist, the provision is a curious one.”

More than three hundred Acts were on the list to be repealed.
They began with the Statute of Merton 1235 and ended with the Naval Establishments in British Possessions Act 1909. Few people in the Capital Territory would have been aware that among the items peculiar to the A.C.T. were laws concerning Vexatious Replevins (1285), Untrue Suggestions in Chancery (1393), Maintenance and Embracery (1540), Jeofails (1575), Frivolous Suits (1601), Murders Abroad (1817), and Night Poaching (1828). In recommending the repeal of the N.S.W. Debts Act 1813, the commission made a comment that could be applied to most of the Acts listed, "It is safe to say that few people knew of the existence of this rule and that there would be an outcry if the Commonwealth unexpectedly were to take advantage of it in a particular case."

The commission's report of 1971, and other such reports, have had significant results in bringing A.C.T. law into the open, in making the "law on the books" more closely coincide with the law as likely to be enforced, and in making enforceable law more closely relate to current behaviour, problems, and values. The contrast between Canberra's rapid growth and the stagnation of its law was noticed at various times about 1964-8, but except to a few specialists had not been apparent much earlier. Deficiencies in Canberra as a headquarters of government and a place of residence had been obvious for many years before the N.C.D.C. began work in 1958, but recognition of the need for changes in the law and in some other matters came in the wake of urban growth and sometimes as a surprise. In a small town with so few court cases that there was no resident magistrate until 1949, intricacies of the law required little attention. Then suddenly, it seemed, the Department of the Interior was faced with a trebling or quadrupling in the number of real estate agents in Canberra before there were any formal arrangements to regulate their activities. A.C.T. law was seen as offering a way of avoiding some N.S.W. death duties. The A.C.T. police, trying to develop good public relations, found their crime prevention efforts frustrated by out-of-date laws. Through the 1960s and even in the 1970s residents of the A.C.T. had more reasons than usual for saying that "There ought to be a law about it", or an ordinance at least. The Law Reform Commission has tried to catch up with
changes requiring new regulations as well as to remove existing anomalies, but the task is by no means complete.

A report requested from the commission in 1971 and presented in 1974 reviewed N.S.W. Acts in force in the Territory. Though it has less antiquarian interest than the report on Imperial Acts, it is equally significant in proposals for reform. Of approximately 160 Acts reviewed, the commission recommended that forty be retained in full, fifteen be retained with modifications, and more than one hundred be repealed. These recommendations are linked to a major change that has been occurring over ten years or more, a change from dependence on N.S.W. facilities and services to arrangements specifically for the A.C.T. From the time when the first school at Telopea Park was established in 1924, teachers were supplied by the N.S.W. Education Department, the curriculum followed was the state curriculum, the associated inspectorial, remedial, and other services were also supplied by New South Wales. By 1970 there were plans for an A.C.T. Schools Commission, and for a Commonwealth teaching service. Similarly, whereas magistrates and judges and detectives, and even some regular police, had for decades been “borrowed” from New South Wales, now the A.C.T. was acquiring its own courts, its own judges and magistrates, its own police, just as it was also acquiring its own law. Law reform was part of this growing independence and separatism, as well as an attempt at clarification and definition of the law applicable here.

The A.C.T. Law Society was also concerned about the heavy reliance on ordinances rather than parliamentary enactments to make law applying to the Territory, especially noting the consequent inadequacy of evaluation and review of proposed laws, including review by representatives of the citizens to whom the laws applied. Reform of A.C.T. law began by seeking to remove obscurities and anomalies, but as soon as that stage was past questions inevitably arose that were not simply matters of legal tidiness and clarity but of general policy, questions about how much or how little the law and legal administration in the A.C.T. should or should not differ from that of neighbouring New South Wales, whether the A.C.T. should be treated as a model or pacesetter for other parts of Australia, in law or in anything else, and even bigger questions about
who should make the laws specific to this city region and about who should pay what costs.

TROUBLE WITH SCHOOLING

In schools and schooling, as in law and courts, a dependent arrangement borrowing from New South Wales served fairly well in Canberra’s small-town days, but then came under challenge as the city grew rapidly. The parallel is not exact, for in legal affairs some problems came from the A.C.T. lagging behind New South Wales in the revision of old statutes, whereas in educational affairs, A.C.T. spokesmen saw the N.S.W. Education Department as hindering changes they wished to introduce. Once recognized as necessary, law reform required only federal legislation. Much more time and more varied effort was required to reorganize schools and schooling specifically for the A.C.T. There was some talk of the A.C.T. law properly being a model—and some objections to this; there was much wider and stronger interest in making A.C.T. education something different from and better than what had been available via New South Wales.

Soon after the Capital Territory was established in 1911, an agreement made the federal government responsible for land and buildings, while depending on New South Wales for teachers, administration, and curricula in primary and secondary schools. A similar arrangement covered South Australia’s assistance to Northern Territory education, and it was partly South Australia’s decision to end this arrangement that encouraged plans for a Commonwealth Teaching Service and for the separation of A.C.T. education from New South Wales. Dependence on New South Wales had some critics, especially as so many Canberra families came originally from Melbourne. When Canberra acquired a University College in 1930, it was linked with the University of Melbourne. However, there were few serious complaints for many years; school buildings were new, generously provided with playing fields, equipped at better than usual standards, and supported as time went on by some special services for teachers and pupils. Hugh Stretton wrote,
Anywhere else the numbers of young could seriously cheapen their education . . . Canberra solves the problem by simple plunder. The government spends much more than is needed simply to match . . . “State standards” per child. It pays the whole cost of building enough kindergartens to take two-thirds of the territory’s children, where the States mostly pay part of the cost of building kindergartens to take one-third of their children. For primary and secondary schools, Canberra then spends more than half as much again compared with States on each new place whose equipment it completes much earlier than the best of the State systems do.43

These comparative advantages did not of course prevent dissatisfactions from arising. There is much more to education than numbers of school places and quality of buildings. To quote Stretton again, “the citizens who now want to improve on these arrangements should be forgiven everything except their occasional hypocrisies”.44 This highly educated community has a strong interest in educational affairs. Next to government, educational institutions would form Canberra’s second industry, if we put all the various schools, colleges, and some of the research institutes together with the Australian National University and the Canberra College of Advanced Education. Nearly 45 per cent of the population was under twenty-one in 1970, one-third of these being full-time students. There was a recognized close relationship here between educational achievement and career success, and a lively readiness to articulate claims for improvement in schools and schooling. While self-government in general was not welcomed, even actively resisted, there was a growing interest in local control of education.

In 1968, Sir George Currie, speaking to a seminar on self-government for the A.C.T., began by arguing against self-government, at least until Canberra citizens “were assured of a fair, even generous, deal” in financial arrangements, but concluded with hopes for new responsibilities, notably in education, to be given to A.C.T people, to make use of their “latent ability” to manage their own affairs.45 Sir George had been chairman of a working party that in 1967 produced the first considered proposal for an independent Education Authority for the A.C.T. For several years, there had been mounting dissatisfaction with the general education policies of New South
Wales concerning curricula, class sizes, staff allocation, etc. There had been quite a lot of criticism in New South Wales too, but there the difficulties were intensified by serious financial problems. It was widely asserted that the capital was now large enough to justify having its own teaching service, its own school system, and even if it was not widely asserted, it was widely believed that enough funds to support such a system would be forthcoming for the A.C.T., if in fact it did cost more than reimbursing New South Wales.

In November 1966, a public seminar on this subject had been held at the Australian National University; that seminar set up

Table 1. Canberra: Education Statistics 1962–3 to 1971–2

<table>
<thead>
<tr>
<th></th>
<th>Government primary</th>
<th>Government secondary</th>
<th>Non-government</th>
<th>Total</th>
<th>% increase over previous year</th>
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</thead>
<tbody>
<tr>
<td>1962–3</td>
<td>8,698</td>
<td>3,641</td>
<td>5,590</td>
<td>17,929</td>
<td>11.3</td>
</tr>
<tr>
<td>1963–4</td>
<td>9,658</td>
<td>4,016</td>
<td>6,019</td>
<td>19,623</td>
<td>9.8</td>
</tr>
<tr>
<td>1964–5</td>
<td>10,630</td>
<td>4,564</td>
<td>6,708</td>
<td>21,902</td>
<td>11.2</td>
</tr>
<tr>
<td>1965–6</td>
<td>11,669</td>
<td>4,943</td>
<td>7,259</td>
<td>23,871</td>
<td>9.1</td>
</tr>
<tr>
<td>1966–7</td>
<td>12,801</td>
<td>5,646</td>
<td>7,956</td>
<td>26,403</td>
<td>10.6</td>
</tr>
<tr>
<td>1967–8</td>
<td>13,946</td>
<td>6,640</td>
<td>8,357</td>
<td>28,943</td>
<td>9.6</td>
</tr>
<tr>
<td>1968–9</td>
<td>15,303</td>
<td>7,559</td>
<td>8,681</td>
<td>31,543</td>
<td>9.0</td>
</tr>
<tr>
<td>1969–70</td>
<td>16,803</td>
<td>8,226</td>
<td>9,181</td>
<td>34,210</td>
<td>8.5</td>
</tr>
<tr>
<td>1970–1</td>
<td>17,755</td>
<td>8,954</td>
<td>9,888</td>
<td>36,597</td>
<td>7.0</td>
</tr>
<tr>
<td>1971–2</td>
<td>18,300</td>
<td>9,850</td>
<td>10,700</td>
<td>38,850</td>
<td>6.2</td>
</tr>
</tbody>
</table>


Table 2. Canberra: Current and Projected School Needs, 1972

<table>
<thead>
<tr>
<th></th>
<th>1972</th>
<th>Est. 1975</th>
<th>Est. 1982</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>155,000</td>
<td>200,000</td>
<td>340,000</td>
</tr>
<tr>
<td>Numbers of:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preschools</td>
<td>54</td>
<td>65</td>
<td>100</td>
</tr>
<tr>
<td>Government primary</td>
<td>39</td>
<td>45</td>
<td>80</td>
</tr>
<tr>
<td>Government secondary</td>
<td>12</td>
<td>14</td>
<td>24</td>
</tr>
<tr>
<td>Special</td>
<td>3</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Nongovernment</td>
<td>25</td>
<td>28</td>
<td>37</td>
</tr>
<tr>
<td>Canberra Technical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College enrolments</td>
<td>7,900</td>
<td>8,700</td>
<td>12,900</td>
</tr>
</tbody>
</table>

a working party; that working party produced the Currie Report. The working party comprised teachers, parents, professionals from the A.N.U. and the C.C.A.E., and representatives of private as well as public schools, but not official government representatives. The Department of the Interior participated through an observer. The Currie Report recommended establishment of an independent Education Authority for the A.C.T., and to prepare for that, an Interim Council to consider such issues as,

- The form and functions of the Authority;
- The variety and diversity of schools;
- The extent of decentralization, of management, etc.;
- Finance; and
- Teacher education.

At first, the reactions of Senator John Gorton as minister for Education and Science, and of Malcolm Fraser, who followed him in the portfolio, were not favourable, Gorton saying that the government did not favour "the idea of an Education Authority independent of the Government", and Fraser admitting only that separation from the N.S.W. system was inevitable.

From 1968 to 1970, vigorous discussion continued. The Canberra Times published sixteen articles on the subject; three seminars discussed matters raised by the Currie Report; and frequent suggestions were made that a government inquiry was the next step. In October 1970, the latest minister for Education and Science, Nigel Bowen, announced that he would not establish an inquiry, partly because plans were incomplete for a Commonwealth Teaching Service and for teacher training at the Canberra College of Advanced Education. The response was a large protest meeting and a petition with 10,000 signatures. Even so, it was not until October 1972 that the very vague terms of reference for the inquiry were stated—and that inquiry did not get under way because of the change in government. Coalition ministers seemed reluctant to grasp the rare opportunity for a new schools system, but a variety of interested groups kept up a steady insistence that something new and better should be developed for A.C.T. education. Just occasionally a warning voice referred to the strengthening of elitist tendencies that might come from these educational
schemes. A more common view was that Canberra people should have a high quality education system if they chose to pay for it, or even that they had paid for high quality services just by contributing more per capita in income tax than the average Australian. This latter argument seems like one of the "occasional hypocrisies" mentioned by Hugh Stretton, and was not often put forward seriously.

In the latter part of 1972, a seminar was conducted by the Education Research Unit of the A.N.U. on "Designing a New Education Authority". The quality of discussion was high and the broad scope is indicated by the fact that the topics ranged from "Beliefs, Goals and the Social Context", "Human Relations and Learning", and "Financing and Educational Authority", to "Fitting into the Framework of Government" and "Educational Planning and Strategic Innovation". A paper on finance explored some varied methods, arguing for a system where children and parents have significant choices and influence. However in their introduction to the published proceedings, Drs. Grant Harman and Chris Selby Smith wrote, "Unfortunately the extent to which Canberra residents pay for the services they use is obscure and the residents entirely lack the power to have the matter clarified. While it is clearly unfair for Canberra people to receive special financial privileges from the funds provided by the general tax-payer, it seems unduly harsh to deny Canberra residents the right to spend more on local services if they are willing to pay the extra cost." There is some special pleading here, as the supplied emphasis is intended to suggest. It may be convenient to treat the obscurity of Canberra's finance as "unfortunate" and the residents as "powerless" to clarify the situation, but both ideas are challengeable. It is convenient here to say that special privileges for the A.C.T., at the expense of the general tax-payer, are "clearly unfair", but what is the evidence of readiness to forego any such privileges? It is convenient to imply that Canberra residents would happily "pay more" for better schooling, but more than what? If Canberra residents are in any way subsidized by the general tax-payer, paying more for education may be made possible by paying less (than in other cities of Australia) for many things. Until A.C.T. accounts are clearer and more consolidated, and A.C.T. residents or administrators
have to face significant choices about A.C.T. Budgets, talk of willingness to pay is not very convincing.

However, with Hugh Stretton, it can be accepted that good education is preferable to bad, and that the main arguments about innovation in A.C.T. schools should not be financial arguments. Financial matters should not be ignored, but it would be petty and unimaginative to oppose experiment here until all the arguments about comparative costs or comparative taxes were settled. Many special A.C.T. privileges might be cheerfully accepted by the "general tax-payer" if experiments in Canberra, in schools or in transport, traffic control or health care, did in fact "show the way" for other urban regions in Australia.

By the time the A.N.U. seminar papers were published in 1973, the Whitlam government had replaced the coalition government, and Kim Beazley had become the new minister for Education. Beazley decided not to invoke the Joint Committee on the A.C.T., but instead to circulate a departmental paper, to have a four-member panel assess comments on this paper, and to receive from that panel a report, with recommendations, for an A.C.T. Education Authority. The assessment panel consisted of P.W. Hughes, head of the School of Teacher Education at the C.C.A.E., as chairman; Ken Fry, then an elected member of the A.C.T. Advisory Council; D.R. Hunt, president of the Tasmanian Teachers' Federation; and Professor W.J. Walker, of the Faculty of Education at the University of New England, with an executive officer and secretary from the Commonwealth Department of Education. Some critics opposed Fry's appointment, arguing that several groups had stronger claims to representation than the Advisory Council, but the appointment was retained, and justified on the ground that the council or its successor was to acquire increasing responsibility as the Territory's representative government.

In the Hughes panel report, it was pointed out that as the nature of any local or territorial government had not been settled, "In the circumstances, we recommend that for the time being the Authority be responsible to the Federal Minister for Education, and that the question of links with local government be deferred until the situation is clearer". The panel was not concerned with, perhaps not even aware of, the strong possi-
bility that creating a Commonwealth statutory body for education, responsible to the Commonwealth minister for Education, could foreclose the possibility that this Authority would become responsible to an A.C.T. Assembly or A.C.T. government. The report read as if a transfer to some local government was just being deferred until things became clearer, but if such a transfer were seriously expected or desired, surely the interim controller should have been the Department of the Capital Territory? A few people, writing to the press or to various ministers or making submissions to the panel, recognized this, and there was some criticism of the apparent intention to divide up, rather than consolidate, A.C.T. administration. A few asked for more careful thought to be given both to the choice of the form of this Authority—and of its being linked to the Department of Education.

The Hughes panel, however, and most of the more than 130 submissions made to it, identified the major items to be decided as,

a. The nature and functions of the central Education Authority;

and

b. The nature and functions of individual school councils.

The panel’s report favoured one council for the Education Authority, at least for the foreseeable future, and recommended membership on the following basis.

Two government nominees;
Two nominees from the Commonwealth Teachers’ Federation (A.C.T. section);
One nominee from the Canberra Pre-Schools Society;

and

One nominee from the A.C.T. Advisory Council;
all as part-time members, and ex officio, as a full-time member, the Chief Education Officer, the appointed head of the Authority.

Among the Authority’s functions the panel listed guidance, curricula, research and planning, in-service training, buildings and works, and staffing. For each preschool, primary school, secondary school, high school and college, they proposed a school board. On each board, there should be representation of the Authority, teaching staff, and parents, with student
representation possible in high schools and required in secondary colleges. One general recommendation was that "decision making should be delegated to schools as far as it is efficient and economical". 51 Another recommendation had wider significance—the sytem in Canberra, the panel thought, should not be developed "self-consciously as a model for Australia [since] the physical and social conditions of the Australian Capital Territory impose quite different limitations and open up quite different opportunities . . . In the final analysis, our recommendations are specific to Canberra".52

After this flurry of activity, little was made public until August 1974, when there was published a report of a draft ordinance to set up an Interim Schools Authority. Many of the Hughes panel's recommendations were adopted; for instance, there were to be individual school boards, but the Authority was to have rather less power and independence than some had expected or wished. The N.C.D.C., for example, was to remain in charge of capital facilities, though the Authority "might become a persuasive client". Also teacher training was not to be in the Authority's province. Announcing the completion of the draft ordinance, the secretary of the Department of Education, M.K. Jones, stressed the essential aim as being to create a body corporate, responsible to the Minister for Education, "to conduct schools in the A.C.T. on behalf of the Australian government".53

This announcement brought immediate objections to the emphasis on the Australian government. Letters to the editor in the Canberra Times of 12 August attacked "subordination of elected community representation to central bureaucratic direction", reminding the government of earlier promises of independence and of local participation. The Canberra Times editorial of the following day regretted what appeared to be "signs that the exciting experiment nurtured after the Currie Report was going to buried under the Ordinance". It seemed to the Canberra Times that the secretary of the Department of Education was stressing restraints on the Schools Authority and was not giving any recognition of the Authority as, potentially, a section of a consolidated A.C.T. governmental system.

Such expressions of disappointment were understandable, but
the expectations behind them had not been very firmly based. Looking at the story from about 1966 to 1974, it seems that the advocates of a new and independent A.C.T. education system spent more time on the educational experiments they hoped to see than on the question of how the education system could or should be linked with the future government of the Territory. Dr. Roger Wettenhall is an exception here. Speaking at the 1972 A.N.U. seminar on the topic “Fitting into the Framework of Government”, he asked first for clarification of “independent” in these discussions; there was agreement, he thought, about the need for a new A.C.T. system that should be separate from, and independent of, the N.S.W. system, but this independence did not necessarily mean “autonomy in management” or independence from “conventional techniques of political control”. He challenged the common assumption, made in the Currie Report, at the 1972 seminar and later in the Hughes panel report, that the A.C.T. schools should be managed by a statutory authority rather than a ministerial department. In a succinct review of the development and main features of statutory corporations, he said, “What emerged was a deviant administrative form to be used very sparingly and only when the departmental form could clearly be shown to be inappropriate for the activity concerned.” The form of the statutory authority required special justification, Wettenhall contended, because it raised problems of control and of coordination. The A.C.T. schools system, he thought, did not require the “special insulation” needed for a national broadcasting system; it was not an enterprise with a clearly definable goal, which, once decided, was best left to technical experts; it was not one that could be financially self-supporting, like an electricity authority. For education, a ministerial department was better equipped “to develop comprehensive long-term policies” and “to respond over the years to innovating pressures”. Accordingly, he preferred, as the basic arrangement “a new A.C.T. Education Department responsible along traditional lines to an elected Territorial minister (or pro-tem, the Commonwealth minister for the Capital Territory)”. Noting current talk about adding to the list for the A.C.T. “not only an Education Authority, but Health, Housing and Water-Sewerage Authorities”, Wettenhall pleaded for caution, “We
should not rush into the creation of new corporations, especially in the important policy areas, until we have considered their likely role in relation to the future development of government in the Territory."

This advice would seem to have had much to recommend it, especially if there were a serious intention to reorganize A.C.T. government to make it both more consolidated and more locally responsible. That the advice was not heeded can partly be explained by the fact that A.C.T. supporters of a new A.C.T. education regime were impatient for action and not prepared to wait for decisions on the future shape and form of A.C.T. government. It is also possible that some of these supporters, whether from departments or from the general public, hoped to get things going before the threatened self-government appeared, and hence make it less likely that the links with the federal Department of Education, and also the links with the Treasury, would be weakened, especially if drastic changes were made soon in the government and financing of the A.C.T.

NOTES

1. My requests for information brought ready and helpful responses. Identical requests in a much larger city were met with suspicion and reluctance. The Police File regularly advised householders on such things as precautions against burglary, control of animals, etc., and gave information on special training courses undertaken by, or commendation won by, A.C.T. police officers. There was other evidence of efforts to establish favourable public relations. The 1976 Annual Report of the A.C.T. Police Force mentions 785 written inquiries for information on a police career, 154 applications for appointment, 37 applicants successful in various tests, qualifications, etc., and 13 appointments.


4. See, for example, National Capital Development Commission, Tomorrow's Canberra; and P. Harrison, "Approach to a Metropolitan Plan", Architecture in Australia 57, no. 4 (1968): 630–34, which includes a map showing possible new towns "across the border".

5. A. Fitzgerald, Life in Canberra, p. 6, "Already 'crossing the border' is more than a glint in the eyes of Canberra's city planners who have designed Canberra's suburbs, like Hitler's autobahns, to run right up to the border."


8. For the commissioner’s "Text of Briefing", see Report of a New South Wales Committee of Inquiry into Expansion, para. 3.16.
12. Ibid., para. 3.14.
13. Ibid., para. 5.16.
16. The N.S.W. committee comprised Lindsay Holmwood, LL.B., formerly under-secretary, Department of Justice, and deputy chairman of the N.S.W. Public Service Board; R.A. Mackay, chairman of the N.S.W. Board of the A.M.P. Society; and L. Daws, LL.B., formerly solicitor to the State Planning Authority of New South Wales. A secretary was appointed from the Department of Planning and Environment. No judgment is being made about the capacity of these members; without professional and other staff, the committee could not develop schemes for intergovernmental cooperation in planning and developing the borderlands of the A.C.T. This was not their task.
21. In Queanbeyan land speculation was more than a threat, especially 1915–20 and 1924–28. See E. Lea-Scarlett, Queanbeyan.
23. Senate Standing Committee on Regulations and Ordinances, Twenty-third Report, p. 3.
25. Ibid., p. 7.
29. Ibid., 12 June 1964.
30. Ibid., 14 June 1968.
32. Ibid.
33. Ibid.
35. Ibid., Appendix 1, Part A, Acts to be Preserved.
37. Ibid., p. 13.
38. Ibid., p. 15.
39. Ibid., p. 18.
40. We can find the following definitions in the *Shorter Oxford English Dictionary*.
    *Replevin*: A writ empowering a person to recover his goods (in special circumstances). *Embracery*: The offence of influencing a jury illegally and corruptly. *Jeofails*: A mistake or oversight in pleading. Each of these legal terms, of course, received much more detailed treatment in the dictionary.
41. Ibid., p. 48.
44. Ibid., p. 38.
46. See the Hughes panel report, *A Design for the Governance and Organisation of Education in the Australian Capital Territory*, Section 2, which surveys the history of discussion and proposals concerning the establishment of an independent A.C.T. educational system.
47. Ibid., paras. 2.15, 2.17.
48. G.S. Harman and C. Selby Smith, eds., *Designing a New Education Authority*, p. 3.
49. Ibid.
50. *A Design for the Governance and Organisation of Education*, para. 4.20.
51. Ibid., para. 4.23.
52. Ibid., para. 4.29.
55. Ibid., p. 157.
56. Ibid., p. 174.
57. Ibid., p. 165.
The Hill Called Lucre

CANBERRA'S FINANCES

... Mr Hold-the-World, Mr Money-Love and Mr Save-all... were schoolfellows, and were taught by one Mr Gripe-man, a schoolmaster in Love-gain, which is a market town in the country of Coveting in the north.

Clear and comprehensive accounting has been rare for Canberra. By the Seat of Government Administration Act 1910, annual statements were required from all departments concerned with the capital, but these Section 10 statements were so general and so limited in coverage that they could not give an accurate picture of the city's finances, and did not pretend to do so. In the very early construction period, some capital expenditures were identified, and under the Federal Capital Commission of 1925–30 accounts were fairly comprehensive because the commission's responsibilities were comprehensive. But even in 1928 the Joint Committee of Public Accounts recommended, inter alia, that "the finances of the territory should be so adjusted as to ensure closer control by Parliament, economy, and simplicity of operation".¹ Under the departmental administration that followed the Federal Capital Commission regime from 1930, accounts were dispersed and remained obscure for decades.

From 1930 onwards the Department of the Interior acted as Canberra's main administrative body for matters dealt with by state or local governments in other parts of Australia. Some matters, of course, were managed here in Canberra, as elsewhere by the Commonwealth Treasury, the Public Service...
Board, the Attorney-General's Department, and other federal departments. Otherwise most services were provided through the Department of the Interior either directly or through that department arranging to borrow the services of teachers, school inspectors, magistrates, firemen, etc., from New South Wales. While the capital remained a small town, only a small part of Interior's staff and resources was directed to the management of Canberra, and even smaller proportions were so engaged in other departments. There was no demand, no clear need, for consolidated and separate accounts though the Public Accounts Committee and other groups sometimes expressed a wish that A.C.T. accounts should be more clearly open to parliamentary supervision. If some special subsidies or noticeably low service charges, were allowed on the Canberra scene during the period 1930–60, this could be seen as compensation for other disabilities in the frontier town.

It was different when the population jumped from 39,000 in 1958 to more than 100,000 in 1967, and when in those years services and facilities improved rapidly under N.C.D.C. guidance, without many immediate increases in costs to local residents. Governments then began to require the local residents to pay more than formerly towards the city's running costs and there was much talk and some action about requiring locals to take greater responsibilities, including the responsibility for deciding some local expenditures and revenues. Some Canberra people assume that the impetus for these demands came from envious "outsiders" in Sydney or Perth or Queanbeyan, challenging the privileges of their fellow citizens in the A.C.T. There may have been occasional murmurs from federal parliamentarians representing urban constituencies or from state politicians, contrasting indulgence to Canberra with niggardly treatment of these other places. But the principal moves to measure Canberra's local contributions have come from the managers of the city, from treasurers and other ministers, and from officials facing rapidly growing demands and responding by looking at one obvious source of greater contributions the local residents.

In his budget speech for 1965–6, the Treasurer said, "With the growth of Canberra as a city and business centre, I think
it would be no more than fair and proper that residents of Canberra should bear certain taxes of a nature comparable with those levied on residents of the states." In 1967, the Department of the Interior quoted this statement in its preliminary assessment of self-government for the A.C.T., indicating more than once that A.C.T. residents would eventually be required to assume political and financial responsibilities for some local affairs. Appropriate accounts were seen as an essential step. If local costs were to be shared, it was necessary to decide what these costs were and also on what basis they should be shared. From 1967 onwards, these two questions have received much attention in the A.C.T., but firm answers have not been agreed upon, in spite of notional accounts, Joint Committee inquiries and various exercises in setting local rates and service charges.

Predictably, these attempts to increase local payments were not welcomed. There were objections, in 1967 and later, to the idea that Canberra people might be compelled to assume more responsibility for their local affairs, and there were ingenious, as well as genuine, attempts to show that A.C.T. residents, if they had ever been "subsidized and undertaxed", were no longer in that happy state. There were special dissatisfactions about the escalation of land values for rent and rating purposes, most noticeable when the twenty-year reappraisal period for land rent came round at different times for similar or adjoining properties. The local press had frequent news items about widely different assessments for land rent, and sudden increases in valuations and the consequent payments demanded. Apparently despairing of resolving these problems, Peter Nixon, as minister for the Interior in 1970, announced a decision to abolish land rent and to arrange "more realistic" local payments using rates on land values as the main source of local revenue. Rates would increase to compensate for the discarded land rent. The new charges would operate from 1 January 1971.

In December 1970, the first ever Canberra municipal accounts were published by the Department of the Interior. These accounts resulted from studies begun in connection with the 1967 report on self-government. The exercise in identifying revenues and expenditures that could be classified as municipal may not seem very extraordinary now, but there were more
than a few politicians and administrators who had insisted that this separation was impossible. The Department of the Interior's publication, *Canberra's Municipal Accounts, December 1970*, attempted to estimate expenditures and revenues for 1969–70 that could be classified as *municipal*, to indicate how municipal expenditure was distributed, and to assess where and to what extent local taxes and dues did or did not cover expenditure. It also included some comparative figures. Some items of special interest are set out in tables 3–5.

Table 3 Deficits in Municipal Services, Water Supply and Sewerage Accounts, 1969–70

<table>
<thead>
<tr>
<th>Account</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal services</td>
<td>1,216,301</td>
</tr>
<tr>
<td>Water supply</td>
<td>816,745</td>
</tr>
<tr>
<td>Sewerage services</td>
<td>322,107</td>
</tr>
</tbody>
</table>


Table 4 Distribution of Municipal Expenditures 1969–70

<table>
<thead>
<tr>
<th>Service</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads and stormwater</td>
<td>20.2</td>
</tr>
<tr>
<td>Parks and gardens</td>
<td>16.5</td>
</tr>
<tr>
<td>Public libraries</td>
<td>9.6</td>
</tr>
<tr>
<td>Recreation and sports grounds</td>
<td>8.6</td>
</tr>
<tr>
<td>Garbage services</td>
<td>7.8</td>
</tr>
<tr>
<td>Street lighting</td>
<td>7.2</td>
</tr>
<tr>
<td>Street cleaning</td>
<td>6.6</td>
</tr>
<tr>
<td>Building inspection</td>
<td>5.6</td>
</tr>
<tr>
<td>Swimming pools</td>
<td>2.7</td>
</tr>
<tr>
<td>Other expenditure</td>
<td>15.2</td>
</tr>
</tbody>
</table>


An attempt was made to indicate the municipal functions on which Canberra's level of expenditure was especially high, by comparing Canberra's *actual costs* with a *notional* figure derived from applying a per capita rate operating in five selected N.S.W. municipalities in 1968–9.
Table 5 Canberra Costs and N.S.W. Comparisons

<table>
<thead>
<tr>
<th>Service</th>
<th>Canberra Actual Costs</th>
<th>Notional if per capita as in N.S.W.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and gardens</td>
<td>813,000</td>
<td>247,000</td>
</tr>
<tr>
<td>Street lighting</td>
<td>253,000</td>
<td>194,000</td>
</tr>
<tr>
<td>Street cleaning</td>
<td>243,000</td>
<td>115,000</td>
</tr>
<tr>
<td>Public libraries</td>
<td>319,000</td>
<td>115,000</td>
</tr>
<tr>
<td></td>
<td>1,628,000</td>
<td>671,000</td>
</tr>
</tbody>
</table>


Whether or not this comparison was valid, it was generally recognized that Canberra had very high standards, and hence high per capita costs, in the four items of table 5 at least. Such recognition, of course, did not enable anyone to determine whether these high standards should be a national responsibility as part of Canberra’s national capital symbolism, or whether Canberra residents should contribute more than they had been doing towards these benefits. Parks, streets, and libraries were not the only beneficiaries of additional federal funds; dog control cost $20,386 more than was collected in license fees, and the maintenance of a public weighbridge cost $5,269 more than the fees paid for its use.5

The main categories of expenditures and revenues included in these municipal estimates were,

Engineering, including roads, drainage and street lighting;
Recreation and cultural, including sports grounds, a theatre centre and swimming pools;
Health and hygiene, including health inspections, infant welfare, and garbage collection and disposal;
Water supply and sewerage;
General, including fire services, building inspection, etc.

For each of these items, an attempt was made to allocate to the municipal accounts only those proportions of costs, including proportions of staff time and equipment costs, that could justifiably be treated as municipal. It was a brave attempt at rationality, and much needed. The methods were sensible and consistent, but inevitably they were challengeable. They were estimates only and could not be audited. When these estimates
Canberra's Finances

revealed a deficit of $2,355,153 for municipal functions only for the year 1969–70, there were immediate objections in Canberra to the implication that Canberra residents had been subsidized to that extent and therefore could rightly be asked to pay much more to local revenues.

The three things coming together—the abolition of land rent, increases in rates, and notional accounts purporting to show a large municipal deficit—dispersed attention and confused argument as perhaps was intended. There were some protests about the abolition of land rent, especially from professionals such as the members of the Royal Australian Planning Institute and Dr. Max Neutze and his Urban Research Unit at the A.N.U., and from committed local citizens, led by Frank Brennan (who wrote *Canberra in Crisis* as a result). But the abolition of land rent, this almost casual change in a long-established feature of Canberra's land system, was rather obscured by the furore about accounts and deficits and rates, and the arguments about whether and to what extent Canberra had "paid its way".

The minister, Peter Nixon, and some departmental spokesmen defended the abolition of land rent as a move towards financial justice, rejecting the view that this handed to some Canberra residents a vast asset long regarded as belonging to the nation, and also denying that the abolition would threaten effective planning through leasehold covenants, especially on redevelopment. For some Canberra residents, abolition of land rent was a windfall; for some, the new reliance on rates looked welcome, because rates were allowable deductions for income tax. One general impression from press and parliamentary and other discussion at this time was of widespread uncertainty about the nature of the leasehold system and the purpose of land rent. A few years later, from the controversy about the Black Mountain Tower, we get a similar impression that Canberra's special features, though given ritual honour, are often misunderstood, or treated as expendable if practical considerations appear to challenge them.

In 1971 the Department of the Interior sought to estimate the revenues and expenditures for territorial functions within the A.C.T., that is for functions like education, health, police, courts, planning and development, and many others that in the
various states would be largely state government responsibilities. There were special difficulties in the way of deciding what should here be labelled as an A.C.T. deficit because some of the costs of some of these things were commonly provided, in each state, from federal funds. Moreover, each of the six states received a different per capita payment from the Commonwealth, the amounts being decided by complex political bargaining and formulae, with a bias towards states with smaller populations. In presenting the first territorial accounts, the Department of the Interior showed that using the most generous per capita grant would make the deficit only $4,397,028, whereas using other criteria could make it $10,797,028, or $14,174,693, or an even higher figure.

If deficit implied what should be, but had not been paid for by local taxes, rates, etc., then estimating the deficit had to be less a straightforward calculation than a game of political bargaining, and of justifying proposals and counter-proposals. Ralph Hunt, having taken over the Interior portfolio in mid-1971, understandably decided to hand these tricky questions to the Joint Committee on the A.C.T. The minister’s letter of 18 February 1972 to the chairman of the Joint Committee set out the terms of reference.

Municipal accounts were first published in December 1970. The accounts generally reflect the traditional practices followed by local authorities in Australia, being based on the concept that municipal facilities and services, including water supply and sewerage, should be paid for mainly by property holders through rates and service charges. Against this background, and having regard to special features of Canberra as the national capital:

(a) Should the capital, maintenance and operating costs of all present and proposed municipal-type facilities in the A.C.T. be borne in full by the local community?

(b) If not, what costs, or proportion of costs, should be borne by the local community?

(c) Also, to what extent, if at all, should residents of the A.C.T. be required to contribute financially towards the cost of provision of State-type facilities and services in the A.C.T.?

Simple answers could not be expected. Using the Joint Committee to inquire was a device to encourage the presentation of varied possible answers, with arguments defending
them. It could also be seen as a delaying tactic or a diversion. Even if faultlessly conducted, such an inquiry inevitably would have some features of a charade wherein actors appear to labour to unravel a great mystery when in fact the result has to await the appearance of a *deus ex machina* and his decision on what is to happen. That does not make the exercise worthless, but it is necessary to remember that whenever and whatever the Joint Committee might report, the decision would remain with the Commonwealth government.

Part of this inquiry into state and municipal-type costs was conducted in 1972, work being interrupted by the election on 2 December. In May 1973 the Whitlam government reconstituted the Joint Committee on the A.C.T. and requested continuation of the inquiry. Some hearings were held in July, and then in August the new minister for the Capital Territory, Kep Enderby, requested the Committee to extend its inquiry to include questions of self-government. Immediate circumstances encouraged the extension of the inquiry, but it is worth noting that several participants in earlier stages of the costs inquiry had stressed the close links between financial and administrative/executive responsibilities, and that the committee had been lenient in permitting reference to those links.

Once the new terms of reference had been adopted, the main submissions and the main lines of inquiry were concerned with self-government, and the Joint Committee's report concentrated on recommendations about A.C.T. government. At this stage, however, we might profitably examine some of the main proposals and arguments on the financial questions, especially how local/territorial costs should be shared between A.C.T. residents and the national exchequer. A few submissions presented fairly specific grievances; for instance, a complaint that sewerage charges were so calculated that hotels, motels, etc., were unjustly treated in comparison with the way that charges were calculated for government offices and private residences. Otherwise, most submissions can be grouped roughly into four categories:

a. Those seeking the best possible “deal” for Canberra-A.C.T.;
b. Those seeking national equity rather than privilege for residents in Canberra and the A.C.T.;
c. Those concerned with financial methods as management tools;
and

d. A small group of comments recommending methods or approaches that might be used by the committee.
However, no submission falls exactly and solely into any one of these categories.
Some of the arguments that favoured keeping local payments down proceeded on these lines:
Local residents had no say in locating Canberra in this low-rainfall inland site, so they should not have to pay the "extra" costs of water supply and sewerage made necessary by the location.
They had not chosen the garden city scheme, or the linear new-town pattern, so they should not have to pay high transport costs for access between the centre and these new towns.
High standards of parks, gardens, street lighting, etc., are required because this is the national capital, a symbolic place, a diplomatic centre, so the nation should bear extra costs so occasioned.
The profitable growth of Canberra has been caused by the people who have come here, often with some difficulties and at considerable cost. This should mean that they should benefit especially from the "profits" from land development; these returns should therefore be credited to the territorial revenue account.
Notional grants per capita credited to the A.C.T. accounts should be comparable to those made to Tasmania, since this state was nearest in population and area to the Capital Territory.
There were also scattered comments about high prices in Canberra shops, high costs of building, high rents, and the like, and one or two insisted that self-government was a necessary precondition for any substantial increase in local dues. The most determined defenders of local privilege seemed to want all advantages to be classified as capital-city features and all disadvantages to be compensated for by a grateful nation.
Interior's submission in 1972, and the supplementary statements from the Department of the Capital Territory in July 1973, seemed generally to favour keeping things as sweet as possible for Canberra tax-payers. Interior stressed the need to recognize that much land in Canberra, being Commonwealth property, was not rateable, and while it classified land development as national, it mentioned the possible argument that this should be part of territorial accounts, because land revenues had been produced by local people and their business activities. The Treasury submission in August 1972 criticized Interior's submission and the notional accounts as overgenerous to the A.C.T.'s local taxpayers in several ways, including the use of an Australian average for some calculations. The 1973 supplement from Capital Territory endorsed Interior's submission and went on to mention reductions in the municipal deficits through some increased charges. Canberra had some special advantages, this submission argued, from single administration through the department, and from a single authority, the N.C.D.C., in planning, development, and construction. Some lower-than-average payments might be justified by higher-than-average efficiency. In conclusion, the department reminded the Joint Committee of the "unique composition" of Canberra's population—a high proportion of young people and of students and of women employed, for example, and of the "extra pressures" that resulted.

Capital Territory's submission did not mention the much lower pressures on Canberra resulting from there being a much lower proportion than in other cities of the old, the handicapped, and of those below the poverty line. Seeking to demonstrate its efforts to place "the Territory's accounts on a reasonable basis", its progress towards "balancing the municipal accounts" through increased charges, and defending its accounts against Treasury and other criticisms, the submission fairly naturally indulged in some special pleading, some glossing over difficulties. As the main administrators of the A.C.T., the main recipients of complaints about rates and charges, the obvious target for economy drives if Canberra were adjudged extravagant, they were likely to prefer generous treatment for the A.C.T.

N.C.D.C. submissions and their spokesmen at the hearings
urged the need for continuation of unified control over urban development and for a financial and accounting system to underpin and encourage this unified control—by the N.C.D.C. The commission rejected the notion that A.C.T. financing should necessarily follow patterns familiar in the states. It sought a special Land Development Account and included in that, a new scheme for loan repayments, designed to spread the burdens more equitably over time. Using financial and accounting schemes as devices for effective management, the commission suggested, could be fairer to all concerned, more beneficial to the whole nation, than using formulae based on how matters like water, street lighting, or building inspection were paid for in other Australian cities. Submissions from various sources advocated a coherent process of budgeting for the A.C.T., covering the whole range of A.C.T. affairs, local and territorial, seen as especially necessary if some responsible self-government were advocated.

The Treasury submission was significantly different from those from the N.C.D.C. and Capital Territory and its predecessor, Interior, in emphasis and stated goals. Treasury sympathized with the N.C.D.C.'s wish to protect unified development control, but expressed "considerable misgivings" about the proposed Land Development Account. Illustrating these misgivings, the submission noted that "The exclusion of water and sewerage headworks, for example, from the local government scheme could be regarded as a 'sweetening' device to present the municipal accounts in a much more favourable light, and as one consequence to ease the burden on ratepayers per se". It was also doubtful about proposals to credit any land-development surplus to the territorial account and recognized that the issues here could not be fully explored in this particular inquiry, which was, basically, about the local share of state-and-municipal-type costs in Canberra.

Treasury recommended from the outset that time should not be wasted on attempting to distinguish between "services of a kind normally provided by local government authorities on the one hand and those of a kind normally provided by the State governments on the other". Instead, both sets of services should be taken together, because the broad question, as Treasury saw it, was, "What general principles and methods
should be followed in attempting to determine what part of the cost of providing government services and facilities in the Australian Capital Territory should be met by residents of the Territory. Its preference was for some arrangement whereby “residents of the Territory should be placed broadly in the same position as residents of the States”, and it recommended a calculation “taking charges equivalent to those levied in the States” and then making adjustments for standards.

It proposed separate accounts for business undertakings, such as electricity supply, where costs were expected to be covered by prices to consumers. It emphasized that equivalence in taxes and charges between the A.C.T. and the states did not imply the same taxes and charges; instead, it advocated estimating a total figure of “what revenue would be raised overall in the Territory if the severity of taxes and charges were the same as in the States” and then making approximate adjustments to this total figure. Of course, Treasury recognized that a considerable proportion of the high costs of parks and gardens, street lighting, etc., would be properly allocated as national costs, related to the city as the national capital, but it saw these high standards as supporting a view that the A.C.T. residents should not pay less than their fellow Australians. “Although we have not made any detailed investigations, there seems little doubt that . . . overall severity [of taxes and charges] was substantially lower in the Territory. If this did indeed turn out to be so, and given that standards of services are not lower in the Territory, the moral would be clear: the overall level of taxes and charges should be increased.”

When the Joint Committee on the A.C.T. reported to the minister in December 1974 and to Parliament in March 1975 on their combined inquiries into self-government and public finance, the main recommendation in finance was that “There should be a territorial budget and the Assembly should determine the proportion of available finance to be allocated for particular services and public works.” The committee did not make specific recommendations about the proportion of costs that A.C.T. residents should contribute, recognizing that this must be a political decision. Some principles, however, were recommended and some suggestions made about further investigations required. One statement of principle in the Treas-
The HOI Called Lucre

The Hill Called Lucre

urity submission was supported, the Joint Committee agreeing that "... to the extent that citizens of the Territory determine the amount of Governmental expenditure in the Territory, either in respect of a particular function or over a range of functions, then it is crucial that there be procedures which ensure that there is a direct relationship between the amounts of such expenditures and the total level of taxes and charges levied in the Territory." This "direct relationship", of course, was one thing which some people hoped to avoid, especially those ready to rely on national government generosity. The committee wanted the Treasury "To construct a set of public accounts for the A.C.T. based on the functions it is proposed should be administered by the A.C.T. Legislative Assembly". And they wanted the Grants Commission "To examine how a self-governing A.C.T. could be integrated into the existing system of Federal-State financial arrangements so that it could qualify for financial assistance on an equivalent basis to the States".

The committee identified as important matters yet to be resolved:

a. The level of Australian government assistance to the A.C.T.;
b. The question of past development costs and their inclusion in territorial accounts;
c. The N.C.D.C.’s proposal for a Land Development Account;
d. The principles to be followed in determining taxes and charges in the A.C.T.; and
e. The treatment of land revenue.

On the last item, item (e), the Joint Committee was “firm in its recommendation that the land administration function should not pass to territorial control and that all aspects of the planning and development construction and land administration should remain national responsibilities.” On the vexed question (d), taxes and charges, the committee did not “attach the same importance as does the Treasury to the comparison of standards in the A.C.T. with those enjoyed elsewhere”. They did not want A.C.T. residents necessarily to pay more than people in other Australian cities just because Canberra offered some special benefits. Furthermore, they wanted Treasury to devise accounts “to suit the special needs of the Territory’s government”, and they believed that “Given the
special characteristics of the A.C.T., there may be room for
innovations in accounting practice”, and “There could also be
room for innovations in financing community services including
the raising of revenue from sources alternative to rates.”

In conclusion the Joint Committee recommended that
“Treasury construct a set of public accounts based on the
functions it is proposed should be administered by the A.C.T.
Legislative Assembly”. Its entire statement on finance was
based on the premise that major powers were to be transferred
to the A.C.T. Assembly so that it would become an A.C.T.
government, and that A.C.T. administration would be con­
solidated so that, in the near future, the business of A.C.T. costs
would be clarified. Understandably, the committee gave first
priority to its recommendations for self-government and made
only such recommendations about financial arrangements and
decisions as would be required if its self-government proposals
were to be implemented. Whatever might happen about self-
government, there was no way in which the Joint Committee
could produce a formula to answer all the highly political
questions about what should be spent on what in Canberra and
who should foot the bill. The inquiry had clarified some
alternatives. Not much more could have been expected.

NOTES

1. Joint Committee on the Australian Capital Territory, Self-Government and
Public Finance in the Australian Capital Territory, p. 12.
2. C.P.D. H. of R. 47 (17 August 1965), p. 43, quoted in Department of the Interior,
3. See Department of the Interior, Statement by the Hon. P.J. Nixon, M.P.,
Minister for the Interior, Outlining Present and Proposed New Land Charges
in Canberra, 22 October 1970, para. 8, “the level of rates and municipal charges
will be increased to levels comparable with other Australian capitals”; para. 15,
“The change will in no way affect the planning and development advantages
of the leasehold system. It will however remove the present inequitable
distribution of land charges”.
5. Ibid., pp. 13–17.
8. Department of the Interior, ”Statement of Evidence for Presentation to the Joint
Committee on the A.C.T., June 1972, Inquiry into the Proportion of Municipal
and State-type Costs Which Should Be Met by the ACT Community”, Appendix
7. A Tentative Territorial Account for the Australian Capital Territory 1970-71; Appendix 8, Territorial Accounts Explanatory Notes. Territorial Accounts published in October 1976 covering 1974-75 were still "tentative", and there were still disagreements about the "notional" per capita grants which should be credited to these accounts. The estimated excess of expenditure on state-type functions over revenue from these in 1974-75 was $104,759,300, the deficit being reduced to $64,274,000 when notional grants were credited, see Canberra Times 28 October 1976.


10. The Joint Committee's report lists all organizations and individuals who made submissions but does not distinguish those concerned with the "costs" inquiry from those concerned especially with "self-government".

11. Department of the Capital Territory, Inquiry into the Proportion of Municipal and State-type Costs Which Should Be Met by the A.C.T. Community: Supplementary Statement of Evidence for Presentation to the Joint Committee on the Australian Capital Territory, July 1973, para. 4.1.

12. Ibid., para. 4.2.

13. Ibid., para. 4.3.


15. "Submission from the Treasury to the Joint Committee on the A.C.T. Inquiry into Municipal and State-type Costs, August 1972", para. 64.

16. Ibid., para. 9.

17. Ibid., para. 68.

18. Ibid., para. 77.


20. Ibid., para. 174.

21. Ibid., recommendation 36 and para. 222.

22. Ibid., para. 203.

23. Ibid., p. 51.

24. Ibid., paras. 112 and 206.

25. Ibid., para. 218.

26. Ibid., para. 221.

27. Ibid., recommendation 36 and para. 222.
The Key Called Promise

SELF-GOVERNMENT FOR THE CAPITAL?

How Talkative at first lifts up his plumes!
How bravely doth he speak! how he presumes
To drive down all before him! but so soon
As Faithful talks of heart-work, like the moon
That's past the full, into the wane he goes;
And so will all, but he that heart-work knows.

Self-government for the Australian Capital Territory has been in the air for a long time. Only occasionally mentioned as a distant possibility in Canberra's small-town days, for the past decade this topic has been like a ground bass accompanying the many separate themes arising from Canberra's growth and change. Interpreted in many ways, treated more often as a threat than a promise, self-government kept appearing in discussions of A.C.T. laws, schools, finance, and many other matters. From the mid-1960s it seemed widely accepted that some changes in the direction of self-government were on the horizon. The 1967 publication from the Department of the Interior, while Doug Anthony was minister, confirmed this;¹ the preparation of municipal accounts in 1970 and territorial accounts in 1971, while Peter Nixon was minister, was seen as a necessary preliminary to self-government; in 1971–2, while Ralph Hunt was minister, the A.C.T. Advisory Council was consulted much more frequently than had been common earlier, and the impression was given that this council or some other representative body would soon be taking responsibility for much of Canberra's local affairs. None of these ministers made clear which form of self-government would be favoured,
but some general principles seem to have been established. One was that purely municipal government would be neither appropriate nor adequate. The 1967 Interior document suggested, for example, that in the national capital things like street lighting and parks and gardens might properly be national responsibilities, while schools, welfare services, or hospitals, might be locally managed to a great extent. The second principle was also asserted by the 1967 statement, that a necessary basis for self-government would be a separate and co-ordinated A.C.T. administration and that fragmentation was to be avoided. Most people writing about self-government in the A.C.T. or about likely or desirable changes in the Territory's administration seemed to agree on these two principles, at least in the 1960s. Yet as time went on, discussion and understanding were hampered by uncertainties about both these matters.

Behind some popular resistance to self-government, there was often an assumption that it was to be identified with municipal government and a belief that as Canberra residents had been fortunate in escaping from the petty manipulations and conflicts of bumbling aldermen, they should hold to their good fortune. Some officials, especially those not entirely sympathetic to increased control by locally elected representatives, did little to discourage—and sometimes helped to encourage—this identification of self-government with the worst examples of local municipal government. Again, the matter of administrative consolidation was left uncertain. It was not surprising that electricity distribution should be given to a separate A.C.T. Electricity Authority, or that Interior should hand over educational affairs to the Department of Education and Science when that department was established, or should lose to a federal Department of Health some other of the varied functions that Interior used to managed for the capital. There was still a common assumption that identifying and separating A.C.T. administrative functions, whatever department they might be attached to, like identifying Canberra's accounts, could lead and probably would lead to a reintegration and consolidation later. (Back in 1967, the minister of the Interior, Doug Anthony, had insisted that his department had quite enough other national tasks to keep it busy, and implied that he and they would be relieved to lose some of their empire.) The formation
of a special Department of the Capital Territory in 1973 by the new Labor government at first was seen as part of a process of identifying and consolidating A.C.T. administration. Kep Enderby, as the Member for the A.C.T. in the House of Representatives for several years, speaking for the opposition, had advocated self-government for the capital. When he became minister for the Capital Territory with the A.L.P. in office, major changes towards local/territorial government were expected.

However, some of the new government’s administrative changes seemed to lead in other directions. The N.C.D.C., so closely identified with Canberra and Canberra alone, was linked with the Department of Urban and Regional Development and given additional, wider functions in urban affairs. This could have indicated, inter alia, that the federal government saw Canberra’s development and land administration as properly national and not territorial matters; there are good reasons for such a view. More significant for both possible self-government and possible integration of A.C.T. administration were the decision in early 1973, that A.C.T. police would come under the jurisdiction of the attorney-general, and the moves to establish an A.C.T. Schools Authority responsible to the federal minister for Education. As the separatist proposals multiplied with suggestions for an A.C.T. Lands Commission and an A.C.T. Housing Authority, etc., there were strong objections from the Advisory Council and from the Canberra Times. Critics asked how far this process might continue. Would there be an A.C.T. Transport Commission, under the minister for Transport, or an A.C.T. Parks and Wildlife Authority under the minister for Environment? Should the Department of Services and Property take over Canberra street lighting and cleaning? What would be left for the Department of the Capital Territory or for any self-governing body? Even among those not previously concerned to foster self-government, some deplored this fragmentation and functional separation, seeing it as inimical to sound management.

In the growing controversy, Enderby defended the emerging administrative arrangements as beneficial specialization and as securing for Canberra’s affairs the attention of experienced high-level administrators in federal departments. In mid-1973,
he and his advisers offered for discussion an elaborate and complex scheme for citizen representation, this representation to be added to, but apparently not to disturb, the administrative separatism and divided ministerial controls that were emerging. Critical reaction to that scheme encouraged Enderby to ask the Joint Committee on the A.C.T. to extend its inquiry into Canberra’s finances, commenced under the previous government, to cover related but wider questions of self-government. Writing to the chairman of the Joint Committee in August 1973, the minister prefaced his request for an extension of the committee’s inquiry with the observation, “The citizens of Canberra would I believe welcome an inquiry into self-government, as would the Australian Government.” He asked the committee to extend its inquiry in the following terms.

Given that the A.C.T. and/or Canberra, like any other Australian community must be expected to want to be involved in and to take responsibility for governing its own affairs, examine and report on the most appropriate form of self-government which:

(a) recognizes the special nature of the seat of government and the national capital;

(b) takes proper account of the interests of the Australian government and the interests of the local Canberra community;

(c) meets the needs of what is largely a compact urban community;

(d) recognizes the right of the local community to participate in the governing of the area; and

(e) takes account of the separateness of the Jervis Bay area.

These terms of reference proved wide enough to allow consideration of many different proposals for increased self-government, and some against it. But the terms themselves are worth looking at. The announced aim is to determine “the most appropriate form of self-government”; there is no mention of any interest in what would be the “best” form of government, the most effective administrative arrangements for this “compact urban community”. Both Enderby, and Gordon Bryant who succeeded him, seemed to interpret greater self-government to mean greater opportunities for citizen influence on decisions through arrangements that were already established. Against this view, it could be argued that “the most appropriate
form of self-government” would almost certainly require a new administrative arrangement as its base. Again, the interests of the Australian government and of the Canberra community were to be considered, but what of the interests of all non-Canberra Australians? Should we assume that every Australian government, in guarding its own interests, must also guard those of the national community? The terms of reference, too, offered no hint of a preferred scheme or schemes; they seemed to imply that the whole range of possibilities was open, no options foreclosed or favoured. Especially ambiguous and challengable were the assumptions in the preamble, “Given that the A.C.T. . . . like any other Australian community, must be expected to want to be involved in and to take responsibility for governing its own affairs.” This could be illiterate officialese, but it can also be interpreted as confused thinking showing up in a confused statement. Other Australian communities can provide quite a few historical examples of a disinclination to fulfil just the kind of expectations referred to, when offers of local self-government were made by British administrators, colonial parliaments, or state governments. Resistance at different times and places to the privilege of local government has been strongest when the “higher” government was already the provider of roads, lighting, water supply, or whatever, but then has wished to make local residents pay more and participate more in providing these and other services.

Within a general system of representative responsible government, most demands for local self-government arise from accumulated grievances, especially grievances against a distant centre of government. Such dissatisfactions with distant rulers, who seem to ignore the special needs of an area remote from the centre of government have been seen in Western Australia’s moves for secession in 1933, in recurring demands for a North Queensland State with Cairns as its capital, in the New England “New State” movement in the 1950s and earlier, supporters of which asserted that Sydney neglected the northern sector of New South Wales, and also in recent proposals for regional government for Wales and for Scotland, said to be neglected by a London-centred national government. Behind such claims for local autonomy are beliefs that this is the way to a bigger and better share of attention and of resources, perhaps includ-
ing resources peculiar to this area. Such beliefs have been strong among people in the Northern Territory, critical of unsympathetic national government.

Self-government could scarcely be seen in this light for Canberra. Local self-government could not have remedied the neglect and delays of 1930 to 1955; this was a national venture, and national attention, national funds, national organization were needed to build up and equip the capital. When that building and equipping was fairly well advanced, when local needs were fairly generously supplied, and when the town was becoming less exclusively a government town, then it was predictable that the higher government, or some parts of it, would begin to think of extending local responsibilities, including local payments, and that some of the local community would resist rather than welcome these ideas.

Two special points need to be remembered about the Canberra situation, however. First, this is not a case where a distant government is in control; this is the national government headquarters, the higher government is right here. Second, in Canberra more than in other capitals, all the administrators and most of the politicians making local decisions are making decisions affecting themselves, their colleagues and their neighbours, as part of the community; as has been said earlier, the distinction between governors and governed is not always clear and this adds a special complication to the issue of self-government.

On 2 September 1967, a Canberra Times editorial observed that "a considerable body of opinion in Canberra opposes any form of self-government for the Australian Capital Territory", adding that the common attitude seemed to be something like this: "The Commonwealth is looking after us efficiently with a minimum of fuss and there is no reason why citizens should interfere with or become involved in a smoothly-running organization." The Canberra Times editor deplored this attitude as short-sighted and over-optimistic, as well as lazy, but he was not hopeful about support for self-government and wrote that "the opponents, comfortable in the arms of government, will not be easily converted". In case the impression is given that those governing were pressing for self-government, while those governed were the only opponents, it might be
worth noting that the Department of the Capital Territory’s submission to the Joint Committee inquiry in 1973 indicated pride in keeping the locals “comfortable in the arms of government” and argued strongly along the lines that the onus of proof was on the advocates of change, since the existing systems had proved so effective.

In December 1974, David and Trevor Kanaley wrote in the *Australian Quarterly*, “Until recently the general public appeared quite satisfied with the Australian government’s control, despite numerous efforts to generate interest in local self-government.” However, they saw this changing, “The acceptance of the status quo is slowly being eroded as the ‘dictatorship’ appears less and less benevolent.” The first statement probably exaggerates the satisfaction felt at the height of Canberra’s “golden age”. The second statement is justified, but it must not be interpreted as necessarily meaning a build-up of support for self-government. Such an effect is possible, but there can be other lines of defence against some decrease in benevolence. However, this is to get ahead of our story; when the Kanaleys were writing, the Joint Committee was just completing its report on *Self-government and Public Finance in the Australian Capital Territory.* The submission to the committee and its main recommendations on public finance were considered in the preceding chapter; those on self-government now deserve attention.

Only a very few submissions expressed opposition to self-government. This did not indicate a change of heart. Some opponents would find it more tactful to keep quiet and hope for the best; others, while formally endorsing the general principle, could show their reluctance to disturb the present arrangements or could concentrate on defending some object against local control, whatever “appropriate form of self-government” was devised. Even so, there were many submissions strongly in favour of representative responsible government for the Capital Territory, and also in favour of administrative consolidation.

A few submissions had only limited, specific proposals. The Law Society was most concerned that, as yet, laws and ordinances affecting the A.C.T. were not regularly under the scrutiny either of an elected A.C.T. government or of some
professional organization such as its own group. The Council of Social Services wished to reduce the imbalance it saw in Canberra between the attention given to physical planning on the one hand and the inadequate attention given to the social problems of the new communities on the other. Sir Henry Wells ten years before in his report on the N.C.D.C., mainly on economic considerations related to Canberra's development, had used his experience of new towns in Britain to recommend that much more attention should be given to the special difficulties arising when most or all of the people in a street, a suburb or a town were newcomers. From the A.C.T. Rural Lessees Association came an understandable reminder that the A.C.T. was not only "largely a compact urban community". Mrs. Ann Dalgarno and Mr. R.A. Budd, making submissions as private citizens, were the most vehement opponents of change, Mrs. Dalgarno especially insisting that local rates and charges should not be increased. A small group of submissions interpreted self-government as local municipal government. J.C. Slaughter, retired town clerk of the Brisbane City Council, offered draft legislation for a Canberra City Council; the Australia party proposed a local government with the broad powers and functions of major local authorities in Britain and Europe; the Department of Urban and Regional Development indicated a preference for some arrangement comparable with local governments in regions adjacent to the A.C.T., presumably because of this new department's interest in local government throughout Australia, but the submission gave little idea of how this local government scheme would be "most appropriate" for the A.C.T.

However, most submissions recommended an elected A.C.T. Assembly, with the number of members varying from fifteen to thirty-three. There was much in common between the proposals from both the A.C.T. branches of the Labor party and the Liberal party: the A.L.P. wanted eighteen members, full-time, from six districts; the Liberals wanted fifteen, full-time, from five districts. The N.C.D.C. suggested an Assembly of eighteen, with two members representing rural interests; one nominated; some area-wide, some local; some part-time, some full-time. These and other submissions proposing an elected Assembly had been made before Gordon Bryant as minister
for the Capital Territory announced that a wholly elected but part-time Assembly of eighteen members was to be established, the first election for which was to be held in September 1974. Bryant saw no need to wait for the Joint Committee to report, nor to spell out the powers and functions of this Assembly; these, he said, would "evolve". In some ways, the ministerial decision looked like, a move to forestall the Joint Committee, or to show it that self-government through an elected Assembly was the preferred outcome. It was also interpreted by some as indicating that the minister would not readily be influenced by the Joint Committee's recommendations.

Proposals from the local branches of the Labor party, the Liberal party, and the Australia party, from the Advisory Council, from the Public Service Board, and from several academic observers, all joined in recommending that an elected A.C.T. Assembly should be given the widest possible powers. In some of these submissions, the Joint Committee was reminded that only delegated powers would be exercised and what is delegated can be withdrawn, and that many reserve powers, veto powers, arrangements for supervision, etc., would safeguard the national government's final authority. Given these safeguards, it was hoped that day-to-day interference would be avoided and the Assembly left to run A.C.T. affairs as independently as possible.

Much greater reluctance to disturb the present arrangements was shown by several departments and agencies currently active in managing A.C.T. affairs, most notably the Department of the Capital Territory. The main theme of this department's submission was expressed in the statement, "Any move to change what is apparently a viable and generally satisfactory arrangement should not be undertaken unless the alternative is demonstrably superior." The N.C.D.C.'s submission spent less time explaining its proposal for an Assembly than in defending the continuation of national control of Canberra's planning and development (by the N.C.D.C.) and in proposing a comprehensive Land Development Account. If this was only a defensive move, it was not much needed. Most submissions accepted as desirable the continuation of the commission, with its familiar role and with its national tie-up. However, perhaps the commission was doing more than defending itself. It might
have been stressing the desirability of thinking about how good urban government and accounting could be developed and not only how self-government could be increased. Self-defence and self-justification can be discerned in many departmental submissions, not only those from Capital Territory and the N.C.D.C. The committee chairman, Senator Bert Milliner, at one session of the inquiry commented wryly that all departments and agencies seemed to be in favour of self-government—so long as it would not affect their own activities and arrangements.

THE JOINT COMMITTEE REPORT 1975

Thus by the shepherds secrets are revealed
which from all other men are kept concealed;
Come to the shepherds, then, if you would see
Things deep, things hid and that mysterious be.

The Joint Committee in its report came out bravely and clearly in favour of immediate moves to establish effective self-government. Just as the Senate Select Committee on the development of Canberra in 1955 had urged that the building of Canberra should not be postponed or played with, so the Joint Committee urged bold action now on A.C.T. government. They wanted self-government “on as wide terms as is consistent with the national interest”. Instead of using as a reference the question “Which functions can we hand over to local control?”, the Joint Committee wanted the approach to be “What must be reserved as national responsibilities?” Having identified those national concerns, the federal government should delegate all matters not so reserved, in stages, to the control of the A.C.T. Assembly. That control, they declared, would be delegated only. The Australian Parliament would retain power to disallow any Assembly legislation, and they proposed a Joint Standing Committee “to which all Assembly legislation the subject of disallowance should stand referred”. There was no question of sovereignty or statehood, but the committee hoped that old habits of direct ministerial control over A.C.T. domestic affairs might be broken.

In the first stage, the main municipal functions should be
transferred, together with the Canberra library service. As soon as practicable, the Assembly should be given responsibility for the A.C.T. Schools Authority, the A.C.T. health services, welfare and housing—and the A.C.T. police. This would require consolidation of administrative agencies concerned with A.C.T. affairs, so the committee proposed an A.C.T. Administrative Service, linked closely with the Australian Public Service, with provisions guarding rights of transfer and promotion and other related matters. With a slight change of name (Corporation instead of Commission), the Joint Committee recommended the continuation of the N.C.D.C. and of its responsibility for Canberra's development, construction and land administration on behalf of the Australian government. The financial sections of the report (as noted in chapter 5) stressed the need to retain national control of land administration, and asked that the Commonwealth Treasury should devise accounts "to meet the special needs of the Territory's government".

These then were recommendations for a major reorganization of A.C.T. If there were to be self-government, then the Joint Committee had produced sensible proposals and had clarified or identified most of the questions still needing answers, questions that only federal governments could settle. However, the response was cold, the report being brushed aside rather than examined carefully, or answered. Later, Bryant did set 1 July 1976 as a target date for the transfer of some municipal responsibilities to A.C.T. Assembly control, but his immediate response was not sympathetic, especially to the Joint Committee's assertion that "in the transitional period", the ministry for the Capital Territory should be "phased out". Some time earlier, Bryant had said that he did not expect his ministerial colleagues to give up their interests in the capital: now, it seemed, he was being asked to bow out gracefully. Several ministers spoke of a "seventh state" being proposed, in spite of the report's insistence on powers being delegated only and the controlling rights of the Australian government being retained.

There was no strong local protest. The Canberra Times was dissatisfied, and so were most members of the A.C.T. Assembly. A few people criticized ministerial attitudes, but there were
The Key Called Promise

no rallies, no marches, no mass petitions in this cause. Quite probably, many breathed a sigh of relief at the further postponement of something potentially disturbing, and even costly. For most people in Canberra, there were more pressing and interesting political and administrative issues coming up almost every day.

Conditions were scarcely favourable. Back in 1955, when the Senate Select Committee reported on Canberra's development, its report was speaking to the converted. The prime minister and other ministers, departmental heads, other ranks in the public service, all wished to see action now to build the capital city. Development proposals were not unwelcome to private enterprise, either. Menzies and his government had reached a position of some stability and confidence in 1955. If that year seemed peaceful compared with 1950-4, then politically it now seemed blissfully calm compared with 1975. The omens were favourable for considering the recommendations of the Senate Select Committee in 1955. No consensus backed the proposals of the Joint Committee in 1975 and this was scarcely a year of stability and confidence. However, if the government had positively wanted what the Joint Committee recommended, it might have been accepted in the community. Local people had had long notice of the possibility that self-government would be imposed as a duty. On the other hand, if the local people had positively wanted this kind of responsible A.C.T. government, then some of the proposals might have been accepted even by ministers most directly affected. But few did have any positive wish for this reorganization or saw benefits for themselves; some positively did not want it and saw many disadvantages. Ministers in a new Labor government, interested in experiment and change in schooling, medical care, police organization and many other matters, saw the A.C.T. as their national laboratory in which new laws and new arrangements might be tried out. They would not relish handing over to an unfledged A.C.T. Assembly responsibilities that they as ministers were only beginning to exercise. They were not likely to welcome advice from a committee of mere back-benchers, who presumed to advise that several recent decisions should be reversed. The minister for Education was being told that the Assembly should replace him as the body responsible for
the A.C.T. Schools Authority, the minister for Health was to expect the transfer of A.C.T. health services; the attorney-general was being told to hand back control of the A.C.T. police and hence to modify his plans for an Australian police force. What of the staffs working in these and other authorities or sections of departments? How strongly would they support or oppose recommendations that an A.C.T. government should become their employers/controllers rather than their present political masters? It is worth recalling Senator Milliner's comment that many departments and agencies agreed, in principle, that self-government was desirable, but not for them.

The city manager's office, it would seem, was willing to accept the recommended change and some preparations had been made to safeguard the "terms and conditions of work" of officials in the event of a transfer, but some other sections of the Department of the Capital Territory hoped to avoid the change. The A.C.T. police had only reluctantly accepted the rearrangement, initiated by Labor's first attorney-general, Lionel Murphy, that made them part of the new Australia Police and they could be expected to welcome a return to the Department of the Capital Territory, even if that meant some stronger links eventually with the A.C.T. Assembly. They sought to regain their specific A.C.T. identity, and many residents shared their pleasure when this was returned to them after the change of government at the end of 1975. In other federal government agencies concerned with the A.C.T., there was reluctance, at the very least, about A.C.T. Assembly control. Much negotiation would be needed before the A.C.T. Administrative Service could become a workable and acceptable scheme. Local administration was seen as having less prestige than national; the local Assembly might have fewer resources to draw on, be exposed to more challenges, if only because its operations would be in a spotlight of attention. Acceptance of a separate-but-equal A.C.T. Administrative Service would need some special inducements, some inequalities; until arrangements were clarified, "wait-and-see" was the obvious motto. Moreover, the question of federal versus local arrangements for A.C.T. government was not the main issue disturbing the public service in Canberra. Naturally, the political conflicts and confusions of 1975 put special stress on
some officials, and as well, there was the Royal Commission on Australian Government Administration, the impact of the Vernon Committee's recommendations about the Postmaster-General's Department, the running disputes about Treasury supremacy, and a host of other issues in which departmental organization and interdepartmental arrangements were important factors.

The comfortable indifference of local people as local residents was also understandable. Though the storms occurring around the federal government made things uncomfortable locally, and though grievances might be increasing, there was no conviction that the one road to improvement or to protection against the ups and downs of federal interest in the capital could be through local self-government. These crises would pass, as others had. The existing arrangements had provided agencies generally more benevolent, more accessible, more sensitive to criticism, than most agencies with which Canberra residents previously, in other places around the continent, might have had dealings as residents and rate-payers. The place was still small enough for networks of "inside" and informal arrangements to be effective. Influence here could be exerted, sometimes, by groups that elsewhere might have to battle hard for any notice, but especially it could be regularly exerted by groups and individuals inside the Public Service whichever hat they happened to be wearing. We might guess that some public servants feel that they have enough trouble with their elected parliamentary masters without seeking further trouble via an elected Assembly. Alan Fitzgerald puts this a little differently, "The resistance to the granting of any form of self-government... owes as much to the local establishment's desire to keep the decision-making process in the club as to its natural puritanical belief that democratically elected plebs would change things for the worse." Clearly the Joint Committee's bold recommendations would have met with some resistance at any time. In 1975, they were swept aside by mounting waves of problems in political, administrative, and financial affairs, by matters much more pressing than self-government for the A.C.T. With the dismissal of Whitlam and his government on 11 November 1975, and the subsequent federal election on 13 December, it was inevitable that national questions would dominate the capital scene even more than usual.
By-ends: "Why, they after their headstrong manner conclude that it is duty to rush on their journey in all weathers, and I am for waiting for Wind and Tide. They are for hazarding all for God at a clap, and I am for taking all advantages to secure my life and estate... They are for religion, when in rags and contempt, but I am for him when he walks in his golden slippers in the sunshine, and with applause."

NOTES

3. The Department of the Interior was abolished at the beginning of 1973; some of its national functions went to the new Department of Services and Property, most of its A.C.T. functions went to a new Department of the Capital Territory.
4. Joint Committee on the Australian Capital Territory, Self-Government and Public Finance in the Australian Capital Territory, pp. 8–9. The terms of reference are repeated in most submissions to the inquiry.
5. Department of the Capital Territory, "Second Statement of Evidence... to the Joint Committee on the A.C.T." (1974), especially introduction, paras. 1.1–1.10.
7. The Joint Committee submitted its report to the minister in December 1974, and to Parliament in March 1975, after which it was printed.
8. H. Wells, Advisory Report on Economic Considerations in Connection with the Development of the National Capital (National Capital Development Commission, 1962). Though Sir Henry assured readers that money was being wisely spent in the development of Canberra, he suggested that a community of newcomers, with a high proportion of young families, needed some special assistance, encouragement, and information, such as had been found beneficial in new towns in Britain, and that the "built environment" had received disproportionate attention in Canberra’s planning.
9. Mrs. Ann Dalgarno was an elected member of the A.C.T. Advisory Council for some years; Mr. R.A. Budd was an employee of the Department of the Capital Territory.
12. Ibid., recommendation 1 and para. 71.
13. Ibid., recommendation 7 and para. 102.
14. Ibid., recommendations 10, 11, and 12 and para. 112.
15. Ibid., recommendation 36 and para. 222.
16. Ibid., recommendation 9 and para. 104.
Which Road to Salvation?

PROSPECTS AND PROBLEMS

Out of the way we went, and then we found
What 'twas to tread upon forbidden ground;
And let them that come after have a care,
Lest heedlessness makes them as we to fare,
Lest they for trespassing his prisoners are,
Whose castle's Doubting, and whose name's Despair

Self-government for the A.C.T. was not an issue at the federal elections in 1975. The A.C.T. Assembly was in recess; local affairs seemed to be rushed off the stage. The caretaker prime minister, Malcolm Fraser, spoke of "maximum possible" powers for the Assembly, but refused to specify any details of functions or timetable. A former prime minister, John Gorton, standing as an Independent for an A.C.T. Senate seat, apparently thought protection against unwanted self-government would be more welcome than promises to establish it. Even so, there were strong hints that a Liberal-Country party government would move along the lines recommended by the Joint Committee's 1975 report.

In the month of caretaker government between the dismissal of Whitlam and his government on 11 November and the general election on 13 December, responsibility for the Capital Territory was given to Senator Reg Withers, an active member of the Joint Committee whose report, presented to Parliament earlier in the year, had recommended a significant transfer of power to the Assembly. After the election, the new Fraser government included Eric Robinson as minister for the Capital Territory, and he soon announced the setting up of a task force
Prospects and Problems

to report on arrangements needed for this transfer of power. Proposed legislation to this effect was mentioned in the speech of the governor-general on 19 February 1976 formally outlining the new government’s programme. Then a cabinet reshuffle gave the Capital Territory to another Liberal, Tony Staley, and his first actions seemed to indicate “Slow” rather than “Full Speed Ahead”. The task force had been asked to report by March, and to plan a transfer of power by 1 July. The new minister for the Capital Territory saw the 1 July deadline as impracticable. The issues were too important and had too many long-term consequences for them to be rushed through. Rushed seemed an unlikely word here, as self-government appeared more in danger of being talked to death than of being rushed into action, but of course there were important things to decide and to negotiate, and there had been much evasion of these for many years by most of the people concerned.

However, on 6 October 1976 what seemed to be dying was revived and the minister announced that “legislative and executive functions would be delegated to the A.C.T. Legislative Assembly”. Detailed proposals would be “available to A.C.T. residents before the next Assembly election” due in September 1977. The Sydney Morning Herald of 9 October 1976 greeted this news, under the editorial heading “Liberation for the A.C.T.”, with these comments:

AT LONG LAST, the Australian Capital Territory is to be given something approaching self-government, with most of the Federal Government’s legislative and executive powers being transferred to the A.C.T. Legislative Assembly within a year. It thus trails behind Papua New Guinea, and in some respects even behind the Northern Territory, whose Legislative Assembly will be given control of 27 boards and authorities on January 1 as a first step towards self-government and (not too far behind) Statehood.

The A.C.T. is to be saved, however, from the horrors of municipal corruption, for the Government is thoughtfully reserving to itself power over land use, planning and development by the expedient of keeping the National Capital Development Commission responsible to Parliament. The precise functions to be transferred have not yet been announced, but presumably they will include, health, education, the police and some aspects of the administration of Justice now in the hands of the Attorney-General’s Department.
Meanwhile the N.T. Legislative Assembly will be initiated into the joys of overseeing such bodies as the Darwin Port Authority, the National Parks and Wildlife Service, the Betting Control Board, the Housing Commission and Civil Defence and Emergency Services. It seems to have no hesitation about the severance of its umbilical cord to the Federal Government. Some people even wanted a referendum, but they will not get it, for pretty clearly the Government will be happy to rid itself of responsibility for Canberra. And so, indeed, it should be.

In the A.C.T. there was little evidence of great joy at "liberation". The secretary of the public service union, A.C.O.A., Phil O’Brien, was reported as being "shocked and dismayed" as he accused the government of "pacifying members of the Legislative Assembly in their grab for power". Being sceptical of any promise that the establishment of an A.C.T. Administrative Service would not disadvantage public servants, O’Brien saw this self-government scheme as showing "a callous disregard of the rights of Canberra citizens". In the House of Representatives, the member for Canberra, John Haslem, a Liberal, spoke of Canberrans being made to suffer more than most Australians through recently increased charges and cut-backs in government expenditure, and implied that self-government was another increase in the capital’s sufferings. The minister for the Capital Territory, Tony Staley, insisted that Canberra was not "a hardship city", that no special sacrifices would be required of Canberra people, and even agreed that if the Assembly elected in late 1977 were to reject this self-government scheme, the federal government would take this into account. Presumably the minister intended that details could be negotiable, and not that the basic issue of whether there would be self-government at all was going to be reopened.

In general, these ministerial pronouncements brought little surprise or shock in Canberra. The flurries about public servants’ rights and about the likely burdens of self-government through extra local payments were predictable defences against grievances that might be felt later. But if we can use the Canberra Times as any sort of indicator, there was more immediate public concern about the proposed Molonglo arterial road than about this latest promise or threat of self-
government. The road, after all, was a very real project, made visible through photos, maps, and diagrams, and it had aroused strong feelings and vigorous arguments among experts of various kinds. Self-government was still a vague scheme lacking in detail.

Even if the missing details were announced, self-government would still be haunted by uncertainty. Like federation or national independence, self-government is only a starting point; it does not clearly light the way ahead. This is even more noticeably the case when that self-government is intended to have a limited sphere of action and to be subject to varied restraints. Giving this power to the A.C.T. Assembly or keeping that under federal control does not tell us how those powers will be used. Neither self-government nor its absence can guarantee good government or wise decisions for the A.C.T. or for any other place. So much talk for so long about self-government may have misled a few people into believing that the main question for the A.C.T. was “who governs?” when there should have been more emphasis on what governmental authorities do, or fail to do, what projects or programmes should be supported or opposed. It could be just as dangerous to assume that federal control necessarily means wise control as it is to take the simple view that locally elected controllers are sure to be petty and selfish.

Commenting on the announcement about self-government Gay Davidson wrote in the Canberra Times on 7 October 1976 that by their decision to keep the N.C.D.C. responsible to the Commonwealth Parliament and not to the A.C.T. Assembly, the government believed that “Canberra citizens will be assured that their local self-government cannot be corrupted”. The Sydney Morning Herald echoed this on 9 October with its comment about Canberra being “saved from the horrors of municipal corruption” by the decision concerning the N.C.D.C. There are good reasons for retaining the national character of the National Capital Development Commission, and for keeping a link with parliament rather than with the local Assembly. The whole of the nation may claim some interest in the capital, which does not belong only to those resident in the Territory or even to the government whose headquarters city it is. For those reasons, the N.C.D.C. is given more independence than
is usual with statutory bodies, while still being ultimately responsible to parliament. It might be more important to consider what should happen to this relative independence in any new arrangement, than to seek to use the commission as a shield against "corruption". If Canberra's urban development has been free of those obvious land speculations and manipulations of land controls for private gain commonly associated, and even more commonly believed to be associated, with local governments as the givers or withholders of permits to build and the like, then this good fortune is not simply a consequence of purity in the N.C.D.C. and zealous care by Parliament. Many other factors would have contributed. Canberra was developed very slowly at first on land acquired by the government, on "new" land with no competing claims for alternative land uses. There was a basic ground-plan established very early, and this was as useful in preserving land for later use as the leasehold system was in preventing unplanned development. Add to that mixture, while Canberra was still a small town, a competent and often dedicated commission, with political and financial support from successive governments, and the result has been admirable in many ways, including its freedom from financial chicanery.

But try adding such a commission, however pure or dedicated, to a different mixture, whether parliamentary responsibility is involved or not, and a very different result is likely. In a situation where land is privately owned, where much of it is already developed, and hence there are real conflicts about land use; where political and financial backing is uncertain and irregular; where no basic plan has been agreed upon; where growth is rapid, and population numbers might be many times those of Canberra; where goals are less certain—the development story cannot be smooth, the chances of corruption must be greater, whether the government most concerned is local, state, or national. Moreover protection against corruption is a negative goal. It is worth pointing out that Canberra has had the very great benefits of a relatively corruption-free urban development process, and that the National Capital Development Commission can take some credit for this. But supporters of the N.C.D.C. would wish to assert more positive virtues and achievements, and while critics may not bring any charges of
corrupt dealings, this does not, and should not, make them accept that the commission is wise and just in each and every project, in the priorities determined or in the allocation of resources.

The same kind of argument applies on the Assembly side. There are good reasons for not giving the Assembly control of land administration, and also for not making land revenues part of territorial funds. The Joint Committee's report, *Self-government and Public Finance*, was emphatic on this, as were the majority of submissions to the inquiry, but protecting the Assembly from corruption was scarcely ever suggested as one of these reasons. The emphasis was on national interest in, and national responsibility for, the capital, and also on the desirability of having continuity in land administration and of making full use of the long and special experience of the commission. True enough, handing over land-use control to the Assembly might jeopardize this continuity, might reduce the N.C.D.C.'s chances of acting as coordinator of policies and programmes for the A.C.T., might open the way for some hasty reversals of policy, but those dangers do not simply spell corruption. Again, the continued link between the N.C.D.C. and Parliament should not assure Canberra citizens "that their local government cannot be corrupted". Governments can be corrupted in many ways other than through crooked deals in land or zoning schemes. Citizens need to protect themselves against the stupidity, ignorance, and short-sightenedness of people and governments at least as much as against corruption, and honest self-righteous zeal has been sometimes as damaging as greed.

Though A.C.T. self-government was not an issue some observers believed that at least two local matters had contributed significantly to the electoral swing in the A.C.T. away from the Labor party and towards the Liberal party. According to the *Canberra Times* (15 December 1975) in the A.C.T. the swing away from Labor was 7.2 per cent compared to 6.7 per cent in New South Wales, and the swing to the coalition was 11.2 per cent in the A.C.T. against 6.2 per cent in New South Wales. In the postmortem comments that sought to explain the electoral defeat of the Labor party, some emphasis was given to two actions of the Whitlam government: one was the amalgamation of the A.C.T. police into an Australian police
force, and the other was the scheme to transfer some federal
government agencies to growth centres such as
Albury–Wodonga, Geelong and Bathurst–Orange. Both matters
were unpopular with the people most directly concerned; the
police had only reluctantly accepted amalgamation, and the
public servants threatened with transfer away from Canberra
were as unwilling as their predecessors had been decades before
when exile to Canberra was being proposed. If there were
significant factors influencing A.C.T. voting, such issues should
remind us of the importance of public service interests in the
local political world. The election returned one Labor (Ken Fry
for Fraser) and one Liberal member (John Haslem for Can­
berra) to the House of Representatives, and likewise one senator
from each party—John Knight as a Liberal, Sue Ryan for the
Labor party.

Increased parliamentary representation is one of many
changes making the A.C.T. governmental context significantly
different from that of ten, or even five, years ago. Self-
government may seem to move slowly but the background
picture is changing all the time. For one thing, almost all the
old reliance on New South Wales has gone. Ten years ago, the
campaign for a separate and independent A.C.T. education
system was only just beginning; now that system is fully
established. Ten years ago, the need to revise and clarify A.C.T.
law was only just getting some attention; now Geoffrey Sawer,
a distinguished constitutional lawyer, issues a warning that too
much independence here may be unwise, since for some things
it is desirable that A.C.T. law should be the same as that in
its host state New South Wales. For a wide range of gov­
ernmental services—education, health, police, electricity supp­
ly, hospitals, milk supply, markets, and of course for planning
and development and others—there is now a separate A.C.T.
board, authority, commission, trust or other agency, and most
other urban services come under the aegis of the Department
of the Capital Territory, itself an example of the general move
towards having specialized A.C.T. agencies to manage A.C.T.
functions. The latest is the A.C.T. Fire Brigade, now removed
from the control of the N.S.W. Board of Fire Commissioners.

Political party development has also followed this path from
dependence on New South Wales to A.C.T. autonomy. It was
only in 1972 that A.C.T. branches of the Australian Labor party were recognized as separate from the N.S.W. branch of that party, and only in 1975 that separation from New South Wales for the A.C.T. Liberal party was achieved. In that year, an interim A.C.T. Liberal Party Council was formed with substantial autonomy including power to recognize new branches, to select and endorse candidates and to control its own finances.  

Canberra's ups and downs for most of its history have not been directly the consequence of success or failure of this or that party, and of local party branches. Party organization on a substantial scale is fairly new in the capital. The Australian Labor party began here first in Canberra's very early days (1927); the Liberal party of Australia formed a branch in 1949, the Democratic Labor party in 1958, and the Australia party in 1970. One of the latest arrivals, in 1973, was a Canberra City branch of the National Country party. In the 1960s three new branches of the A.L.P. brought the total to six, and there was a rush of activity in 1974 and 1975, encouraged by national political developments. By early 1976 the Labor party had over 1,200 members divided among ten branches, with an A.C.T. Branch Council which met monthly. For the Liberal party in the A.C.T. the advent of a federal Labor government at the end of 1972 was a great stimulus to recruitment: three new branches appeared in 1973, four in 1974, five in 1975, so that by early 1976 there were fifteen branches plus two groups of Young Liberals, with a total membership of about 2,000.  

Studies of election returns, and of the preferences of A.C.T. voters stated in surveys, reinforce the not very surprising conclusion that the two major party contenders have fairly equal support in the A.C.T. and that Canberra is not a stronghold for any one party. Minor parties such as the D.L.P. or the Australia party, or, in the local context, the National Country party, have only small numbers of active members. However, at election times, national or local, many varied party labels come to light. The conditions in the A.C.T. seem to favour independent candidacy; professional groups are linked by specialized interests, there are opportunities for establishing a local identity even without a known party label, the press and radio give local news and publicity, and there is a tendency to become dissatisfied with any government in its role as
employer. Such conditions also favour the appearance and disappearance of new “parties”, and in fact many independents adopt a distinctive label as part of their publicity.

Increased parliamentary representation has already extended party activity in the capital; increased power for the Assembly will be a further stimulant. In the Assembly’s first term, party divisions have not been rigid and party discipline seems to have been applied only intermittently. Neither Labor nor Liberal members formed a majority after the first election in 1974, the balance of power being held by Independents.

Table 6. Assembly election results 1974

<table>
<thead>
<tr>
<th>Party</th>
<th>Canberra</th>
<th>Fraser</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% valid vote</td>
<td>Successful candidates</td>
</tr>
<tr>
<td>Liberal</td>
<td>35.6</td>
<td>4</td>
</tr>
<tr>
<td>Labor</td>
<td>24.1</td>
<td>2</td>
</tr>
<tr>
<td>Australia</td>
<td>3.9</td>
<td>1</td>
</tr>
<tr>
<td>Democratic Labor</td>
<td>1.9</td>
<td>0</td>
</tr>
<tr>
<td>Women’s voters</td>
<td>3.7</td>
<td>0</td>
</tr>
<tr>
<td>Independents</td>
<td>30.7</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Australian Electoral Office.

Those independent members have given support more often to the Labor group than to the Liberals, but divisions have not been consistently Labor versus Liberal. On some occasions the lines have been clear, inevitably, but a quick check of more than forty divisions spread over several meetings in 1975 showed such varying numbers and names, under “Ayes” and “Nos”, that firm alliances or rigid discipline could not have been working.

This relatively fluid situation may be temporary. It may reflect the fact that members have been feeling their way in an unfamiliar and uncertain world. Even in the Australian federal parliament, the first decade was characterized by shifting party alliances. The roles assigned to, or developed by, the Assembly in this first term have encouraged individualism and given to each member a much greater quality of opportunity for significant work than is possible in a Parliament with its concentration of power in the hands of the government of the day, and of attention on the two front benches. The Assembly
has gained representation on, or the right of access to, many separate governmental agencies in the A.C.T. There is an Assembly member on the Electricity Authority, the Schools Authority, the Liquor Licensing Board, and some other bodies including the National Capital Planning Committee. In other cases, the Assembly link comes through an accredited Assembly member who attends meetings regularly and reports back. One result of such arrangements is that question time in the Assembly has entailed members questioning one another, as in Parliament members question ministers, about the particular agencies for which the member being questioned has special responsibility. Through this reporting, the Assembly has increasingly publicized government activity, and publicity has always been vital to the task of making government responsible.

A strong committee system has also given Assembly members varied opportunities for individual influence. In 1977 there were nine standing committees, including the subject areas of education and health, city management, housing and welfare, land, planning and environment, public finance, and legislation. Select committees have reported on a variety of topics, including A.C.T. police, a Long Service Leave Bill, and self-government for the A.C.T.¹⁰ As a forum for debate on some local issues, for the airing of some specific grievances, and as a publicizer of federal government action affecting this local community, the Assembly has developed quickly. How much this experience will help the next Assembly to exercise such real power as may be given to it is a question impossible to answer. The first Assembly lost some of its experienced members during its term, but in late 1977 there were still seven Independent members, with six from the Liberal party, four from the A.L.P., and one from the Australia party. As suggested elsewhere there are factors in the A.C.T. encouraging Independent representation. However, the more real power the Assembly is given, the more we may see party controls increasing. Local party organizations will be more directly interested in Assembly affairs, and national party organizations are likely to attempt to exercise more controls than in the past. There could be an increase both in the competitive activity of established parties and in that of voters and candidates not firmly committed to any of these. Elections for the Assembly
will surely be recognized as important, and give A.C.T. voters for the first time a chance to show their preferences not only about the personnel and the role of the Assembly, but also about general policies concerning the capital.\textsuperscript{11}

Self-government via the Assembly poses many questions. Will real power force this small Assembly to divide into something like a government and opposition? With only eighteen members an Assembly ministerial system looks impossible, but without Territorial ministers and departments, how will the Assembly ensure control over the Health Commission or the Schools Authority or the Electricity Authority, or any others? During the Assembly’s first term, most governmental agencies have become used to the presence of Assembly representatives and have accepted the Assembly’s right to be informed. Is this anything more than tolerance of what is basically unwelcome? As minister for Health in 1976, Ralph Hunt supported the Capital Territory Health Commission in rejecting the Assembly’s request that the commission’s meetings be open to the public.\textsuperscript{12} The Assembly asked for representation on the T.A.B. Board, but this was not granted, nor did the minister for the Capital Territory, Tony Staley, continue price controls on beer, bread, and petrol though a majority vote of the Assembly supported a request for this.\textsuperscript{13} There is no strong impression that ministers now have a presumption in favour of Assembly recommendations. (See Appendix 1.) Will the response of ministers and of the various governmental agencies be markedly different by 1 July 1978?

A.C.T. administration has been characterized increasingly by functional separatism, with ad hoc agencies responsible to different ministers, with no single coordinating authority and no budget process clearly allocating resources along functions and agencies. The Joint Committee report on self-government and public finance looked for consolidation through an A.C.T. Administrative Service, and for coordination through the Assembly allocating resources among the main local/territorial claimants. The task of the new Assembly would be easier if agencies likely to come under Assembly control had already been subject to one management and one budgetary process.

Leaving this reorganization to accompany rather than precede self-government will put great strains on the Assembly
and make it hard to achieve a smooth transfer of power. Of course if the Assembly were to be given only some of the municipal responsibilities now with the Department of the Capital Territory, the coordination problem would almost disappear, but even allowing for all the hesitations about self-government this proposed transfer of power will surely cover more than those functions.\textsuperscript{14}

Whatever happens about the Assembly, the national side of A.C.T. administration also needs coordination. In their December 1976 report on Canberra’s city wastes, the Joint Committee on the A.C.T. had this to say, “At present the responsibility for waste management in the A.C.T. is fragmented between a number of departments and instrumentalities . . . this dispersal of control is a cause of confusion and limits effective operation.”\textsuperscript{15} The report justifies this comment, which may come as a surprise to those who believe that problems of dispersed control and lack of coordination belong to Sydney or Melbourne but not to this planned and regulated capital. To others this report offers a clear and specific example of the departmental separatism about which they have been warning for ten or fifteen years. It is a salutary reminder that for Canberra’s varied governmental agencies no firm answer has yet been given to the question, “Who knocks their heads together?”

This report warrants some detailed attention here both for what it reveals and for what it recommends. The picture revealed, in this specific matter of waste management, is one of such unexpected interaction and complexity that it should arouse sympathy for anyone trying to encourage coherent and concerted action among different agencies and yet should discourage any simplistic blaming of one authority or another. The principal recommendation in this report is for yet another specialized authority, and that recommendation itself reveals some misunderstandings about the basic requirements for effective coordination within the general structure of government for the A.C.T.\textsuperscript{16} In particular, the Waste Authority proposal seems to exaggerate the potential role of the A.C.T. Assembly. However, even if the proposal for a Waste Authority is not acceptable as it stands, it opens up some questions well worth discussing, including questions about the role of the Joint Committee itself.
In Appendix G of the report, the agencies especially concerned with waste management in the A.C.T. are said to be the National Capital Development Commission and the Departments of the Capital Territory, Administrative Services, Construction, Health, Transport, and Defence. Though Capital Territory is responsible for garbage collection and disposal, the N.C.D.C. as controller of land use has been allocating landfill sites for waste disposal. During the inquiry it was revealed that the Department of Transport as controller of Canberra’s airport had acted to stop the development of Pialligo tip “which had been part of N.C.D.C.’s strategy” on the ground that tipping operations attracted birds, and birds represented a hazard to air traffic. The Joint Committee expressed concern that “the Department of Transport did not notify N.C.D.C. and D.C.T. of the potential bird hazard until the question of extension of Pialligo actually arose”. This looks like a classic example on a small scale of failure in communication among separate agencies. The committee recommended that N.C.D.C. should announce proposals for land-fill schemes and take objections into consideration before the development of such sites.

The Joint Committee also expressed concern “that it was not kept informed by N.C.D.C. and D.C.T. about developments taking place in waste disposal during the Committee’s inquiry”, these developments including proceedings in industrial disputes, planning deficiencies at Pialligo, and “problems of sewage overflow from Queanbeyan into Lake Burley Griffin”. Moreover the N.C.D.C. was seen as “predisposed to the land-fill method of disposal”, whereas the committee felt this to be “in many ways an unsatisfactory method of waste disposal because it is wasteful of land, gives rise to health and environmental problems and does not ensure the full recovery of much re-cyclable material”.

To deal with this growing problem the committee called for assistance from even more agencies than the seven listed in the report’s Appendix G. Schools should be asked to participate in educational campaigns; the A.C.T. Milk Authority should consider encouraging the use of bottles rather than cartons; the Australian Purchasing Commission should be asked to “assess the feasibility of stipulating packaging requirements in its
contracts”, and there were some things where cooperation should be sought from New South Wales, and from state governments in general. Each specific recommendation for new ordinances or regulations, for action by various agencies, for research and experiment, for educational campaigns and pilot studies deserves serious consideration. Perhaps also there is a case for establishing a Waste Authority, with representation from governmental agencies with major responsibilities in this field, and outside representation “providing independent technical expertise”. But the report proposes that “the super­intending body should have budgetary control over waste management and should eventually come under the executive control of the Legislative Assembly with the devolution of territorial governmental powers”. These proposals are open to serious challenge.

The lesser challenge is to the proposed “budgetary control over waste management”. If this means that the Waste Authority should have funds to support general monitoring exercises and to encourage various studies, campaigns or tests then the proposition seems commendable. But if it implies the exercise of some “budgetary control” over the activities of the many agencies already recognized as being concerned, then this is a much more doubtful proposition both in theory and in practice. Certainly this idea of “budgetary control” requires elaboration and critical assessment.

The second challenge is fundamental. For a Waste Authority with the membership and the functions proposed in this report, executive control by the A.C.T. Assembly would be inappropriate, unworkable, and undesirable. This Waste Authority would be called upon to influence and coordinate the activities of many more governmental agencies than would ever conceivably come under Assembly control. If the Waste Authority relied on the Assembly for enforcement, it could scarcely expect to have much success in requiring cooperation from, say, the N.C.D.C. and federal government departments. If, however, a Waste Authority responsible to Parliament were able to convince that body, as its executive controller, that federal government agencies, at least within the A.C.T., should accede to the Waste Authority’s requests, then those requests could be given the force of commands, and it would not be difficult to
arrange that those commands applied also to agencies under the Assembly’s control. This report shows the need for coordinated action by each and every governmental body in the A.C.T., territorial or national, that generates waste or pollutants or is in any way concerned with the management of wastes. Any agency seeking to provide such coordination must be linked with the national parliament and not the A.C.T. Assembly.

Moreover, it would be undesirable to restrict the potential development of such a Waste Authority by making it clearly a territorial agency, responsible directly to representatives of the A.C.T. and only these. Such a Waste Authority might well be asked to concentrate its attention and effort at first on the A.C.T., to make improvements there its first goal, to make pilot studies or conduct educational campaigns there. Few would object to the Australian government giving the national capital the first benefits of experiments in coping with a problem that is becoming more and more serious all over the world.

But why should a longer-term goal not be the extension of these benefits as widely as possible? If Canberra’s office buildings should be modified to assist recycling of waste paper, should not this be done for Australian government buildings in other cities? If state governments are to be asked, for example, to introduce “uniform measures requiring minimum deposits on beverage containers” it is justified purely in the interests of the A.C.T.? If it is desirable to investigate the viability of a “processing plant for oil” (i.e., oil waste) in the A.C.T. or in the south-east Region of New South Wales, then again should benefit for the A.C.T. be the sole aim? It would not be sufficient to assume that any good example could provide encouragement for other cities and other authorities concerned with waste management. It would be desirable to have recognition in the charter of such a Waste Authority of the intention that it should at least communicate the results of experiments widely, and perhaps be empowered to foster experiments elsewhere. To suggest this broadening of a Waste Authority’s possible charter is not to imply criticism of the Joint Committee on the A.C.T. Given the nature and functions of the committee and the terms of reference for this inquiry, it is understandable, and proper, that the committee should focus its attention on
the A.C.T. But if the arguments above demonstrate that a Waste Authority in and for the A.C.T. should not be a territorial authority but should be responsible to the Commonwealth Parliament, this opens up the possibility of achieving both coordinated waste management for Canberra and improvements in such management elsewhere in Australia.

Immediately after recommending a Waste Authority in the A.C.T., the Joint Committee's report concludes with these statements:

Problems of waste management throughout Australia are in many cases developing beyond the capacity of municipal authorities to cope. There may be a need to consider establishing an organisation similar to the National Centre for Resource Recovery in the U.S.A., and authority supported by industry, unions, educational institutions and the media. . . . Any comparable authority in Australia could be an amalgamation of government, consumer and industry representatives.  

Perhaps a national agency, experimenting first in the A.C.T., could be a much more effective long-term arrangement than the addition of yet another specialist agency within the structure of the A.C.T. government. A Waste Authority is proposed to develop coordination in waste management, but it would itself increase the general problems of coordination in Canberra's administration. How would it be fitted into this structure? Should waste management conceivably be given such high priority that a specialist Waste Authority should control the actions of each and every governmental agency having any impact on waste management? If, as suggested earlier, a Waste Authority would need to convince Parliament that certain policies and programmes should be adopted, it is not a new executive authority that is needed, but probably something more like a standing committee or a specialist body like the Law Reform Commission. If there were such a source of advice and information about the special problems and possibilities of waste management, with the possibility of parliamentary encouragement, or even enforcement, of policies, is there any reason why the leading role in coordination should not remain with the N.C.D.C.? Too often, the easy remedy for problems in A.C.T. government has been the creation of another specialized executive authority. With the prospect of major
changes in A.C.T. administration via the Assembly, it is important to look at the wood and not just the trees, at the relationships among authorities, and not just at their specific functions, at the ways in which each agency can contribute to a good working system of government.

The misunderstandings revealed in this Joint Committee proposal for a Waste Authority are not unique. In this headquarters of government there can be as many misconceptions about governmental affairs as in other places. We can see this in ministerial assertions in 1975 that self-government proposals from the Joint Committee amounted to proposals for a seventh state. We can see it in many references to the A.C.T. Assembly, to the Joint Committee on the A.C.T., and to the N.C.D.C. Press comment on 6 October 1976 about self-government (see pp. 135–38) rightly selected those last three for special mention, and in the process revealed some misunderstandings of each.

Most questions about the Assembly can now be resolved only by parliamentary or ministerial decisions. Even so, limitations on the Assembly can be predicted from its having only delegated powers and its being necessarily subordinate to the national government that creates it. A misunderstanding of the Joint Committee’s role and of the Assembly’s power was suggested by Gay Davidson’s comment in the Canberra Times (7 October 1976) that the Joint Committee on the A.C.T. “for the time being” would take references from the Minister for the Capital Territory and not from the Assembly. It would surely be very strange if a parliamentary committee were to be called upon, at any time, to report to a non parliamentary body, in this case a separately elected A.C.T. Assembly. By what possible right could such an Assembly expect that parliamentary funds, and the time of members and staff of Parliament should be used to make inquiries and reports for the Assembly? It is conceivable, though unlikely, that Parliament would agree in some transitional period to ask its committee to advise the Assembly, but would an independent Assembly want the advice of a parliamentary committee? Surely it is more likely that the Assembly would want inquiries made by persons appointed by the Assembly and reporting to it?
Prospects and Problems

The parliamentary Joint Committee on the A.C.T. cannot be an Assembly Committee; it must be a committee advising the Commonwealth Parliament and government. Australians outside the A.C.T. would have a legitimate grievance if their parliament made one of its committees in any way subservient to another elected body. Future inquiries by the Joint Committee, like those in the past, will seek recommendations for national governments to consider and, possibly, adopt. Almost certainly then, some matters that become subjects for Assembly control will become unlikely subjects for the Joint Committee’s attention.

Clarification of the Joint Committee’s role seems desirable. There is nothing sacrosanct in the twin roles assigned to this committee back in 1956, and quite apart from any adjustment to a territorial government, it has been accepted for some time that reconsideration was due for the committee’s task as the agency required to advise Parliament on proposals for variation of Canberra’s gazetted plan. Perhaps this reconsideration will come out of the current inquiry into planning procedures in the A.C.T., discussed below. If the Joint Committee’s roles or purposes are to be restated, it might be worth advocating an extension of its range of interest sometimes to include consideration of A.C.T. arrangements and policies as potentially beneficial to the rest of Australia. The inquiry into Canberra’s city wastes showed the way here; an inquiry into A.C.T. public transport and road policies might offer the same kind of fringe benefit. All that would be required would be an extra clause in its terms of reference asking for attention to ways in which the benefits of example and information could be extended.

This could even justify some generous national funding of A.C.T. projects or pilot studies. Some A.C.T. residents have feared that self-government might make them pay much more than they have in the past towards local and territorial expenses. Only a few have expressed fears that self-government might encourage any Australian government to reduce national expenditure on the capital, to let its generally high standards deteriorate, to restrict national government generosity to the obviously “national” features of Canberra, such as the parliamentary triangle and Lake Burley Griffin, the Botanic Gardens and Tidbinbill reserve. Fears of this kind were expressed by
Which Road to Salvation?

Bruce Wright in the *Canberra Times* (20 September 1976) under the heading: "Canberra's future hinges on self-rule (and money)". These fears are shared by quite a few people outside the A.C.T., even by those who are convinced that A.C.T. residents in general have been some of the luckiest Australians. If Canberra is seen as a national investment, then the national shareholders might well agree that this national investment should not be neglected or ruined by penny pinching. There is little evidence of envious resentment in the rest of Australia for such privileges as A.C.T. residents may have enjoyed. We do not need to argue about whether the belief in A.C.T. privilege has been or is now justified; the capital has won acceptance and there is more goodwill towards it than some A.C.T. residents are ready to admit. (The easy passage in May 1977 of the Constitutional referendum to allow residents of the Capital Territory and the Northern Territory to vote in future referendums is some evidence in support of this proposition.) There might be still more if some of the talk about Canberra being a model were translated into reality.

In October 1976, as we have seen (p. 135), the minister for the Capital Territory indicated that with the changeover to some Assembly government, the N.C.D.C. would remain responsible to Parliament. Two months after this announcement, the minister wrote to the Joint Committee on the A.C.T. asking for an inquiry into planning procedures and processes in the A.C.T. The following terms of reference were published.

To consider and report on the adequacy and public acceptability of the planning procedures and processes in the A.C.T. including:

(a) the adequacy of community involvement in planning and development;

(b) the role of the National Parliament particularly in planning the "national" element of Canberra; and

(c) the relationship between the various groups involved in this process.*

On the face of it, this is not primarily an inquiry into the working of the N.C.D.C., but that commission will surely appear frequently on centre stage, since it is Canberra's statutory planning and development authority. A review of the commission's functions and powers might be desirable after nearly twenty years, especially now that self-government of
Prospects and Problems

some kind is imminent. If the proposed change in Assembly powers in some way defines or clarifies what are to be primarily, never finally, local concerns, it would be desirable to define or clarify the national powers to be exercised by or through the N.C.D.C.

Presumably the Assembly in its new guise will provide some coordination in A.C.T. local and territorial administration. Beyond that, as the waste disposal story revealed, effective coordination will still require action by a national agency, and the obvious agency here is the N.C.D.C. The change to an executive Assembly, instead of one advising and publicizing only, might require more definite and near-final powers to be given to the N.C.D.C. Overriding such powers by Parliament or the federal government cannot be excluded, but short of that the new system of A.C.T. government may require a planning and development authority with clearer powers to command than it has had in the past.

The opposite now has some advocates. One Assembly member has even suggested that while the N.C.D.C. retains its present position and powers, any real self-government for the A.C.T. is impossible. To this Tony Powell, the commissioner, has replied that while local citizens should properly determine local laws and administration, the federal government and the N.C.D.C. should remain responsible for the physical fabric of the city. In part this reply is a reminder that Canberra is a national investment made on behalf of the people of Australia; in part it is also a reminder that this is a planned city with more than usual attention to the likely needs of people to come there as visitors or residents, as ambassadors or entertainers, as babies or retired people, and so on—and hence with more than usual demands on its planners to balance immediate against long-term claims.

Clause (b) of the terms of reference implies that there is a distinguishable national element in Canberra, and that some people would think of this as consisting primarily of the parliamentary triangle and of some other identifiable places and buildings. Many others, including some N.C.D.C. spokesmen, would assert that there is a national element in every part of the Capital Territory. When the Joint Committee on the A.C.T. was inquiring into the matter of allocating Canberra's costs,
many submissions argued from this basis saying that the Australian government (and hence the Australian taxpayers generally) should bear the extra costs of high quality services and amenities because these were required to fulfil the national and symbolic roles of the capital.

Clauses (b) and (c) in the terms of reference direct the Joint Committee’s attention beyond the N.C.D.C. to Parliament and to inter-agency relationships. This could result in reconsideration of the task of the Joint Committee itself. It could also lead to recommendations for coordinating the national side of A.C.T. administration. Planning is more than physical land-use regulation; from the Commonwealth Parliament “particularly in planning the ‘national’ element of Canberra” there could be more emphasis on both financial planning and on informing the nation about what the Parliament or the government is doing about this national investment. However the terms of reference give special attention to public acceptability, community involvement, participation, and so on. The implication is that serious inadequacies in Canberra’s planning procedures would probably be found in these areas, and hence that some new arrangements should be recommended.

Questions immediately arise about whose support would show that “The public” thought these procedures adequate, and whose participation would make community involvement adequate, and also what evidence could demonstrate adequacy and acceptability in these matters. If we recognize a national interest in the national capital, then sometimes public acceptability will need a very broad interpretation. In some cases, and not only in Canberra, the most vociferous claims for attention to “community rights” come from small groups in a limited area; it is rare to find demands with unmistakeable majority support. Minorities can be right, plebiscites do not guarantee wise or just decisions, nor, of course, can rule by experts offer any such guarantee. However, we can forgive the N.C.D.C. experts their occasional impatience with the pleas of those who, having become established in a planned but half-completed residential area, then object to the second-stage development as depriving their children or animals of open space. A United Nations expert on new towns, Dr. Evner Urgun, recently noted that, in conditions of urban growth,
justice to newcomers required that some higher authority should be able to break down the quickly erected defences of established privilege. One major task of all effective planning authorities is to balance the claims of those on the spot, here and now, against the likely claims of those yet to arrive, and the time scale is generally in years, sometimes in decades.

We can take it for granted that the N.C.D.C. has made some mistakes, has sometimes been high handed, or deaf to pleas that deserve attention. The Joint Committee report on Canberra's city wastes is not the only source of evidence suggesting that the commission can be inflexible in its policies, overconfident that it has the right answers, and not always as generous with information as some might wish. However, we can also take it for granted that some demands made in the name of community can be petty and short-sighted, and that immediate public acceptability, however judged, cannot be the only basis for decision.

It is inevitable that there will be some justifiable complaints against the National Capital Development Commission, some inadequacies in Canberra's planning procedures and processes. But attempts to assess adequacy should not concentrate only on what is wrong, what needs to be changed. They should also consider what is right, what should be preserved. A planning system that has transformed Canberra in twenty years from a scattered township to a sophisticated city region with many positive advantages, should not be lightly discarded. Both adequacy and public acceptability, however interpreted, need to be looked at over time.

Though the terms of reference seem to overemphasize the fashionable, if vague, claims for community involvement, the Joint Committee is unlikely to be misled into concentrating on these alone. The inquiry should open up discussion of many possible improvements in planning arrangements for Canberra, including ways of allowing new ideas, as well as objections to proposals, to be fed into the planning system from varied sources. It should also clarify and reinforce the positive features of the system, the features that should be preserved.

No other city region in Australia is undergoing so much reassessment and reorganization of its administration as is Canberra. Earlier visions of nationally sponsored new cities
having faded, or having been deliberately dispelled, what happens in Canberra's government now deserves special attention not only because this is the national capital but also because some developments here might produce benefits for other cities and other people in Australia.

On 15 September 1977, after this book was with the publishers, the minister for the Capital Territory, Mr Staley, issued a comprehensive statement on "Proposed Constitutional Development in the Australian Capital Territory" (reproduced on pp. 158–81 as Appendix I).

Some special features of this proposed scheme are worth noting:

a. It accepts the eventual abolition of the Department of the Capital Territory;
b. While arranging for an Assembly administration, it does not propose a separate Territorial Administration, but envisages free movement of staff between the territorial administration and other Commonwealth departments;
c. It reserves to the Commonwealth most of the land administration functions while foreseeing a "defined responsibility" for the Assembly "in the determination of local policies and plans";
d. It proposes delegation of much more than municipal functions;
e. It specifically emphasises that powers are delegated and that reserve powers are retained with the Commonwealth;
f. It suggests that "the presently high general level of financial assistance to the A.C.T. would be progressively and responsibly lowered to a level of assistance which after allowing for special features . . . would be equivalent to that provided in the States".

If or when this scheme is fully adopted it will have many of the features recommended by the Joint Committee on the A.C.T. in their report of "Self-Government and Public Finance in the Australian Capital Territory". (See pp. 110–17.) The minister offered this scheme for public discussion. There is certainly plenty to discuss.
NOTES

3. Ibid.
4. Ibid.
5. See Canberra Times 6 October 1976, editorial, 7 and 8 October, letters to the editor, 23 October, article, and sundry items in December 1976 and January 1977.
6. See especially Joint Committee on the Australian Capital Territory, Self-Government and Public Finance in the Australian Capital Territory, para. 111, which in part reads, "All aspects of planning, development, construction and land administration should remain national responsibilities integrated and placed under the administration of a single authority.
7. Canberra Times 2 February 1977. Professor Sawer's article indicates that A.C.T. law is still greatly in need of clarification.
8. Information supplied by party officials in Canberra.
9. Ibid.
10. Information supplied by the clerk to the A.C.T. Legislative Assembly, May 1976.
11. Though for various reasons an Assembly election was postponed in 1977, it may be worth noting that party strengths remained much as in 1974, even with several replacements and a change of federal government.
14. Ibid., recommendation 1 and para. 280.
15. Ibid., para. 169.
16. Ibid., para. 170.
17. Ibid., recommendation 24 and para. 170.
18. Ibid., para. 16.
19. Ibid., paras. 14 and 209.
20. Ibid., recommendations at pp. xiii-xx.
21. Ibid., para. 279.
22. Ibid., recommendation 9.
23. Ibid., recommendation 28.
24. Ibid., para. 281.
27. See Canberra Times 1 December 1976.
28. Dr. Urgun made this point at the seminar SEPLAG I, in Brasilia on 25 November 1976, arguing that an elected representative local government was never a sufficient guarantee of attention to local citizen claims.
MINISTER’S PRESS STATEMENT

The Minister for the Capital Territory, Mr Tony Staley, yesterday released proposals for the constitutional development of the A.C.T. with the objective of encouraging widespread public debate and comment on the issues.

Mr Staley said the proposals were being announced now so that interested groups and the public would have plenty of time to debate them. The issues involved matters of significance and complexity and in accordance with the best principles governing legislative policy development of such a nature, it was proper that they should be placed before the public so that they could be adequately examined and, if need be, reassessed in the light of Assembly and community views. There were 200,000 people living in Canberra and it was reasonable to expect that they would want to take part in a system of legislative and management controls affecting their daily lives.

The Minister said that last June he had announced that the next Assembly elections, scheduled for September 1977, would be deferred. Because of the importance of the Territory, the term of the present Assembly would be extended until not later than 31 December 1978 to allow full public debate of the proposals. The exact date of the elections would be announced later.

Mr Staley said he was clearly unable to give a firm commitment on the timing of a final decision on any handover of powers or functions. All the views expressed would be considered before a final decision was made. He said, however, that the objective was to have the matter settled before the next Assembly elections.

Mr Staley continued: ‘After considering various reports on constitutional development in the A C T the Government indicated last year that there should not be any piecemeal delegation of functions.

* Canberra Times 16 September 1977.
Under the proposals now released it is envisaged that legislative and executive responsibility for a significant portion of territorial activities will be transferred in one step to an elected Assembly. The Commonwealth, however, will retain control of matters affecting the national interest or the Seat of Government interest.

'The proposals are designed to encourage and facilitate active and effective citizen participation in the democratic processes of lawmaking and administration while at the same time recognising the importance of the Commonwealth Parliament's and the Government's continuing role in maintaining the standing and importance of Canberra as the National Capital and Seat of Government of Australia.

The proposals envisage the delegation of wide policy and executive responsibility for important functions such as health, education and welfare services, public transport, the A C T Police, municipal services, the present government housing operations and many other services of government in the Territory.

'The constitutional position of the Territory as the Seat of Government and National Capital does not allow the Commonwealth to divest itself of responsibility for the government of the Territory. What is proposed is a delegation of powers to an Assembly and not the creation of a State. The Governor-General in Council would have a reserve power to refuse assent to Assembly ordinances and the Parliament would retain the power of disallowance of ordinances.'

Mr Staley said that in recognition also of Canberra's unique position as the National Capital it was proposed to retain control of those areas of administration which had a direct impact on the National Capital role of the city. Because of this the National Capital Development Commission would not be brought under Assembly control, although procedures would be devised for greater community and Assembly involvement in the planning and development of Canberra. To preserve the present integrated land management system in the Territory, all land administration functions would be retained by the Commonwealth. National institutions such as the Australian War Memorial and the Art Gallery would remain Commonwealth responsibilities.

The proposed allocation of responsibility between the Commonwealth and the Assembly is spelt out in detail in the accompanying paper. The allocation reflects the rights and responsibilities of democratic participation in local territorial affairs and safeguards the national interest in the Seat of Government and the National Capital. The right to make democratic decisions in territorial affairs
will entail responsibility to contribute a proper share of resources to the level of standards and services in Canberra.

Mr Staley explained that financial arrangements for Commonwealth assistance to territorial activities would require negotiations on a regular basis between the Commonwealth and the elected Assembly with critical appraisal of expenditure levels. In recent years ACT municipal costs and locally produced revenues had been brought into balance with only limited government subvention to take account of National Capital characteristics. It should be expected that the Government would be looking to the same general processes of refinement in high expenditure areas including education, welfare and health. Mr Staley emphasised that it was intended to achieve this refinement responsibly and gradually.

In accordance with the Government’s federalism policy it would be expected also that increases in levels of services and new initiatives would be funded from territorial sources of revenue. States apply charges such as estate gift, probate and succession duties, lottery and gaming taxes, stamp duties of different kinds, tobacco and other licence fees and charges for services, registrations and the like. Such sources of revenue would need to be considered by the Assembly.

The question of tax sharing and subventions would also be one for negotiation.

Mr Staley said he had already had preliminary discussions with all Members of the existing Legislative Assembly and with local Senators and Members of the House of Representatives. These discussions had concerned the principles of the proposed handover of powers and functions and during the period of public debate he expected that the broad outline would be filled in with all the necessary detail.

There would be a need for Members of the present Assembly to co-operate with the Government and Commonwealth departments in the preparation of legislation, the machinery of administration and the financial arrangements to ensure a smooth and efficient transfer of powers and functions. Departmental officers would be available to assist the Assembly and provide advice and expertise.

Mr Staley repeated that his objective in announcing the proposals now was to stimulate public debate on the issues and to ensure that the views and opinions of all those with an interest in the proposals could be put forward and considered in totality before a final decision was made.
INTRODUCTION

The Commonwealth Government announced in October 1976 that it recognised the democratic right of citizens in the Australian Capital Territory to be involved in the making of laws and the taking of decisions which affected them. Accordingly the Government envisaged a delegation of authority for a significant portion of territorial and local government functions in Canberra subject to reservations of matters relating to the national interest or the Seat of Government interest.

FUNCTIONS TO BE DELEGATED

The Government proposes that there will be delegated to an elected Australian Capital Territory Assembly responsibility for a wide range of territorial and local functions including those set out below and at present administered by the following Departments:

Administrative Services
Canberra Public Library Service

Attorney-General
Censorship
Criminal law
Certain registration functions
Deceased estates
Revision of Assembly legislation
Legal services in respect of transferred functions
Property of mentally infirm persons

Capital Territory
Animal control and registration
Betting, gaming and lotteries
Building controls, licensing, safety and standards
Cemeteries and crematoriums (not including Jervis Bay)
Charities and charitable collections
Child adoption, care and welfare
City parks
Cleaning services and garbage collections
Community centres and services
Consumer affairs
Appendix 1

Co-operative societies
Cultural activities
Disaster and emergency services
Drivers licences
Fair rents
Fire Brigade (not including employment conditions)
Flammable liquids
Gun control
Hire of halls
Housing (rentals, loans and sales)
Industrial protection and standards
Information services
Lift inspections
Liquor licensing
Marketing controls (for example, milk)
Motor vehicle registration
Municipal rates, water, sewerage and other charges
National Fitness
Parking control
Parole
Plant nurseries
Poker machines
Police (not including employment conditions)
Pollution control
Probation
Recreation
Registration of services (agents, architects and surveyors)
Remand Centre
Road safety
Showground
Swimming pools
Tourist services
Transport (Canberra bus service and municipal vehicles)
Traffic control
Water supply and sewerage (not including dams and headworks)
Weights and measures
Welfare services

Finance/Treasury

Territorial taxing functions—Payroll tax, stamp duties and all other possible sources of revenue except those traditionally reserved to the Commonwealth in Commonwealth/State agreements.
Education

Apprenticeships
Conduct of government schools
Regulation of schools (government and non-government)
Technical and further education services

Health

Health services for the ACT
Hospitals
Nursing homes
Registration of services (dentists, medical practitioners, nurses, optometrists, pharmacists and veterinary surgeons)

ORDINANCES TO BE DELEGATED

The ordinances listed below under the administering departments and presently in force relate to the functions which are proposed to be the responsibility of the Territory Assembly.

Attorney-General’s Department

Administration and Probate Ordinance 1929
Age of Majority Ordinance 1974
Amendments Incorporation Ordinance 1929
Amendments Incorporation (Repeal of State Law) Ordinance 1970
Compensation (Fatal Injuries) Ordinance 1968
Courts (Hire Purchase Agreements) Ordinance 1963
Crimes Act 1900 (New South Wales) as amended in its application to the Australian Capital Territory by Crimes Ordinances 1942–1974
Family Provision Ordinance 1969
Film Classification Ordinance 1971
First Offenders (Women) Ordinance 1947
Judgment Creditors Remedies Ordinance 1933
Judiciary (Stay of Proceedings) Ordinance 1933
Law Reform (Miscellaneous Provisions) Ordinance 1955
Law Reform (Sexual Behaviour) Ordinance 1976
Lunacy Ordinance 1938
Married Persons (Torts) Ordinance 1968
Married Women’s Property Ordinance 1968
Oaths Ordinance 1934
Appendix 1

Objectionable Publications Ordinance 1958
Ordinances Revision Ordinances 1937, 1938, 1959
Ordinances Revision (Age of Majority) Ordinance 1974
Ordinances Revision (Decimal Currency) Ordinance 1966
Parole Ordinance 1976
Partnership Ordinance 1963
Police Offences Ordinance 1930
Trustee Companies Ordinance 1947
Trustee Ordinance 1957
Wills Ordinance 1968

Department of the Capital Territory

Adoption of Children Ordinance 1965
Agents Ordinance 1968
Alsatian Dogs Ordinance 1936
Animal Nuisance Control Ordinance 1975
Architects Ordinance 1959
Attachment of Wages Limitation Ordinance 1966
Auctioneers Ordinance 1959
Betting (Totalizator Agency) Ordinance 1964
Boarding-houses (Unclaimed Goods) Ordinance 1950
Building Ordinance 1972
Building and Services Ordinance 1924
Canberra Commercial Development Authority Ordinance 1974
Canberra Retail Markets Ordinance 1971
Canberra Showground Trust Ordinance 1976
Canberra Theatre Trust Ordinance 1965
Cemeteries Ordinance 1933
Child Welfare Ordinance 1957 Parts 1 and 2
Child Welfare Agreement Ordinance 1941
Children’s Flammable Nightwear Ordinance 1975
Cinematograph Films Ordinance 1942
City of Canberra Arms Ordinance 1932
Collections Ordinance 1959
Commonwealth Dwellings (Rent) Ordinance 1961
Consumer Affairs Ordinance 1973
Co-operative Societies Ordinance 1939
Cremation Ordinance 1966
Dog Control Ordinance 1975
Door-to-door Sales Ordinance 1969
Egg Industry Ordinance 1975
Enemy Raids Precautions Ordinance 1942
Fire Brigade Ordinance 1957
Fireworks Ordinance 1972
Flammable Liquids Ordinance 1976
Games, Wagers and Betting-houses Ordinances 1964, 1967
Gun Licence Ordinance 1937
Hawkers Ordinance 1936
Housing Ordinance 1928
Inebriates Ordinance 1938
Landlord and Tenant Ordinance 1949
Lay-by Sales Agreements Ordinance 1963
Law Reform (Manufacturers Warranties) Ordinance 1977
Law Reform (Misrepresentation) Ordinance 1977
Liquor Ordinance 1975
Lotteries Ordinance 1964
Machinery Ordinance 1949
Mercantile Law Ordinance 1962
Milk Authority Ordinance 1971
Motor Omnibus Services Ordinance 1955
Motor Traffic Ordinance 1936
Motor Traffic (Alcohol and Drugs) Ordinance 1977
Nudity Ordinance 1976
Ordinances Revision (Remuneration) Ordinance 1976
Poker Machine Control Ordinance 1975
Police Ordinance 1927
Pool Betting Ordinance 1964
Powers of Attorney Ordinance 1956
Prevention of Cruelty to Animals Ordinance 1959
Prices Regulation Ordinance 1949
Printing and Newspapers Ordinance 1961
Public Baths and Public Bathing Ordinance 1956
Pyramid Selling Ordinance 1973
Queanbeyan Water Supply Ordinances 1925, 1936
Racecourses Ordinance 1935
Rates Ordinance 1926
Remand Centres Ordinance 1976
Remuneration Ordinance 1976
Returned Servicemen’s Badges Ordinance 1960
Sale of Goods Ordinance 1954
Scaffolding and Lifts Ordinance 1957
Sewerage Rates Ordinance 1968
Standard Time and Summer Time Ordinance 1972
Surveyors Ordinance 1967
Theatres and Public Halls Ordinance 1928
Tobacco Ordinance 1927
Appendix 1

Trading Hours Ordinance 1962
Trading Stamps Ordinance 1972
Traffic Ordinance 1937
Water Rates Ordinance 1959
Weights and Measures Ordinance 1929
Weights and Measures (Packaged Goods) Ordinance 1970

Department of Education
Apprenticeship Ordinance 1936
Education Ordinance 1937
Schools Authority Ordinance 1976

Department of Health
Blood Transfusions (Infants) Ordinance 1970
Cigarette Containers (Labelling) Ordinance 1972
Dentists Registration Ordinance 1931
Fluoroscopes Ordinance 1958
Health Commission Ordinance 1975
Insane Persons and Inebriates (Committal and Detention) Ordinance 1936
Meat Ordinance 1931
Medical Practitioners Registration Ordinance 1930
Mental Health Ordinance 1962
Nurses Registration Ordinance 1933
Optometrists Ordinance 1956
Ordinances Revision (Health Commission) Ordinance 1975
Pharmacy Ordinance 1931
Poisons and Dangerous Drugs Ordinance 1933
Public Health Ordinance 1928
Public Health (Prohibited Drugs) Ordinance 1957
Stock Diseases Ordinance 1933
Termination of Pregnancy (Temporary Provisions) Ordinance 1977
Trading in Blood (Prohibition) Ordinance 1973
Tuberculosis Ordinance 1950
Venereal Diseases Ordinance 1956
Veterinary Surgeons Registration Ordinance 1965

STATUTORY AUTHORITIES

There are numerous statutory authorities established by ordinances in the Australian Capital Territory. The Assembly is represented on
some and not on others. The Government proposes to pass to the Assembly the powers to abolish authorities, establish new ones and change the constitution and appointment arrangements for authorities established by ordinances. The existing statutory bodies which would become responsible to the Assembly are listed below:

**Department of the Capital Territory**

ACT Architects Board  
ACT Fire Brigade  
ACT Police  
ACT Totalizator Agency Board  
Agents Board of the ACT  
Building Review Committee  
Building Standards Committee  
Canberra Commercial Development Authority  
Canberra Public Cemetery Trust  
Canberra Showground Trust  
Canberra Retail Makers Trust  
Canberra Theatre Trust  
Consumer Affairs Council  
Liquor Licensing Board  
Milk Authority of the ACT  
Nominal Defendant  
Poker Machine Licensing Board  
Surveyors Board of the ACT  
Valuation Review Board

**Department of Education**

ACT Schools Authority  
ACT Apprenticeship Board

**Department of Health**

Capital Territory Health Commission  
Dental Board of the ACT  
Medical Board of the ACT  
Nurses Board of the ACT  
Optometrists Board of the ACT  
Pharmacy Board of the ACT  
Veterinary Surgeons Board of the ACT
FUNCTIONS TO BE RESERVED

It is emphasised that the Commonwealth would maintain the standing and importance of Canberra as the National Capital. The allocation of responsibilities would reflect the determination of the Commonwealth to protect and preserve the national and Seat of Government interests in the ACT. The place of Parliament and its surrounds, land planning, development, administration and revenues, areas of special national concern and national parks, the Australian National University, the Canberra College of Advanced Education, institutions such as the National Library, the War Memorial and the Art Gallery would all remain within the control of the Commonwealth. Arbitration and conciliation, general industrial conditions and Australia-wide legislation such as the National Health Act, uniform company laws and areas of evolving Commonwealth interest such as consumer credit legislation and national packaging and labelling legislation (which may or may not be implemented in association with State governments) would also be retained.

Functions proposed to be reserved are as follows:

Department of Administrative Services
Responsibility for certain national institutions such as the Australian War Memorial and the National Library.
Responsibility for the Commonwealth car fleet.

Attorney-General's Department
Matters relating to matrimonial causes, custody of infants and unlawful assemblies.

Department of Business and Consumer Affairs
The corporate affairs functions (including company law and the regulation of the security industry).

Department of the Capital Territory
The major function proposed to be reserved is land administration comprising land policy, marketing, management, leases, revenues, conservation, agriculture and forests. The Commonwealth would retain responsibility for real property administration, registration of
births, deaths and marriages and certain areas of national concern such as Lake Burley Griffin, Commonwealth Park and the Botanic Gardens.

The administration of the Jervis Bay Territory would also be retained.

**Department of Construction**

The role of the Department of Construction in relation to the Assembly would be the subject of further consideration by the Government. It would then be necessary for the Department and the Assembly to come to an arrangement in respect of the services to be provided. In the long term the Assembly may wish to make separate provision for such services on its own account.

The industrial undertakings of the Department of Construction would be reserved to the Commonwealth.

**Department of Education**

The Department would retain responsibility for the Australian National University and the Canberra College of Advanced Education, both of which had a wider role than that of catering for the population of the ACT.

The Commonwealth Teaching Service would also be retained as the creation of separate services for the Northern Territory and the ACT would be administratively wasteful and costly. The Service would act as agent for the Assembly Administration in the recruitment of teachers.

**Department of Health**

No territorial functions to be retained.

**Department of the Treasury**

Control of banking and insurance.

**ORDINANCES TO BE RESERVED**

The ordinances listed below relate to functions proposed to be retained by the Commonwealth:
Appendix 1

Attorney-General’s Department

Infants Custody and Settlements Ordinance 1956
Instruments Ordinance 1933
Maintenance Ordinance 1968
Marriage Ordinance 1929
Money Lenders Ordinance 1936
Unlawful Assemblies Ordinance 1937

Department of Business and Consumer Affairs

Associations Incorporation Ordinance 1953
Business Names Ordinance 1963
Companies Ordinance 1962
Companies (Uranium Mining Companies) Ordinance 1970
Marketable Securities Ordinance 1971

Department of the Capital Territory

Aborigines Welfare Repeal Ordinance 1965
Animal and Birds Protection Ordinance 1918
Annual Holidays Ordinance 1973
Apiaries Ordinance 1928
Australian-American Educational Foundation Ordinance 1966
Australian National University (Leases) Ordinance 1967
Buildings (Design and Siting) Ordinance 1964
Canberra College of Advanced Education (Leases) Ordinance 1977
Careless Use of Fire Ordinance 1936
Church Lands Leases Ordinance 1924
Church of England Lands Ordinance 1926
Church of England Trust Property Ordinance 1928
City Area Leases Ordinance 1936
Conveyancing Ordinance 1951
Cotter River Ordinance 1914
Districts Ordinance 1966
Enclosed Lands Protection Ordinance 1943
Enquiry Ordinance 1938
Festival Australia Incorporation Ordinance 1973
Fire Brigade (Administration) Ordinance 1974
Fishing Ordinance 1967
Hire Purchase Ordinance 1961
Holidays Ordinance 1958
Industrial Board Ordinance 1936
Institute for the Study of Man and Society Incorporation Ordinance 1968

Lakes Ordinance 1976
Land Rent (Interim Provisions) Ordinance 1970
Land Rent (Validation and Reappraisal) Ordinance 1970
Land Rent and Rates (Deferment and Remission) Ordinance 1970
Land Valuation Ordinance 1936
Law of Property (Miscellaneous Provisions) Ordinance 1958
Leases Ordinance 1918
Leases (Special Purposes) Ordinance 1925
Leases (Wreck Bay Aboriginal Housing Company Limited) Ordinance 1977
Long Service Leave Ordinance 1976
Mining Ordinance 1930
National Memorials Ordinance 1928
Noxious Weeds Ordinance 1921
Ordinances Revision (Administrative Arrangements) Ordinance 1976
Plant Diseases Ordinance 1934
Police (Administration) Ordinance 1975
Police (Disciplinary Provisions) Ordinance 1972
Police Pensions Ordinance 1958
Pounds Ordinance 1928
Protection of Lands Ordinance 1937
Public Parks Ordinance 1928
Presbyterian Church (Proposals for Union with Other Churches) Ordinance 1972
Presbyterian Church Trust Property Ordinance 1971
Real Property Ordinance 1925
Real Property (Conversion of Titles) Ordinance 1967
Real Property (Unit Titles) Ordinance 1970
Recovery of Lands, Ordinance 1929
Registration of Births, Deaths and Marriages Ordinance 1963
Registration of Deeds Ordinance 1957
Queanbeyan Leases Ordinance 1929
Rabbit Destruction Ordinance 1919
Roads and Public Places Ordinance 1937
Roman Catholic Church Property Trust Ordinance 1937
Rural Workers Accommodation Ordinance 1938
Salvation Army Property Trust Ordinance 1934
Seat of Government (Administration) Ordinance 1930
Seat of Government (Designation) Ordinance 1938
Seat of Government Railways Ordinance 1923
Seaweed Protection Ordinance 1974
Appendix 1

Soil Conservation Ordinance 1960
Statistics Ordinance 1929
Stock Ordinance 1934
Timber Protection Ordinance 1919
Trespass on Commonwealth Lands Ordinance 1932
Unit Titles Ordinance 1970
Uniting Church in Australia Ordinance 1977
Walter Oswald Watt Memorial Fund Ordinance 1938
Water (Restriction of Use) Ordinance 1959
Wild Flowers and Native Plants Protection Ordinance 1936
Workmen's Compensation Ordinance 1951

The Treasury

Australian Mutual Provident Society Ordinance 1945
Companies (Life Insurance Holding Companies) Ordinance 1968

Department of Finance

Unclaimed Moneys Ordinance 1950

OVERLAPPING FUNCTIONS

Included in the above lists are functions which would involve some overlapping of responsibility between the Commonwealth and the Assembly, for example, animal control, lakes, pollution control, public lands, public parks and roads.

The administration of such matters would need to be the subject of negotiation and cooperation between the Commonwealth and the Assembly.

Some ordinances would require amendments to give effect to the delegation of functions and the division of responsibility, for example, the Land Rent and Rates (Deferment and Remission) Ordinance.

Some areas of administration in the Territory would be considered later by the Government in regard to either their transfer to the Assembly or their reservation to the Commonwealth. They were mostly Attorney-General functions and their transfer would present legal problems. They include:
- The courts of the Territory
- Services performed by the staff of the courts
- Court reporting
Proposed Constitutional Development

- The legal profession
- Responsibility for prosecuting indictable and other offences
- Responsibility for the removal and release of prisoners under the Removal of Prisoners (ACT) Act
- Common law and customary functions at present performed by the Commonwealth Attorney-General.

The position of the ACT Electricity Authority would also be considered later. There were legal and practical problems associated with interstate supply agreements.

The relevant ordinances for further consideration are listed below:

**Attorney-General's Department**

Child Welfare Ordinance 1957 Part 3
Coroners Ordinance 1956
Court of Petty Sessions Ordinance 1930
Enforcement of Public Interests Ordinance 1973
Evidence Ordinance 1971
Foreign Judgments (Reciprocal Enforcement) Ordinance 1954
Interpretation Ordinances 1937, 1967
Juries Ordinance 1967
Law Reform Commission Ordinance 1971
Legal Aid Ordinance 1972
Legal Practitioners Ordinance 1970
Ordinances Citation Ordinance 1976
Sheriff Ordinance 1934
Small Claims Ordinance 1974
Supreme Court Ordinance 1952

**Department of the Capital Territory**

Electrical Interference Ordinance 1935
Electricity Ordinance 1971

**CONSTITUTIONAL ARRANGEMENTS**

The Australian Constitution provides that the Commonwealth Parliament may make laws for the government of the territories, including the Australian Capital Territory.

The Government does not intend that there will be another State. It is proposed that there would be a delegation of powers and functions to an elected Australian Capital Territory Assembly—substituting in the main for the powers and functions which are
at present exercised by Ministers under the Seat of Government (Administration) Act.

The Assembly would have delegated power to pass ordinances for the government of the Territory. Assembly ordinances would become law when assent is given by the Governor-General in Council. The Governor-General in Council would be empowered to withhold assent, tabling in both Houses the bill for the ordinance and the reasons for withholding assent.

The Governor-General in Council would also have the power, in the interests of the National Capital or the Seat of Government, to make ordinances not considered by or not passed by the Assembly. Such ordinances and the reasons for their introduction would be tabled in both Houses of Parliament.

An ordinance, similar to the existing Seat of Government (Administration) Ordinance, would detail those ordinances relating to functions reserved by the Commonwealth. In the event that the Assembly initiated an ordinance amending or overriding a Commonwealth ordinance, the Governor-General in Council could withhold his assent.

As the Governor-General in Council would have a role in the making of all ordinances the possibility of overlap or conflict between ordinances should be no greater than at present. Appropriate provisions would be included in the enabling Act to cover the possibility of conflict.

The Parliament would be given the power to disallow ordinances passed by the Assembly (as well as those made by the Governor-General in Council). It is emphasised, however, that it would not be the Government's intention to attempt to reject or supersede the Assembly's decisions on local laws or administration except in special circumstances involving National Capital or Seat of Government interests.

The power of disallowance of an ordinance by the Parliament would provide for a positive resolution that a particular ordinance be disallowed instead of the present procedure whereby a motion for disallowance can become effective, amongst other ways, if it is not considered within a set period. The Parliament would need to debate and positively reject the ordinance. Again, the Government proposes that there would need to be substantial argument adduced to convince the Parliament that an ordinance passed by the elected representatives of the people of the Territory should be disallowed.

Ordinances passed by the Assembly would be certified by the Presiding Officer of the Assembly and transmitted to the Minister responsible for submission to the Governor-General in Council. In accordance with the Government's pre-election assurances, the
Minister would be required to submit the Assembly ordinances to the Governor-General in Council without amendment and without delay.

The Commonwealth Parliament would retain its constitutional powers to pass Acts relating to the government of the Australian Capital Territory and to pass laws which apply to Australia including the ACT.

ACT ASSEMBLY

It is proposed that the legislation would establish an elected Australian Capital Territory Assembly exercising delegated powers to make ordinances for the government of the Territory.

The Assembly would consist of eighteen Members elected as at present by proportional representation in two electorates of nine Members each.

Political parties would be grouped on the ballot papers if so requested and lots for positions would be drawn. Independent candidates would have the same right to positions on the ballot papers as the political parties, that is, ungrouped candidates would not automatically go to the end of the ballot papers.

Casual vacancies would be filed through selection by the political parties involved or, in the case of a casual vacancy of an independent, through a countback to select the next available ungrouped candidate.

The Assembly would serve a three-year term of office and the Governor-General in Council would have the power to dissolve the Assembly and issue writs for elections. In the normal course of events the Government would be guided by the Assembly in such matters as times for elections. However, the Governor-General in Council would also have the power to dissolve the Assembly in the National Capital interest if it was unable to act due to an irreconcilable deadlock or if there was evidence of substantial financial mismanagement or corruption.

There would be a Presiding Officer of the Assembly selected by the Assembly. He would exercise authority over the conduct of debates in the Assembly and would have a deliberative vote.

The Assembly would select five Members who would form an Executive which it is expected as a general principle would stand or fall together. The Executive would be responsible to the Assembly for the administration of the functions to be delegated. The Assembly Executive would elect a Chairman. Individually, members of the Executive would have responsibility for specific areas of the
administration and for the introduction of relevant legislation into the Assembly. All Members of the Assembly, however, would have the right to introduce legislation.

The Executive would have the power to make regulations under Assembly ordinances and those regulations would be tabled in the Parliament and be open to a positive resolution for disallowance by the Parliament. The way the Assembly dealt with these regulations would be for it to determine.

The Assembly would control its own procedures and would determine its own standing orders.

There would be a privilege provision to protect Members in Assembly debates.

Salaries and allowances for all Members of the Assembly would be determined by the Remuneration Tribunal and paid from the Territory Treasury.

The Government does not see as necessary a full-time involvement of Assembly Members in legislative and administrative responsibilities. There would be full-time salaried staff to provide services for the Assembly Administration. It would be expected that the Chairman and members of the Executive would need to spend more time on their duties than the other Members of the Assembly and the Government would submit to the Remuneration Tribunal that payments should be based on an assessment of the time factors and responsibilities involved and on the encouragement of citizens of ability and expertise to participate in Territorial government.

Almost two-thirds of the employed workforce in the Territory are public servants or Commonwealth employees and it would be a denial of democracy if they were not encouraged to participate in the community involvement of Assembly deliberations and activities. To date no problems have been encountered in relation to such employees who have participated in similar bodies and it is felt that this situation should continue. It is proposed that any public servant or Commonwealth employee elected to the Assembly would not be inhibited in his performance of Assembly duties by employment restrictions.

Arrangements would ensure that Commonwealth employees were not discouraged or disadvantaged by nominating for or being elected to the Assembly and the Government would expect that private employers would want to take similar action in regard to their employees. It is vital to the success of the proposed democratic processes that all citizens of the Territory should have the right—and the encouragement—to participate in the Assembly's exercise of powers and responsibilities.
ACT ASSEMBLY ADMINISTRATION

There would be an ACT Assembly Administration under the direction of a General Manager responsible to and appointed by the Assembly Executive. The Executive would have the power to direct the General Manager as to the policies he should pursue.

The Assembly Administration would be similar to a Commonwealth department with the General Manager in a similar position to the Permanent Head of a department. The question of whether the Assembly could determine its own staff numbers would be one for negotiation between the Assembly and the Government at a later stage. Staff of the Administration would continue to be employed under the legislation governing their present employment, for example, the Public Service Act, and existing industrial awards and processes would continue to apply.

The Government does not propose to delegate to the Assembly independent powers over salaries, wages and conditions of employment and the Government emphasises that public servants, teachers, hospital employees, transport workers and all those employed by the Commonwealth and its various authorities would continue to enjoy their present rights.

The Government recognises that in Canberra it would be inappropriate to create a separate and independent Territorial Service. Under the proposed arrangements public servants, for example, would continue to be allowed to move freely from and to the Assembly Administration and all Commonwealth departments and would be entitled to all promotion and appeal rights through all departments and the Assembly Administration and to enjoy all the benefits generally applied to staff under the Public Service Act.

LAND FUNCTIONS

The Parliamentary Joint Committee on the Australian Capital Territory recommended in its 1974 Report that overall land planning, development and administration should be reserved to the Commonwealth in any self-government proposal.

The Government accepts this principle—subject to an evolving local community role in neighbourhood planning and development. Procedures for increased community involvement would be included in legislation and would ensure that the Assembly had a defined responsibility in the determination of local policies and plans.

This would result in a modification of the role of the National Capital Development Commission and review of its formal rela-
tionship with its Minister. The Commission would retain the responsibility for overall development plans but be subject to formal procedures detailed in the legislation to ensure that the elected Assembly was consulted on the policies pursued by the Commission and the overall plans it developed. Where the Commission and the Assembly were unable to reach agreement on the Commission’s proposals the Minister would make the final decision.

ADMINISTRATION OF RESERVED FUNCTIONS

Departments which at present have responsibilities for functions to be reserved would retain those responsibilities except for the Department of the Capital Territory which would be abolished.

Arrangements would be made to locate within an appropriate Commonwealth department those reserved functions which remained including:
- Land administration—comprising land policy, marketing, management, leases, revenues, conservation, agriculture and forests
- Real property administration
- Registration of births, deaths and marriages
- Jervis Bay administration
- Liaison between the Commonwealth (Ministers, departments and instrumentalities) and the ACT Assembly.

The Minister with those responsibilities would submit the Assembly’s ordinances to the Governor-General in Council as well as those relating to his own responsibilities.

The National Capital Development Commission would be responsible to the same Minister.

ASSEMBLY COSTS

The total direct cost of the Assembly in 1976–77 was almost $265,000. The proportion of the total Assembly Budget attributable to direct Assembly costs after delegation would be a matter for the Assembly itself. After delegation, there would be costs which were not incurred by the Assembly at present—these include office accommodation, insurance, petrol excise and other taxes and overdraft and loan-raising costs.

In addition to the continuing costs for which the Assembly would be responsible there would be a one-time establishment cost estimated at more than $1 million. This cost would be borne by the Commonwealth.
CAPITAL WORKS PROGRAM

The Assembly would be responsible for financing its own capital works program from revenues, loans and grants.

FINANCIAL ARRANGEMENTS

A separate Treasury would be established for the Assembly and the moneys of the Assembly would not be paid into the Consolidated Revenue Fund of the Commonwealth. The enabling legislation would include a provision to the effect that all moneys raised by the Assembly would be placed in an appropriate Assembly fund, with no moneys to be expended from the fund except through an appropriation by the Assembly.

The Budget of the Assembly would be prepared to cover the relevant items of revenue and expenditure. The receipts figures in the table below, which are for the year 1975–76, illustrate the relative financial situation of the ACT.

Comparison of receipts in respect of functions proposed to be delegated to the ACT Assembly—New South Wales, Tasmania and the ACT

<table>
<thead>
<tr>
<th>1975–76</th>
<th>NSW(a) per capita</th>
<th>Tas(a) per capita</th>
<th>ACT(b) per capita</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taxes, fees and fines</td>
<td>333</td>
<td>251</td>
<td>190</td>
</tr>
<tr>
<td>Income from public enterprises</td>
<td>26</td>
<td>52</td>
<td>39</td>
</tr>
<tr>
<td>Financing items</td>
<td>41</td>
<td>38</td>
<td></td>
</tr>
<tr>
<td>Commonwealth payments and borrowings</td>
<td>508 (c)</td>
<td>881(c)</td>
<td>1075</td>
</tr>
<tr>
<td>Total receipts</td>
<td>908</td>
<td>1222</td>
<td>1304</td>
</tr>
</tbody>
</table>

(a) Based on Australian Bureau of Statistics publications and Budget Document No. 7, August 1976.
(b) Based on draft 1975–76 Territorial and Municipal Accounts compiled by the Department of the Capital Territory.
(c) Includes borrowings under Loan Council arrangements.

The figures demonstrate the substantial gap between the proceeds of municipal and territorial rates and taxes and the total receipts required to meet the cost of the functions at the existing
standards of service. To some large extent the gap is currently bridged by Commonwealth funds which can be seen as taking the place of funds received by the States in the form of capital and revenue grants and approved borrowing programs.

In financial negotiations with the Commonwealth the Assembly would be expected to reduce this gap progressively. The result of these negotiations would largely determine the Assembly's annual budget and the standard of services to be provided.

The principle which will ultimately govern the provision of financial assistance to the ACT would be that the ACT would be enabled, by revenue efforts comparable to those of the States, to provide services at a standard not appreciably different from the standards of the States. This 'equalisation principle' implies that the level of general revenue assistance to the ACT would reflect an equalisation element determined on a similar basis to the equalisation element provided to the States.

There would be an initial stage during which, in consultation with the ACT Executive, the present relatively high general level of financial assistance to the ACT would be progressively and responsibly lowered to a level of assistance which, after allowance for special factors which arise in the context of Canberra as the National Capital and Seat of Government, would be equivalent to that provided in the States.

Imposts such as gaming taxes, duties of various kinds, registration and licence fees and charges for services are applied in the States and the Assembly would need to examine these and other sources of revenue. However the Assembly would not have responsibility for, or access to, fees and charges in respect of functions that were reserved to the Commonwealth.

Where the Commonwealth required specific services and facilities for the National Capital in respect of those functions delegated to the ACT Assembly, it would be prepared to provide assistance towards the cost of those standards. Other special disabilities such as a reduced tax or revenue base, arising from the large Commonwealth presence in the ACT and the fact that certain costs would continue for some time because of previous Commonwealth decisions, would also be the subject of negotiation.

The extent of any Commonwealth assistance to the Assembly in respect of such special factors would be a matter for assessment during discussions between the Assembly and the Commonwealth.

Financial and accounting procedures would need to be evolved before the transfer of any administrative functions could be effected. The Government is aware of the tremendous amount of planning involved in the development of financial legislation and procedures
which will take cognizance of today's methods, techniques and circumstances.

There are many associated matters which will require resolution including the transfer of capital assets and debts, the role of the Commonwealth Auditor-General, and Assembly borrowings. These can only be determined on the basis of an agreed delegation of functions.
Appendix 2

The Australian Capital Territory:
A Brief Chronology

The following items may provide some framework of history. Scores of other items could have strong claims for inclusion. This limited selection is expected only to give some hints of the development story both before and after the region became the Capital Territory and of the main changes in administrative arrangements.

1820–90

To recall early colonial discovery and settlement, the following should be noted.

1820  Governor Lachlan Macquarie visited Lake George and neighbouring areas with an ex-naval surgeon, Charles Throsby, who surveyed a road line to Goulburn plains.
1825  Joshua John Moore, veteran of Waterloo, acquired 405 ha (1,000 acres) at Canberry. Robert Campbell, Sydney’s first free merchant, with overseer James Ainslie, drove cattle from Bathurst to Piallago, and acquired Duntroon property.
1829  Robert Dixon, assistant-surveyor, came from Sydney to fix boundaries of squatting runs and to settle place names on maps, including Queanbeyan and Canberra.
1841  Building commenced on St. John’s Church, Canberra.
1863  First post office opened in Canberra.
1864  Canberra and Sydney were linked by a weekly transport service: coach to Picton, rail thence to Sydney.
1869  William James Farrer came to Duntroon; he later settled at Lambrigg where he made his principal experiments with wheat.
1885  Queanbeyan Municipal Council established.
Federation and the choice of a site

1891 Frederick Campbell’s homestead, “Yarralumla”, was built.

1898 With Federation virtually certain, and agreement that the capital eventually should be located in New South Wales, the N.S.W. government appointed Alexander Oliver to report on possible sites.

1899 In the Queanbeyan Observer, John Gale advocated this district as a site for the capital. The Queanbeyan Municipal Council resolved “that this district possesses singular advantages as the site for the capital”.

1900 Oliver held an inquiry at Queanbeyan courthouse at which submissions were made by Frederick Campbell (Yarralumla), J. Fitzgerald (Tuggeranong), William Farrer (Lambrigg), J. Gale, a journalist, and several others.

1901 The governor-general, LordHopetoun, commissioned Edmund Barton to form a federal government. Federal elections were held in March, and the first Parliament opened in May.

1902-5 Commonwealth parliamentarians inspected various possible sites. A Commonwealth Royal Commission considered regions as far apart as Albury and Armidale. The Commonwealth Parliament decided on Dalgety.

1907 The Commonwealth Parliament repealed the 1904 Act selecting Dalgety, and accepted the Scrivener report recommending the Yass-Canberra district with the present Ainslie-Civic-Manuka-Kingston area as the site for the city.

First steps in designing and building Canberra

1908-10 Legislation by the N.S.W. and Commonwealth Parliaments arranged transfer of approximately 2,330 km² (900 sq. miles), provided that N.S.W. laws would continue to apply until superseded, and arranged for administration of the Capital Territory.

1910 A site was reserved for Mt. Stromlo Observatory. Duntroon was chosen for the Royal Military College. Topographical surveys and geological models of the area were prepared.

1911 On 1 January the area formally became the Federal Capital Territory. Some basic engineering works were
begun. The Fisher government advertised the design competition. Queanbeyan voted "No" in a referendum on possible inclusion in the F.C.T.

1912 The prize winners in the design competition were announced: (1) Griffin; (2) Saarinen; (3) Agache. The departmental board advised the minister for Home Affairs, King O'Malley to select and adopt parts of the winning designs.

1913 Canberra was named at the foundation ceremony. The new minister for Home Affairs abolished the departmental board and appointed Griffin Federal Capital Director of Design and Construction for a period of three years.

1914 David Miller sought establishment of a commission to develop Canberra, with himself as head and Griffin as a consultant only. Following the change of government, the new minister for Home Affairs was more sympathetic to Miller than to Griffin. Government preoccupation with the war adversely affected capital city development.

1915 72.5 km² (28 sq. miles) at Jervis Bay was added to the F.C.T. for a port and naval college site. Forest development was begun at Mt. Stromlo.

1917 The Blackett Commission report strongly supported Griffin and criticized departmental obstruction.

1918 An internment camp was built in Canberra for 600 Germans; the buildings were later used as temporary dwellings for construction workers.

1919 The Hughes Government, with Littleton Groom as minister for Works, decided on an early move to Canberra and continued use of the Griffin plan.

1920 A visit to Canberra by the Prince of Wales revived interest in the capital city scheme, though many commentators still doubted the wisdom or likelihood of the new city being built.

1921 The population of the F.C.T. was estimated at 2,500, of whom 1,150 were in the Canberra city area. Griffin reluctantly withdrew. The Federal Capital Advisory Committee recommended a three-stage programme of construction.

1922 Construction of first school in Canberra began at Telopea Park. All parties in the federal election promised action to make Canberra the seat of government.

1923 The Bruce-Page government decided that Parliament should sit in Canberra by 1926-7.

1924 The first auction of city leases was held; 147 were sold.
The first meeting of federal Cabinet in Canberra took place in Yarralumla, which had been purchased to serve as Government House.

1925 On 1 January the Federal Capital Commission took office. It comprised Sir John Butters (an engineer and general manager of Tasmania’s hydro-electric scheme) as chairman, Sir John Harrison (a builder) and C.H. Gorman (real estate); C.S. Daley was secretary.

1926 The *Canberra Times* commenced publication, owned and edited by the Shakespeare family.

1927 Parliament was opened in Canberra by the Duke of York. The Representation League petitioned for parliamentary representation.

1928–39

*Economic depression and growth postponed*

1928 After a referendum favoured licensing of premises in Canberra, an ordinance licensed four hotels and three cafes, with the Federal Capital Commission the main vendor of alcoholic beverages. One member of the F.C.C. was now to be elected locally.

1929 As the economic recession became noticeable, funds for construction were much reduced. Roads to Captain’s Flat and Bungendore were undertaken as relief works.

1930 The population of the F.C.T. was estimated to include 7,290 in Canberra and 1,823 in rural areas. The Federal Capital Commission was abolished. An Advisory Council was established comprising three departmental heads and three elected members, plus the Civic Administrator. The Canberra University College began operating, linked to the University of Melbourne.

1931 The Federal Highway was completed, linking Canberra with the Sydney–Melbourne road.

1934 The Australian War Memorial was commenced. Legislation provided for an A.C.T. Supreme Court and a magistrate, but no appointments of resident judge or magistrate were made. Of 8,500 residents in the F.C.T., more than 800 were unemployed.

1935 Cabinet renewed its proposals for transfers to Canberra.

1936 The United Kingdom High Commissioner took up residence in Canberra.
The Advisory Council proposed establishment of a Legislative Council.

The F.C.T. was renamed the Australian Capital Territory. The National Capital Planning and Development Committee was set up.

Canberra High School opened. Relief work for the unemployed was still a regular feature.

The Second World War and postwar period

1939–40 Cabinet held sixty-four meetings in Canberra, compared with twenty in Sydney and thirty-four in Melbourne; the War Cabinet held thirty-six meetings in Canberra, fourteen in Sydney and seventy-three in Melbourne.

An aircrash near Canberra killed four ministers and the chief of the general staff. The United States ambassador, the first foreign diplomatic representatives in Australia, became resident in Canberra.

The Curtin government restated their commitment to develop Canberra as an effective capital.

Uniform Income Tax meant that A.C.T. residents now paid income tax on the same basis as state residents; previously only a federal tax applied. New diplomatic missions were opened by China and the Netherlands.

A new hospital was partly completed as an American military hospital. The U.S.S.R. established diplomatic representation.

Sir Howard Florey was appointed to report on a proposed Institute of Medical Research for Canberra. France established diplomatic representation.

The Department of Works and Housing, separated from the Department of the Interior, was established in Melbourne. India established diplomatic representation.

Eire established diplomatic representation.

Canberra's population reached 15,156. There were 1,445 on the waiting list for government housing. The new chairman of the Public Service Board, William Dunk, encouraged plans for transfers to Canberra. Sweden established diplomatic representation.

The Public Service Board, Treasury, and the Departments of the Interior and Works and Housing planned a four-
stage transfer to Canberra. Legislation provided for an A.C.T. member in the House of Representatives, with voting rights limited to matters directly affecting the A.C.T. Belgium established diplomatic representation.

1949 Dr. L. Nott was elected the first M.H.R. for the A.C.T. The Cole Report to the Department of the Interior proposed a municipal council for Canberra. South Africa, Ceylon, Finland, and Italy established diplomatic representation.

1950 The Canberra population reached 22,075. The National Capital Planning and Development Committee recommended some changes to the Griffin plan, including elimination of a large part of the lake scheme.

1951 The first auction of leases since 1927 was held. Jim Fraser was elected M.H.R. on the death of Dr. Nott. William Holford was principal speaker at a town planning conference in Canberra. The Australian National University opened.

1952 The Public Service Board reported little progress on transfers to Canberra. The waiting list for government housing reached 2,700. Austria and Germany established diplomatic representation.

1953–72

Growth and development

1953 The Australian Broadcasting Commission radio station 2CN opened. A Senate Select Committee was appointed to report on Canberra’s development.

1954 Eighty per cent of Canberra’s dwellings had the Department of the Interior as landlord.

1955 Canberra’s population reached 30,172 with an additional 2,038 in rural areas. The report of the Senate Select Committee, Senator J.A. McCallum chairman, urged vigorous and immediate action to develop the capital. A report by the Royal Institute of Public Administration advocated responsible government for the A.C.T., through an elected Capital Council.

1956 A Joint Parliamentary Standing Committee on the A.C.T. was established.

1957 William Holford reported to Prime Minister Menzies on the development of Canberra. Legislation provided for the
establishment of the National Capital Development Commission.

1958 The Canberra population reached 39,061. The N.C.D.C. was constituted with John Overall as commissioner, Grenfell Rudduck and William Andrews as associated commissioners, and R.B. Landsdown as secretary-manager and Peter Harrison as chief town planner.

1959 The Academy of Sciences building was opened. Some Defence Department transfers from Melbourne began. There were predictions that a population of 100,000 was likely by 1969–70.

1960 The contract for the first stage of the Lakes Scheme was let. Canberra University College merged with the Australian National University.

1961 Canberra's population reached 56,449. Only 58 per cent of dwellings were now leased by the Department of the Interior.

1962 Restricted auctions of leases were introduced, with special leases for charitable, community and religious organisations, and staged group leases for builders. The A.C.T. Electricity Authority was established. The N.C.D.C. published its general proposals for 1962–7. Henry Wells reported to the N.C.D.C. on Canberra as a financial investment.

1963 The Jubilee Year of Canberra’s foundation. The Law Courts and Printing Office were opened, together with new retail and office blocks in Civic. There was a rapid increase in the number of hotels and motels, and in headquarters organizations being opened in Canberra.

1964 Lake Burley Griffin was completed and filled. Legal authorities urged the need for review and reform of A.C.T. law.

1965 An improved road linked Canberra to the south coast at Bateman’s Bay. The Canberra Theatre Centre, the Mint and a new building for the Bureau of Mineral Resources were built.

1966 Full voting rights were conferred on the A.C.T. M.H.R. A Select Committee was appointed to report on a permanent Parliament House.

1967 Canberra’s population reached 100,938. The first buildings in the new town of Belconnen were begun, and the N.C.D.C. opened its first transportable information centre to serve new suburbs in their early stages. The Department of the Interior was concerned at proposed subdivision of
freehold lands in noncity areas, but an ordinance to prevent this was disallowed in the Senate. The Joint Parliamentary Committee on the A.C.T., was asked to report on freehold lands. The Department of the Interior issued *Self-government for the A.C.T.: A Preliminary Assessment*.

1968 The Joint Committee on the A.C.T. recommended acquisition of all remaining freehold lands. It also supported publicly owned retail fruit and vegetable markets. The Department of Education and Science took over education and functions from the Department of the Interior.

1969 Building began in the new district of Weston Creek. The A.C.T. police force now numbered 288.

1970 On the death of Jim Fraser, Kep Enderby was elected M.H.R. Land rent was virtually abolished. There was controversy about this and the new system of valuation and rating. The first notional municipal accounts for Canberra were published showing an estimated deficit of $2.3 million. The Joint Committee on the A.C.T. began inquiries into Sunday observance laws and employment opportunities. Rumours about the proposed Black Mountain Tower appeared in the *Canberra Times* in November. The N.C.D.C. published *Tomorrow’s Canberra* which presented a success story of development 1958–70 and outlined plans for linear-city growth and for redevelopment.

1971 The A.C.T.’s population reached 141,500. The Woden Valley flood on 26 January was followed by disputes over responsibility for prevention, warning, rescue, etc. The A.C.T. Advisory Council investigated the notional municipal accounts and challenged some of the allocations of costs to the municipal category. Legislation established the A.C.T. Milk Authority.

1972 The A.C.T. Law Reform Commission produced several reports, including that on Imperial Acts in force in the A.C.T. In reporting on employment opportunities, the Joint Committee on the A.C.T. advocated restraint on Canberra’s growth with a maximum target of 500,000 and a joint regional planning agency for border areas with New South Wales.
1973–

The latest phase

1973  In February the Department of the Capital Territory took over from the Department of the Interior; Enderby became minister. The N.C.D.C. was linked with the new Department of Urban and Regional Development. Plans were formulated for an interim A.C.T. Schools Authority, and proposals for a Housing Authority and a Health Commission. The Joint Committee on the A.C.T. was asked to extend its inquiry into finances to self-government as well. The attorney-general proposed amalgamation of the A.C.T. police into an Australian police force.

1974  A second M.H.R. for the A.C.T. was provided. At the general election the Labor party won both seats. Gordon Bryant became minister for the Capital Territory. The Advisory Council was replaced by a fully elected Legislative Assembly. At the September election, seven Liberal, four Labor, two Australia party, and five Independent candidates were successful.

1975  The Joint Committee on the A.C.T. advocated substantial transfer of self-governing powers to the Legislative Assembly and a consolidated A.C.T. administration. The N.C.D.C. recommended expansion of the Capital Territory to take in areas north and north-west of Canberra, and the N.S.W. government set up an inquiry into the proposal. At the December general election, two senators were provided for the A.C.T. The Liberal party and the Labor party each returned one M.H.R. and one senator.

1976  The new federal government decided not to continue with the amalgamation of the A.C.T. police, and agreed with the N.S.W. government that there should be no increase in the area of the A.C.T. The minister for the Capital Territory, Tony Staley, established a task force to report on transfer of powers to the Legislative Assembly. After its report, the minister foreshadowed plans to make the Assembly an executive as well as legislative body after the September 1977 elections, but without indicating the functions to be transferred. The latest population estimate showed approximately 185,000 residents in the A.C.T.
Chronology

1977 Four main things were seen as needing attention: development programmes; transfer of powers to the Assembly; clearer separation of national from other accounts for A.C.T.; and planning procedures and practices, currently being examined by Joint Committee on the A.C.T.

N.C.D.C. produced tentative plans for urban development for c 45 years within A.C.T. borders; Assembly election was postponed but Ministerial Statement was issued 16 September, indicating a more powerful Assembly by late 1978. The other matters were still under consideration in early 1978.
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