



DEBATES
OF THE
LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY
FIFTH ASSEMBLY
WEEKLY HANSARD

7 DECEMBER

2004

Tuesday, 7 December 2004

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MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital territory.

Temporary deputy speakers—nomination

MR SPEAKER: Pursuant to the provisions of standing order 8, I nominate Mr Gentleman and Mrs Burke to act as Temporary Deputy Speakers. I table my correspondence to that effect.

Petitions

The following petitions were lodged for presentation.

By Mr Stanhope, from 108 residents:

Residential core zoning

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that your petitioners are residents of the Australian Capital Territory who will be affected adversely by Part B1 of the Residential Land Use Policies under Variation 200 to the Territory Plan (Variation 200), specifically the 'Area A10 Residential Core' (A10) zones; and that your petitioners are not aware of having received any direct communication from the Government concerning the policy formulation of Variation 200 and A10 zoning.

Your petitioners therefore request the Assembly to: declare a moratorium on the implementation of 'Area A10 Residential Core' zoning, including plans for multi unit development in the design concept stage and development applications proposed but not yet approved, to allow independent research into (a) the actual need for A10 zones in each suburb, (b) the social, financial and environmental impacts on existing residents of medium density residential development within each suburb and (c) the impact of this level of development on service infrastructure in and around the A10 zones; and to include new submissions by affected residents.

Residential core zoning

By Mr Stanhope, from 406 residents:

TO THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that your petitioners are residents of Aranda who will be

affected adversely by Part B1 of the Residential Land Use policies under Variation 200 to the Territory Plan (Variation 200), specifically the 'Area A10 Residential Core' (A10 zones) of Aranda; that the A10 zones in Aranda are based on a fallacy, because there are no real Aranda shops; and that your petitioners are not aware of having received any direct communication from the Government concerning the policy formulation of Variation 200 and A10 zoning.

Your petitioners therefore request the Assembly to: declare a moratorium on the implementation of Variation 200 in Aranda, including plans for multi unit development in the design concept stage and development applications proposed but not yet approved, to allow independent research into (a) the actual need for A10 zones in Aranda, (b) the social, financial and environmental impacts on existing residents of medium density residential development within Aranda, (c) heritage aspects of Aranda, and (d) the impact of this level of development on service infrastructure in and around the A10 zones; and to include new submissions by affected residents.

The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy referred to the appropriate minister, the petitions were received.

Inaugural speeches

MR GENTLEMAN (Brindabella): I ask for leave of the Assembly to make my inaugural speech.

Leave granted.

MR GENTLEMAN: Mr Speaker, I wish to begin my inaugural speech to the Assembly by acknowledging the first occupants of the land of the Canberra region, the Ngunnawal people. These people were dispossessed of their lands and treated unjustly. We seek to acknowledge and redress past and present injustices, and celebrate the contribution of indigenous people to our community.

I am honoured to represent this community—the people of Brindabella—in the Assembly. I believe that participation is the best form of representation, but it is by no means exclusive to representation. Participation is not an individual pursuit, and I would like to thank those who have been involved with me in working for our community. Our collective achievements have brought me to this place, to work with this first majority Labor government to build the kind of inclusive and just society we strive for.

First, and most importantly, I would like to thank the people of Brindabella for their support, with the hope of their continued involvement with my work as a member, with the work of this Assembly and in our community. Thank you to the branch members of the ALP, with whom I share a commitment to the true Labor values of fairness and social justice, and who are a constant support for those who put our hands up for the honour of representing the Labor Party. In particular, I would like to acknowledge the exceptional work of the staff of the ACT branch office—secretary Matthew Cossey; Melissa Fairhall and Liz Bateson.

I would also extend particular thanks to Bill Wood, whose service to the people of Brindabella over the 15 years he dedicated to this Assembly was exemplary; to the Chief

Minister, Jon Stanhope, whose leadership since 2001 has effected real change in our community, in rebuilding public services and building a vibrant and inclusive environment for Canberra for Canberrans to thrive in; and to you, Mr Speaker, for your commitment to the people of Canberra through your long service in this Assembly.

While the list of all those who gave up their valuable time and energy during my campaign and on polling day is too long to mention, I thank all of you for your belief in the work that we have done, and will do, together. I make particular note of John Tuckey, Jenny Appleby and Mark Hogan for their enduring and uncompromising support. To Kave Ringi, Katherine Swarbuck, John Clarke, Kerry and Zac Bush, Liz McKittrick, John Edwards, Rebecca Driver and my daughter Kirrilee Gentleman: their work made it possible to complete all of those challenging campaign tasks.

Thank you to my mentors, both in the Transport Workers Union and now in political life, Andrew Whale and Trevor Santi, and to those current officials of the Transport Workers Union—Al McLean, Klaus Pinkas, Tony Sheldon, Nymron Nyols and Scott Connelly. Thank you for your work and your support, both in a personal sense and as part of the movement of which I am so honoured to represent. Finally to the members of the Transport Workers Union, whom I have so proudly served in the past: you make the union what it is. To the labour movement in Canberra and beyond, I thank you for your commitment, support and involvement in the struggle for fair wages, decent work and progressive social change.

This family of the labour movement is one I am proud to belong to and am honoured to represent in this Assembly. My experience of living, working and raising a family in the Canberra community, and in my electorate of Brindabella in particular, has been one of being involved in our community. Working for equality, social change and social justice has been key to my working history as a mechanic, postal worker and security officer—and for the Transport Workers Union as a special projects officer.

The traditions of the Australian Labor Party are deeply rooted in the struggles of Australian workers for a fair go, decent working conditions and a fair day's pay. These struggles continue today. We strive for job security, equal pay, paid parental leave, workers' entitlements and a balance between work and family. The history of the labour movement is one of involvement and participation in our communities and of struggle for what is right and what is fair. Decent wages and conditions for working people are essential for working families and for a vibrant, functional and inclusive community. I continue to be proud of my personal commitment to, and the work of, the labour movement. My work has been about delivering for and being engaged with the community. Now entering into the Assembly, I am both informed by these experiences and committed to continuing my engagement with the grassroots energy of our community.

Canberra is an exciting place to live and my electorate of Brindabella, the Tuggeranong Valley and the Woden suburbs of Chifley, Pearce and Torrens, holds many opportunities for involvement—from the community arts projects, access to Namadgi national park and other beautiful open spaces, to the services available in the Tuggeranong Centre and the local shopping centres. Local sporting and community organisations are active. I have spent many a Sunday morning watching my kids play sport in the Tuggeranong

Valley. The interweaving of sporting, community organisations and activities creates a vibrant and dynamic Tuggeranong.

The living opportunities in Brindabella are constantly evolving. In 1979 I rallied through the streets of what is now Richardson, and watched the Castrol international rally in what is now Macarthur. Neither is an option now, with the development of the area as a home for many residents of Brindabella. But it is clear that, where we develop, we must also develop the possibilities for people to be involved. These opportunities need to be accessible and supported by government, from ensuring the maintenance and protection of public space to support for local community organisations. Government has a powerful role in encouraging the development of opportunities for all Canberrans to participate in the community around them.

The work of the government is rarely more important than in striving for the provision of quality and accessible public services for the people of Canberra. Having raised a family in the Tuggeranong area, I realise the importance of quality public education and health services, and the significance of ensuring both their quality and accessibility into the future. Retaining and improving public housing stock is an essential function of government, as part of realising the importance of the provision of public housing, and to ensure quality, safe and accessible support for those in our community who need it most.

The extension of services to residents of Tuggeranong has been of primary concern over the last decade as the region grows and flourishes. Into the future we must ensure that the services continue to meet the need that still exists, and work for their continued improvement. The Stanhope Labor government has done an excellent job of meeting this need through the development of public services in Brindabella. As the area continues to develop and change, it is an essential role of a representative to work with the community to address these changing needs into the future.

Progressive government necessarily concerns core issues such as the provision of quality and accessible public services, delivering decent working conditions and fair wages to our workers, and realising the potential of our community by encouraging involvement and participation. Yet, more than this, not only must representation respond to the needs and demands of our community; it must also provide a vision for the future.

I am committed to working to represent the people of Brindabella in this Assembly; this was the commitment I made in standing for election. I think it is important, however, that we in the Assembly recognise that the debate occurs in our community itself, through the work of community organisations, the labour movement and activists working for change. Working for the people of Canberra demands a commitment to bringing this picture together and realising a collective vision. Having vision is not to be all things to all people. I do not believe in fence-sitting but in standing proudly for the things that I am passionately committed to—the labour movement, the working families of Canberra and Brindabella and our elderly, who deserve respect and thanks for their continuing contributions to our community.

It has been said that a society can be judged by the way it treats its elderly. Australia's elderly have been left behind by the federal Howard government. While there are limitations on our capacity to address this shared responsibility, it is imperative that we as a community, and we as members of the Legislative Assembly, work to ensure that

our elderly, who have contributed so much as workers, parents, activists and advocates, are guaranteed necessities and a real voice in our community. This means ensuring quality and affordable accommodation, particularly for those who are unable to meet the high costs of private residential facilities. It means quality and affordable health care, and guarantees of material necessities. It also means reasserting a place for the elderly as valued members of our community, ensuring that we, as elected representatives, are hearing the concerns of and working with elderly Canberrans.

I recently attended an event to publicise the international day for the elimination of violence against women, an initiative to encourage men to express their commitment to ending violence against women and children. An issue like domestic violence forces the realisation that gender inequality affects everyone in our community, and that it is the responsibility of all of us to effect positive change. The ACT Women's Plan, launched by my colleague Minister Katy Gallagher earlier this year, sets out the agenda of government in combating the issues facing women in our community every day, and progresses an exciting program of change.

These are issues of inequality, which we must always be conscious of and work to overcome. This is a core role of government; yet it is my passionate belief that it is through community involvement in the work of government, and vice versa, that real and lasting change is effected and our collective goal of a safe and inclusive community is realised. When we work collectively to achieve common goals, the result can be an exciting and constantly evolving relationship of participation, negotiation and debate. It is by working together and engaging with movements for change that the Labor Party has striven, and will continue to strive, for a better future for us all. These are the principles of Labor and principles that I am proud to stand by and for.

In continuing the work of the Labor government in this project and in embarking on my own exciting journey with the Brindabella community, we realise that the territory in which we live has successfully made the transition to self-government and demonstrated the maturity of the electorate. The federal Liberal government has consistently threatened to exercise its powers in respect of the wishes of that electorate. This is not a feature of party politics, but a recurring tension; yet our active, engaged and vibrant Canberra community requires no constitutional change to realise our democratic voice.

Involvement in the grassroots in community and union organising, and in the regeneration of a vibrant civil society, are the foundation and the defence of our democracy. Democracy is about active and engaged involvement with the workers, families, the elderly and the community organisations that provide the dynamic and inspirational social fabric of the community in which we live and work. I am honoured to represent such an exciting and vibrant community and, in so doing, am committed to maintaining my involvement in that community. I believe the best representation we can provide here in the Assembly is that which I am committed to working to provide. It is an active, engaged representation, informed from grassroots involvement with the people, the ideas and the passion of Canberra.

MS PORTER (Ginninderra): I seek leave of the Assembly to make my inaugural speech.

Leave granted.

MS PORTER: Thank you, Mr Speaker and my Assembly colleagues, for this opportunity to deliver my inaugural speech today. I too would acknowledge the Ngunnawal people on whose land we stand and I would recognise their continuing culture. I deliver my inaugural speech today with a sense of pride—not in my own achievement in making history as the person whose election gave the ACT its first Labor majority government, but pride in my government and in the Chief Minister, Mr Stanhope, who led us to this historic victory on the back of fair and just policies, on forward-looking and long-term plans for this territory and on a vision for Canberra—a vision for Canberra that builds on this government’s fine record of achievement.

I was moved to stand for election based on my own sense of social justice and my belief in the power of people working together to achieve positive outcomes for the community. I saw being part of a Labor government as an opportunity to express those values and beliefs. As a child I grew up in a small working class family, in Purley, Surrey, England—a mixed working class and upper class area just outside of London. We lived in a semidetached house, one of eight in the grounds of the waterworks, where my father was a shift worker. My mother cleaned the homes for the more affluent to bring in a little more disposable cash.

Whilst not wealthy, we were a very happy family. My parents were both very active members of the Labour Party, as were their friends. I often joke about being born with a Labour ticket in my hand! My father, at one stage, stood on a Labour ticket for a safe Tory borough; not surprisingly, he was unsuccessful! I distinctly remember assisting my father with his campaign at the time—so I must say that my Labour career started very early.

In 1954 my father, having made a decision that our family should emigrate to Australia to give his girls a greater opportunity to better themselves, took us across the world as migrants. We arrived in Australia as “Mr Pannell and three others”, according to the official records. The “three” were my three-year-old sister; I, at 12 years of age; and my mother. I think we have gone a long way since then in recognising women. We settled in Wollongong. I attended the Wollongong high school and then graduated from Wollongong General Hospital firstly in general nursing and later in midwifery. My sister, some nine years later, followed me to Wollongong high and went onto a profession of teaching and music.

I left Britain as a person already with strong social values, passed on to me by my parents and grandparents. I had served in the British Red Cross as a volunteer from a very young age. To seek out opportunities for service was second nature. Many would not know that I have spent 12 years in remote areas of Arnhem Land in the Northern Territory as a bush nurse. In this environment I brought up my three children, the eldest a son with a disability. When he turned 12, a decision was made to move south to be closer to medical and other services, and thus we came to Canberra.

Life in the top end without roads, without all-weather airstrips, without all the basic services that we all take for granted, was exciting, challenging and fulfilling. However, without even regular GP visits to the settlements, let alone access to specialist advice, it was necessary for us to uproot ourselves. My life in the territory, though, taught me many things. It taught me that people working together, using their individual skills and

ideas, can achieve much for their community; and it gave me the opportunity to do just that. It taught me that if you want to know your community, you need to work with your community.

It was a good training ground for the work I undertook on arrival: to establish what is now known as Communities @ Work—formerly Tuggeranong Community Service—to develop the first accredited generic training for volunteers in Australia and to establish and build Volunteering ACT, the peak body for the volunteering profession in the ACT and south-east New South Wales. This is now a highly respected organisation and an acknowledged leader in the field, supporting at least 40 per cent of the ACT's adult population in volunteer activity and the myriad of diverse community groups.

These examples are about the power of people to make a great deal of difference when supported and resourced. It takes very little in the way of financial resources to achieve a great deal. Who would have anticipated that five or six people, all with families, mortgages and part-time paid jobs, could band together and form the genesis of what is now a thriving community service. Similarly, in 1986, six women—by now with full-time paid jobs and teenage children—encouraged by the ACT community formed a steering committee that eventually resulted in Volunteering ACT. This is all about people joining together, taking an idea, working together and making it a reality for the benefit of all.

In the same way, my election was the result of a great team effort. I would like to acknowledge the party secretary, Mr Cossey, and his staff; my fellow candidates during the campaign; Chris Sant, my campaign manager; the small group that worked with me initially to map out my plan; and my large army of volunteers, a number of whom are with me today. I thank them for being here today. Those volunteers have worked for many months on tasks that helped me stay out there on the shopping centre stalls and knocking on doors, as they folded and letterboxed tirelessly.

Thanks to my greatest supporter, my husband, and to my family here and my sister and my three children and their families—all interstate—who constantly kept in touch by phone and email, sending their encouragement. Thank you to the man who influenced my life the most in those formative years: my father—a man who was so proud when his daughters achieved what he had dreamt of. Sadly, in the midst of my campaign, my father died in Tasmania. Many were concerned in February, during my run for preselection, when I chose to travel to be with my father and took substantial leave, as his health was failing. Fortunately he rallied, only to die in August this year. Consequently he is not with us to share the good news of the results of the election and the Labor majority.

My mother and grandmother—a dour Scottish woman—were very dear to me, though long since gone. Both these women are, in one way or another, role models for me. Like my father, they taught me to believe in compassion, fairness and one's ability to make a difference in society. They taught me about hard work and believing in my own capacity and, above all, the importance of positive relationships.

My years as a nursing sister, trainer, community worker, parent and grandparent, have given me a passion for primary health care, supporting good community initiatives, working to improve educational opportunities for all—and to foster an environment that

gives every member of the community the opportunity to participate and to achieve their potential. I see the opportunity to do this through this Labor government. I will work strenuously as a member of this Assembly to achieve positive outcomes in all of these areas.

I have lately, since the late 1990s, developed a great interest in the concepts surrounding restorative justice and what can be achieved from its practice. I am pleased to be able to say that the Chief Minister is similarly encouraged by what he believes restorative justice can achieve and has already achieved. I feel fortunate to have been able to visit and examine the restorative justice unit of the Thames Valley Police in the United Kingdom at the instigation of its founder, Sir Charles Pollard, who gave so generously of his time and resources to demonstrate the success of that program.

The ACT government is committed to the introduction of restorative justice principles in the establishment and running of the ACT prison. Restorative justice already operates in some ACT public schools, and I believe many other schools are interested in its application, particularly in its application in addressing bullying. In other jurisdictions it is applied in assisting dysfunctional families and community relationships, and in solving organisational conflict. I will work in the Assembly to achieve its application across as much of our justice and community practice as possible.

As I said at the outset, I am proud to be able to stand in this place and address this Assembly today, standing beside my colleagues in the Labor government and under the leadership of our Chief Minister. I want to thank the people of Ginninderra for the confidence that they have shown in me; I undertake to represent them in the Assembly to the best of my ability. Canberra has a great future ahead of it under the Stanhope Labor government and I am proud to be part of that future.

MR SPEAKER: Members, I acknowledge the presence in the gallery of Senator Bob Brown and Senator Kerry Nettle.

DR FOSKEY (Molonglo): I ask for leave of the Assembly to make my inaugural speech.

Leave granted.

DR FOSKEY: Fellow members of the Legislative Assembly, I first acknowledge that we are on Ngunnawal land and pay my respects to the elders, recognising their continuing custodianship of this land. I believe that I have already expressed my thanks to friends, members of the Greens, the campaign team and supporters and voters in earlier presentations. Today I want to recognise the role of the women in my life.

First of all, I wish to acknowledge the ongoing support of my daughters, Samara and Eleni. In particular I want to acknowledge Eleni, who insists that my role as a member may not usurp my duties as her mother, thus ensuring that there is balance in my life. I would also like to acknowledge my mother, who constantly warned me against going into politics because she had been taught that women should not stand up or stand out. Nonetheless, I believe that she would change her mind if she could see me here today.

It is with pleasure that I take this opportunity to outline briefly the way that the Greens plan to work in the Assembly with the other members, and indicate some of our priority areas for attention. As we all know, this Assembly is different from its five predecessors in two ways. First of all, this is the first majority government of either brand—Labor or Liberal. Second, I am a member of the smallest crossbench ever elected in the ACT. With four years of this Assembly to run, this morning I would like to consider the opportunities in this new political configuration.

The Hare-Clark system was chosen to elect a house finely calibrated to reflect the community of electors. Crispin Hull reminded us that, if this ACT Assembly were elected by the same system used to elect the federal House of Representatives, we would have a parliament of 17 ALP members. This would mean no opposition and no crossbench—hardly a reflection of the diversity of the ACT population. Through proportional representation, we have a parliament in which there are at least three perspectives on any issue and I am sure that the Canberra community would like to hear them all.

In the October election, of many independents and small parties vying for seats, we Greens held our ground with around 10 per cent of the vote Canberra-wide. Many in the community who have expressed their concern that there are not more members of the crossbench are very glad that the Greens are here. I feel honoured to be the Greens representative in this Assembly. I acknowledge the work done by my predecessors, Lucy Horodny and Kerrie Tucker in the third Assembly, and Kerrie's work in the Fourth and Fifth Assemblies. They have established a solid base for my work in the Sixth Assembly and established strong relationships, which I will do my utmost to maintain and extend.

Past assemblies indicate that there are many ways that the crossbench may contribute to better outcomes for the people of Canberra. In this house legislation can be put forward, questions asked, matters raised and motions put. The Greens will use these mechanisms to the fullest possible extent to ensure transparency and accountability in the government and to progress Greens policies. The committee system has, until now, provided a forum for members to work together across party divisions. The Greens have proposed that the community services and social equity committee be re-established, since many important issues not covered in other committees but important to the ACT community can be discussed there. We would also like the opportunity to work in other committees so that the Greens' perspective can be included in committee deliberations.

In the past Assembly Kerrie Tucker worked critically and cooperatively with the government, and it is my intention to do the same. As I understand it, the job of the crossbench is to be constructively critical of government and opposition, and I hope my interventions are received in this spirit. I will work in good faith that the government is open to the Greens' perspectives on legislation and government policy, respond frankly and in detail to my questions, take on board our concerns, listen with open minds to the motions and legislation I propose and respond with the best interests of Canberra and its people at heart.

As a green I am committed to good, open processes, accountability and a cooperative style. In this spirit I approach my first term as a Greens MLA. I will work hard to

represent the interests of the environment and those groups whose needs often fall through the gaps in the policy net. I will make every effort to maintain a sense of humour and to respect all people I come into contact with, both inside and outside the Assembly.

I am one of a growing number of people who have been drawn to Canberra from the broader region. This city is the centre of a very large area that stretches not only north, east and west but also south beyond the Victorian border to east Gippsland. People come here from far afield to shop, and for specialist medical, dental and hospital care. A number come here for educational reasons. I arrived in 1985 as a sole parent with two young teenagers to utilise Canberra's excellent high schools.

My children had previously attended primary school in a one-teacher school and they needed a caring school with good pastoral care. After viewing a number of schools I selected one that filled the bill. Sadly, due to demographic changes, it no longer exists. That school fulfilled my expectations and my older daughter went from there, through college, to tertiary education. Thanks to the strength of the ACT education system and her experience since, she now has a challenging position in local government.

I will certainly work in the Assembly to ensure that our schools and other educational institutions are able to assist all children to reach their potential, regardless of their backgrounds. During the 20 years or so I have lived here, I have juggled parenting, study, teaching and other paid work. Subsisting on a low income has given me direct insight into many of the issues facing those who live in poverty in our city. I have learned that the best way to increase the quality of life for low income people is to ensure that they have access to high-quality services like public education, health, transport and housing. Only from a secure base can people participate in employment and improve their educational standard. I will work in the Assembly to ensure that all have access to good social services, regardless of their situation in life, and that the conditions of people working within the community sector allow them, in turn, to do their work without personal cost.

We all need to be able to participate in cultural and recreational activities, even if we cannot afford to go to the movies or purchase tickets to star performers. Art needs to be encountered in everyday life; children need access to music, drama and dance, and to participate in the creation of art and performance. At the same time, artists need to be paid fairly for their work. I will work in the Assembly and community to increase the recognition given to the arts in the territory.

Regardless of our circumstances, we all rely upon the services performed by the natural environment in safeguarding the air we breathe and the water we drink, in absorbing wastes and providing a place for physical and spiritual exploration. Furthermore, we all benefit from the biodiversity of the broad range of ecosystems within and outside the ACT. And many of us believe that natural ecosystems have the right to exist even where their benefit to humanity is not directly evident. As great travellers, Canberra people actively seek out the environments of the broader region—mountains, coast, rivers, forests and grasslands.

While the businesses in our region benefit from our explorations, we need to be aware of the environmental footprint we leave. Developing a regional consciousness may include, for some of us, being active to protect the forests and beaches which give us so much

pleasure, and prioritising products produced by artisans and farmers in the region. In the Assembly I will work to ensure that the qualities of the bush capital are protected against poorly conceived development, and that our endeavours to build a vibrant and coherent city incorporate appropriate measures to protect and enhance our natural environment. I will also work to strengthen links within the broader region to improve our social interaction and our ability to tackle environmental problems together.

This government has made a strong commitment to sustainability, and has produced some excellent studies to show the way. At its most minimal, sustainable development means fulfilling the needs of current generations without compromising the enjoyment and wellbeing of those to come. Reducing greenhouse gas emissions to the Assembly-agreed target of 1990 levels by 2008 is a good beginning. Any future development—residential and commercial—should meet the specifications of a high quality, sustainable design. We have the know-how to create energy and water-efficient buildings and suburbs. If we are to be serious about sustainable development, now is the time to put this knowledge into practice. The Greens will do all we can to promote the adoption of measures to achieve this target and to increase awareness of the links between social, economic and environmental aspects of sustainability.

I have mentioned just a few of the areas that I am committed to working on in this Assembly. The achievement of all of this depends upon an overarching commitment to good governance. We urge the government, in the interests of the Canberra people, to continue to listen and respond to the other voices in the Assembly.

It is vital that the important checks and balances in our system remain robust and effective. We need a committee structure that is not simply a rubber stamp, and statutory oversight mechanisms with the power and authority to investigate and make recommendations on things that are not working. Majority government should not be permitted to mean that any less care is taken over important decisions; nor should it mean that the bureaucracy is able to be less accountable for its actions in carrying out government policy.

The Greens will work in the Assembly to ensure that the mechanisms for accountability and transparency are sound and resilient. Mr Speaker, fellow members, friends and people of Canberra, let me thank you for this opportunity to speak today. I wish to close by assuring those who appreciate the debate and scrutiny that comes with a strong crossbench that we Greens will do all we can to serve these functions. We look forward to working with you.

MR MULCAHY (Molonglo): Mr Speaker, I seek leave of the Assembly to make my inaugural speech.

Leave granted.

MR MULCAHY: First of all I would like to extend my congratulations to all those elected to the Assembly; I also congratulate the government on its success; and I also would like to congratulate the Leader of the Opposition on his unanimous re-election to the position of leader.

I would like also to use this occasion to acknowledge the opportunity extended to me by the Liberal Party of Australia and acknowledge the outstanding efforts during the recent election campaign of both the Liberal Party's divisional director, Andrew Wilsmore, who is a friend of many years standing as well as being a professional colleague, and also our divisional president, Mr Gary Kent. I must also express my thanks to my campaign committee and the campaign director, Mrs Dawn Crosby, who has recently left with her husband, Lynton, who has been appointed as the campaign director for the UK Conservatives.

My road to this Assembly was influenced by events some 40 years ago. As a very young person, I took great exception to the decision to conscript people to fight the Vietnam War. I was opposed to compulsory military service then and I continue to be opposed to it today. This obviously led me to the other side of politics, where I believe I made significant contributions; but I did lose confidence in the party, especially at state parliamentary level. Despite my decision to leave the ALP, some of those friendships on the other side of politics have strangely endured throughout all of this time.

Following my disillusionment and reflecting on my own philosophy, I ultimately joined the Liberal Party some 30 years ago, where I felt my views and general philosophy were most appropriately aligned. I think I hold the longest continuous membership of any political party by any person in the Assembly at the present time. My political activities brought me into contact with most major political figures in the past 36 years, ranging from Whitlam, Murphy, Carr and Cairns to Fraser, Howard and Kennett, to mention a few.

I have held a number of appointments over the years as an advisor to a range of political figures and this has provided me with some insight into the parliamentary process and enabled me to continue my interest in politics and achieving just outcomes. It is a matter of public record that I have held a range of appointments in industry—some of them have been controversial—and government, dealing with contentious issues either locally or internationally.

One of the more controversial roles was as Chief Executive of the Confectionery Manufacturers of Australia in which I became heavily involved in the Dollar Sweets dispute, an industrial dispute that extended for some 143 days. During that dispute we saw industrial precedents established. We also saw the emergence of a young Melbourne barrister at that time by the name of Peter Costello, who is now the Treasurer of Australia. Despite the efforts of some history revisionists that this was simply an exercise in attacking a union, it is worth noting that the Labor Prime Minister at that time, Bob Hawke, and a senior official of the ACTU provided some support for that company through that terrible industrial dispute. I am proud to say that Fred Stauder, the former owner of that firm, who has now retired, recently came to Canberra to campaign full time for my candidature as an expression of his ongoing appreciation of those efforts almost 20 years ago.

I believe that the experience gleaned from working for a number of governments, serving internationally as a senior executive with one of the world's more successful companies—the William Wrigley Jr Company—and representing various industry associations and interests will assist me in better representing my electorate in this

Assembly. The most recent industry association appointment culminated in recognition of my work with an honorary appointment earlier this year as Adjunct Professor at the University of Queensland—an honour to which I attach great pride and importance.

My purpose in successfully seeking election to office is to make a worthwhile contribution to the improvement of the ACT for all of our citizens, and I am sure that is a sentiment I share with many, if not all, members of this Assembly. Our personal experience with the Canberra hospital system has, on occasions, left a great deal to be desired; and my personal frustration with the incapacity of our local public primary school to provide dedicated teachers for each of the classes for our children contributed to my decision to contest the most recent ACT election. That system, incidentally, is now canvassing the idea of having three classes of pupils assigned to one teacher.

With encouragement from party officials, I eventually took the decision to nominate. I must say I share the views expressed by the Chief Minister on 4 November, in that it is our families who provide the support to help us secure election, and it is they who pay the greatest price in many respects. I am especially grateful to my wife, Rose, and our children, James, who is here today in the gallery, Luke, Amy and Laura, and my parents, for their encouragement and support of my decision to stand for the ACT election.

In relation to the election, it has become clear to me that a significant number of electors who supported my efforts in the ACT election were established in their lives and circumstances and heading towards retirement or were already retired. Accordingly, Mr Speaker, I shall be continuing to pay special attention to their needs and I am particularly mindful of the concerns expressed by many of our older citizens. I have been urged to discourage this government from assuming that those who may be making paper gains through asset appreciation but are relying on limited income should be the easy targets of taxation measures, especially in relation to property or other taxes.

As the shadow Treasurer, I also intend to apply rigour to expenditures of government and the systems in place to ensure both transparency and accountability. I also hope that the government will honour the declaration made by the Chief Minister on 4 November when he acknowledged to the people of Canberra that to the majority he now enjoys also attaches both an honour and a responsibility.

I am passionate about the task ahead. I feel passionate about the rights of the individual and the importance of encouraging free enterprise in a city that has been dominated for so long by government decisions and government thinking. It is clear that successive Australian governments and the broader Australian community have an expectation that Canberrans will increasingly have to stand on their own feet. It may be unfair, given the share of national responsibilities we shoulder in the ACT, but the reality is that those pressures are unlikely to diminish and ACT governments of any persuasion will have to become increasingly skilled in dealing with these challenges.

Above all, however, it is imperative that we encourage a diverse private sector and an entrepreneurial spirit. Excess regulation, charges and taxes will not assist in that endeavour. Whilst development is important, service industries, and tourism in particular, also provide an excellent opportunity to expand our range of business services. Population growth will also be an essential ingredient in any such growth.

In favouring the fostering of an entrepreneurial spirit, I am not one who is at all enthusiastic about governments embarking on the world of commerce. Whilst there are noted examples of where governments have succeeded in the commercial world, the path of government at all levels throughout Australia is littered with examples where noted failure has occurred when government has strayed into commercial endeavour and often failed dismally, leaving great expense to taxpayers or ratepayers respectively. These experiences have afflicted governments of all political persuasions.

Our cultural assets will also be important in any plan to re-invigorate the perception of Canberra. I endorse the sentiments recently expressed by Dr Brian Kennedy when he called for Canberra to become a livelier place and to inject more life into our capital.

Mr Speaker, whenever I am interstate and come across a person visiting Australia I always ask them if they plan to visit Canberra or if they have visited our capital. Invariably the answer is in the negative and when you inquire as to why, you are usually given the response, "I've heard it's a dull place." The fact is, most of us would not stay here if it were so dull, but most Canberrans will acknowledge that that is the external perception held by many.

A host of economic advantages would flow to this territory if we could succeed in changing this perception. Clearly our tourism people are in the front line of this task but the effort should not end there. It falls to all in government and, indeed, all in this Assembly to assist in such challenges if economic benefits can flow to the broader community. It would be easier to attract skilled workers both domestically and internationally to this city in all sectors if we were to make progress in this regard.

There are many areas of public policy in which I hold an interest. I have been honoured with a range of important shadow portfolios and I shall be looking forward to furthering my interest and views and those of my party and those who support us as we discuss initiatives in these policy areas.

Above all, however, I hope to increase public interest in the Legislative Assembly of the ACT. This will enhance accountability if I am successful and may lead to greater scrutiny of the decisions of government by our media, notwithstanding the limited resources being applied to political analysis, especially by the television networks.

During the course of the election campaign I distributed 25,000 forms inviting electors to advise me of their concerns. I was overwhelmed by the response. For a non-elected person to receive such a massive amount of casework told me that many people in Canberra do not feel engaged with our important work here in the Assembly. It will be one of my goals during the course of this term to aim to make the work of this Assembly much more relevant to my electors and to ensure they develop a greater sense of ownership and participation in those processes.

Mr Speaker and members, I look forward to carrying out the important responsibility given to me by the electors of Molonglo. I thank members for the courtesies extended to me.

MR SESELJA (Molonglo): Mr Speaker, I seek leave of the Assembly to make my inaugural speech.

Leave granted.

MR SESELJA: Thank you, Mr Speaker. It was Christmas Day 1970 when Katica Lehpamer arrived alone in Australia, not knowing what the future held. She had left her family, her friends—she had left everything she knew and held dear—for a new life in Australia. Five months later she married Ljudevit Seselja, who had arrived in Canberra three years earlier, and my family had begun. Like so many who arrived in Australia in the post-war period, the Seseljas came to avoid religious and political persecution and in search of a better life. Australia provided an answer to both of these desires.

Though my parents had to struggle at times, they were aware that through hard work and persistence they could build a great future for themselves and their children in their new home. In that way the Seselja family are like millions of others who have come to Australia—people from virtually every nation have come here, many settling in Canberra. These migrants have made a huge contribution to the Australia and the Canberra we know today.

My family, too, has made a significant contribution to Canberra over many years, since my uncle Sime first arrived in 1958, having fled Yugoslavia under the cover of darkness. My uncle Faust and aunty Micica were very active in the Croatian community in Canberra, teaching Croatian language classes and hosting the Croatian hour on community radio station 2XX.

My father, as a distinguished local photographer, has spent much of his career capturing on film the various physical and societal aspects of Canberra. Countless numbers of homes have been built in Canberra by Seseljas.

I am proud of the contribution my family has made to Canberra and I am a proud product of the migrant experience. I stand here today as the first Australian of Croatian heritage to be elected to the ACT Legislative Assembly. I see this as a great honour. The Croatian people have contributed to our city in many ways, not least of which is building a significant proportion of it.

I am very grateful that my parents chose to come to Australia and that I was able to grow up in Canberra. My parents were thankful for their new found freedoms. They came to Australia to escape a communist regime under which they were prevented from exercising freedom of speech and freedom of worship. My uncle Stipan, a priest, was imprisoned by the Yugoslav communist regime for five years for daring to question the authorities when they were persecuting the church and impinging upon people's fundamental freedoms.

With such a family heritage, I am particularly grateful for the democratic rights that Australia provides, especially the fundamentals of freedom of speech, association and worship. I am grateful that I live in a nation where I am able to be a member of the political party of my choosing, to join or not join a union, to worship as I see fit and, with limited exceptions, to say what I like.

My family history also teaches me never to take such freedoms for granted. Calvin Coolidge wisely said that “Freedom is not only bought with a great price; it is maintained by unremitting effort.” Legislators have a particular responsibility to provide such unremitting effort.

Some say that the way to safeguard such freedoms is through a bill of rights. I disagree. I believe passionately in the rule of law and in the separation of powers. I believe that making laws is the responsibility of elected representatives and not un-elected judges. As a lawyer I am wary of handing over control of our most important freedoms to courts, lawyers and judges. I believe that if the community desires legislative change, the appropriate place is through the legislature, not the judiciary. This is because the legislature, unlike the judiciary, is directly accountable to the people through the ballot box. Of course the judiciary plays a crucial role in our system of government by interpreting the law. However, it is not the role of the judiciary to make the law.

I believe that the family is society’s most important institution. I am a strong believer that the ideal place for a child to be raised is with his or her mother and father. I would like to pay tribute to my parents and the family that they raised. Growing up at a time of soaring rates of family breakdown, I was blessed to be nurtured in a stable, loving family unit. My parents struggled to feed, shelter, clothe and educate their six children and I will be forever grateful for the sacrifices they made on my behalf.

Growing up in a large family taught me about loyalty, commitment and hard work, about fairness and equity, competitiveness and persistence. I also learned about the importance of protecting the vulnerable. Families in particular look after their youngest and most vulnerable members. This comes naturally to most people. The mark of a decent and just society is that it mirrors this ethic and protects its most vulnerable citizens. When a parliament strays from this principle by enacting unjust laws that do not protect the weak, it has failed in its most fundamental duty. While I am a member of this Assembly I will always strive to serve the interests of the weak and the vulnerable, those without voices and those who cannot protect themselves.

Education funding was a significant issue of the recent ACT election. Many have tried to categorise this debate about schools funding as a public versus private one. Some people unfortunately categorise it as a rich versus poor issue. Nothing could be further from the truth. Nationally, more than 30 per cent of students in private schools are from families with an income of less than \$41,600 per annum.

My five siblings and I all attended Catholic schools in Canberra. My parents paid for this education, despite my father’s modest income, not because the facilities at these schools were necessarily superior to those of government schools but because what was taught at these schools was more closely aligned with their own beliefs. This is a decision that nearly 40 per cent of Canberra parents make. They deserve to be supported in making it. Yet, despite the fact that nearly 40 per cent of ACT school students attend non-government schools, the ACT government provides less than 10 per cent of its total current education expenditure to such schools.

Unless we believe the government knows better than parents what is good for their children—and I certainly do not—then it makes no sense to stifle this choice by

discriminating against non-government schools through a funding model which will result in significant increases in school fees. These increases are effectively a tax increase, one that will affect many low income families, some of whom have several children at school. Some might argue that these people are free to attend government schools, and this is true. But even apart from the rights of individual parents to real choice, the economic effects for the territory of a move back to public education would be disastrous. In such circumstances, either the level of resourcing in government schools would decline or more public money would need to be spent on education as a whole.

It is plain that the decision to reduce funding to one sector, even if it results in an increase in the cost of the total school system to government, is driven by ideology. People who attend Catholic and independent schools save the community money by contributing significant amounts of their own money to their children's education in addition to the taxes they pay. Most of these people are not rich. They should be rewarded, not punished by a discriminatory school funding policy. This is therefore a policy that is supported on neither the grounds of fairness nor economic prudence and because of this I will continue to fight against it for as long as I am a member of this Assembly.

Mr Speaker, one of my roles outside politics is as a Menslink mentor. I find this work particularly rewarding. One of the reasons I chose to become a mentor is because I believe that there is a crisis in masculinity in modern society. Too many boys are growing up separated from their fathers and without significant male role models in their lives. The results are as tragic as they are obvious—increased rates of homelessness and male suicide, falling education standards for boys, and high levels of substance abuse.

Rates of male suicide in the ACT are about four times the rate for women. A young man is more likely to die as a result of suicide than in a car accident. In the year 2000, suicide represented 22 per cent of all deaths for males aged between 15 and 24. These are sobering figures.

Figures from a recent federal parliamentary inquiry showed that boys' educational outcomes have been declining since 1975. In the year 2000, 15 per cent of year 5 boys failed to achieve minimum reading benchmarks as opposed to 10 per cent of girls, while recent research suggests that boys represent up to two-thirds of those in the bottom quartile of school achievers. These are significant problems without easy answers. It is my strong belief that the answers need to come from the community rather than from government. However, the community looks to its politicians to show leadership, to support positive initiatives and to create the kind of conditions where positive outcomes are achieved.

Governments of all persuasions have long had a stated commitment to addressing issues that particularly affect women. Here in the ACT we have a minister for women. Federally there is the Office for the Status of Women. Given some of the serious issues affecting our young men in particular, some of which I just outlined, it is now time that a minister for men was appointed in the ACT.

I must acknowledge that I stand here today in large part due to the support of family, friends and supporters. Thank you to the countless friends and party members who

volunteered their time during the course of my campaign. Thank you for believing in me, for supporting me and giving up your time to help me. I hope to use well the trust and belief you have shown in me.

I would like to thank in particular the ACT division of the Liberal Party for all the support I received during the campaign. I would like to also particularly acknowledge the work of Justin De Domenico, David Cameron, Artur Stuart and Kate Vaughan, Tim and Lara Kirk, Paul and Michelle Armarego, and Adrian and Matia Wellspring who all in one way or another supported me during my campaign. Your assistance and support was invaluable. To JK, thank you for all you have taught me and for your ongoing role in mentoring me.

To my mum and dad, thank you for raising me with love, patience and perseverance, and also for your amazing support during the campaign. To Branka, Shawn, Nik, Lidia, Zvonimir and Kerryanne, thank you for your encouragement and practical assistance. To Katarina, I forgive you for being overseas on election day and not voting for me. To Michael and Thomas, my boys: you are too young to understand this now but when you read this in years to come, know that I love you with all my heart and only want what is best for you. Thank you for providing me with a pleasant distraction during my campaign and bringing so much joy to my life. I hope to help shape Canberra into a better city for you and for your children.

To Ros, I love you very much. You are the most important person in my life. Thank you for your amazing patience and hard work during the campaign, and for your loving support in all the time I have known you. You are truly a beautiful, talented and loving person and you continue to be an inspiration to me.

Mr Speaker, I began this speech by talking about my Croatian heritage, which clearly is very important to me. I do not believe this makes me any the less a loyal Australian. On the contrary, it helps me to appreciate what is good in Australian society and the importance of defending those aspects if necessary. But my heritage has contributed to making me what I am. My parents' lives and my own were shaped by what they brought with them and what they left behind. They left behind religious persecution, which made it difficult for people to practise their faith and to pass it to their children. They left behind a government that invaded every aspect of people's lives, stifling creativity and enterprise and eroding trust. But the human spirit is remarkably resilient. Despite the obstacles, my parents brought with them and passed on to me a habit of self-sufficiency, a belief in hard work and private enterprise and in commonsense, but also in the value of formal education as a means to making one's way in the world.

I am resistant to universal ideological solutions to individual human problems. I am resistant to the idea that government has all the answers and knows what is best. I believe in good government, not big government. Growing up, I never had a sense that I was on my own against the world. If anything, my belief in the importance of family, of friendship, of community life was strengthened. And if you were fortunate, as we always felt we were, then there was a duty to help those facing disadvantage.

Perhaps most importantly, there was another sense in which we never felt alone. My parents also brought their faith—a faith that I am privileged to share; a faith which recognises and ennobles the use of human reason to benefit human society and which

provides a reason to want to help human society or, more particularly, to help individual people because they are all valuable.

Dr Martin Luther King Jr said, “Our lives begin to end the day we become silent about things that matter.” I do not intend to be silent. To the people of Molonglo, I look forward to serving all of you to the best of my ability. It is you who have elected me and it is you who will determine my fate in four years time. It is therefore you whom I will serve with all that I have while I remain a member of this place.

Public interest disclosure Ministerial statement

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations): Mr Speaker, I seek leave to make a ministerial statement on public interest disclosure.

Leave granted.

MS GALLAGHER: I rise to report back to the Assembly on the outcome of the investigation of the public interest disclosure involving the ACT Department of Education and Training, Procurement Solutions, and the former Totalcare Industries. The disclosure concerned management of school repairs and maintenance contracts.

Mr Speaker, as you will recall, members of the Liberal opposition in the last Assembly repeatedly raised issues that were the subject of this disclosure. I undertook to report back to the Assembly at a later date, as it was inappropriate for me to comment during the course of the external investigation.

I should also stress that it was equally inappropriate for the opposition to seize on the matter in the fashion they did. In doing so they denied public servants their right to natural justice and to procedural fairness and I believe seriously compromised the protection afforded to the complainant under the provisions of the Public Interest Disclosure Act.

Mr Speaker, the Stanhope government views public interest disclosure as an essential element in the protection of probity and accountability in the ACT public sector. It takes all disclosures extremely seriously.

Given that this particular disclosure reflected on the conduct of three organisations and their officials, an independent investigator was engaged to examine the allegations. The investigator found that none of the allegations was substantiated. In respect of a significant number of the more serious allegations, the investigator concluded that the allegations were inconsistent with the evidence. The investigator went considerably further in his comments in dismissing allegations on some matters, but I do not intend to outline those observations here.

The Commissioner for Public Administration has reviewed the report and has stated that she “is satisfied that a complete investigation has been carried out and that none of the

allegations made by [the complainant] in January 2004 under the Public Interest Disclosure Act 1994 have been substantiated.”

Mr Speaker, all officers involved acted with professionalism throughout the investigation. This was in a climate where added uncertainty was created by public comments in the media and by the conduct of the opposition in the Assembly.

Committees—standing Establishment

MS MacDONALD (Brindabella) (11.33): Mr Speaker, I seek leave to move a motion to establish the general purpose standing committees of the Sixth Assembly.

Leave granted.

MS MacDONALD: I move:

That:

- (1) The following general purpose standing committees be established and each committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community:
 - (a) a Standing Committee on Public Accounts to:
 - (i) examine:
 - (A) the accounts of the receipts and expenditure of the Australian Capital Territory and its authorities; and
 - (B) all reports of the Auditor-General which have been presented to the Assembly;
 - (ii) report to the Assembly any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Assembly should be directed;
 - (iii) inquire into any question in connection with the public accounts which is referred to it by the Assembly and to report to the Assembly on that question; and
 - (iv) examine matters relating to economic and business development, small business, tourism, market and regulatory reform, public sector management, taxation and revenue and sustainability;
 - (b) a Standing Committee on Education, Training and Young People to examine matters related to early childhood education and care, primary, secondary, post secondary and tertiary education and vocational training, non-government education, youth and family services, technology, arts and culture, sport and recreation;
 - (c) a Standing Committee on Health and Disability to examine matters related to hospitals, community, public and mental health, health promotion and disease prevention, disability matters, drug and substance misuse, targeted health programs and community services,

- including services for older persons and women, housing, poverty, and multicultural and indigenous affairs;
- (d) a Standing Committee on Legal Affairs to perform the duties of a scrutiny of bills and subordinate legislation committee and examine matters related to community and individual rights, consumer rights, courts, police and emergency services, corrections including a prison, governance and industrial relations, administrative law, civil liberties and human rights, censorship, company law, law and order, criminal law, consumer affairs and regulatory services;
 - (e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.
- (2) The Standing Committee on Legal Affairs when performing the duties of a scrutiny of bills and subordinate legislation committee shall:
- (a) consider whether any instrument of a legislative nature made under an Act which is subject to disallowance and or disapproval by the Assembly (including a regulation, rule or by-law):
 - (i) is in accord with the general objects of the Act under which it is made;
 - (ii) unduly trespasses on rights previously established by law;
 - (iii) makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
 - (iv) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly;
 - (b) consider whether any explanatory statement or explanatory memorandum associated with legislation and any regulatory impact statement meets the technical or stylistic standards expected by the Committee;
 - (c) consider whether the clauses of bills introduced into the Assembly:
 - (i) unduly trespass on personal rights and liberties;
 - (ii) make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers;
 - (iii) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;
 - (iv) inappropriately delegate legislative powers; or
 - (v) insufficiently subject the exercise of legislative power to parliamentary scrutiny;
 - (d) report to the Assembly on these or any related matter and if the Assembly is not sitting when the Committee is ready to report on bills and subordinate legislation, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.

- (3) If the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft plan variations referred pursuant to section 25 of the Land (Planning and Environment) Act 1991 or draft plans of management referred pursuant to section 204 of the Land (Planning Environment) Act 1991, the Committee may send its report to the Speaker, or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.
- (4) Each committee shall consist of three members composed as follows:
 - (a) Standing Committee on Education, Training and Young People—
 - (i) two members nominated by the Government; and
 - (ii) one member nominated by the Opposition;
 - (b) Standing Committee on Health and Disability—
 - (i) two members nominated by the Government; and
 - (ii) one member nominated by the Opposition;
 - (c) Standing Committee on Legal Affairs—
 - (i) one member nominated by the Government;
 - (ii) one member nominated by the Opposition; and
 - (iii) one member nominated by the Crossbench;
 - (d) Standing Committee on Planning and Environment—
 - (i) two members nominated by the Government; and
 - (ii) one member nominated by the Opposition;
 - (e) Standing Committee on Public Accounts—
 - (i) one member nominated by the Government;
 - (ii) one member nominated by the Opposition; and
 - (iii) one member nominated by the Crossbench.
- (5) In addition, the membership of the Standing Committee on Administration and Procedure, established under standing order 16, be composed of:
 - (a) the Speaker, as Presiding Member;
 - (b) the Government Whip;
 - (c) The Opposition Whip; and
 - (d) One member nominated by the Crossbench.
- (6) Each committee shall have power to consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.
- (7) Each committee be provided with necessary staff, facilities and resources.
- (8) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

- (9) Nominations for membership of these committees be notified in writing to the Speaker within 15 minutes following conclusion of the debate on the matter.

Mr Speaker, I will speak reasonably briefly to this very lengthy motion. I want to go through the motion because it sets out how the committees will be set up. The first part of the motion, of course, describes what the committees will deal with. The second part of the motion deals specifically with the Legal Affairs Committee and the Planning and Environment Committee. These two committees have statutory obligations that need to be addressed when the Assembly is not sitting. The latter parts of the motion deal with the composition of the committees as well as the composition of the Administration and Procedure Committee, which is established under the standing orders.

There has been some discussion in the press about these committees. I would like to make some points about the committees because I imagine that there will be some ensuing debate and discussion about this motion. We should keep in mind that it is the role of the Assembly to be the decision-making body. It is the role and the right of the executive to govern and I am happy to say in my first speech in the Sixth Assembly that I am pleased to see that we have a majority government. Obviously, I am pleased that that government is from our side of the fence. However, many people from the other side of the fence have said to me that majority government will make life a lot easier and put a lot more certainty into this place.

This does not take away from the role played by committees. Committees do have a role to look closely at issues of concern that might fall between the cracks and which from time to time may not be dealt with by the executive. We should not confuse the role of committees. They are not decision-making bodies. Committees are the creation of the Assembly and they reflect the makeup of the Assembly.

The structure that we propose follows broad policy lines. There will always be the situation where some areas may well get overlooked and there may not be as much attention to detail as some would like. I know that in the Fifth Assembly there were areas that I would have liked to have seen covered by the three committees of which I was a member. Sometimes the committees just did not have the time to do so. We have a very small Assembly—as you well know, Mr Speaker, we have the smallest parliament in the country—and, as such, we can spend only a limited amount of time on certain issues. It is up to the committees to make the decision as to what areas they will focus on.

I do not believe—in fact, I am quite certain that this is not the case—that there will be any less scrutiny just because the committee structure, as proposed, does not necessarily reflect the desires of certain people. The committees still have the ability to make decisions. There are still plenty of ways and mechanisms within this place to scrutinise the executive, and I am quite positive that the Liberal opposition and the crossbench will be doing that. Mr Speaker, I commend the motion.

MRS DUNNE (Ginninderra) (11.45): Thank you, Mr Speaker. The Liberal opposition will be opposing this motion, and what is there now is a futile gesture. This is the first day of majority government in this place, and what do we see but this travesty of the committee system. The committee system in this place has been an essential element of community participation in the political process, reflecting the community and reflecting

a view different from the government's. It has always been there as a view different from the government.

In her inaugural speech today, Dr Foskey commented on how this will be quite a different place. We need to be very mindful of that. This will be a different place, because now that we have a majority government, we can work in one of two ways: we can continue to work in a gentlemanly fashion, or we can just ride roughshod over everybody. What we have here today is the government deciding to ride roughshod over everybody, and we have a travesty of the committee system. The government has proposed a travesty of the committee system.

Dr Foskey and I attended meetings that were basically a matter of, "This is what we are going to do. Take it or leave it." Suggestions were made about better and more innovative ways of addressing it, sometimes just harking back to the past and saying, "In the past it worked effectively; can we consider doing it like that?" But the answer is, "We have got the numbers, so we will do it our way."

What we have here are called general purpose committees. We all understand how general purpose committees work. Let's have a look at some of them. I like this one; this one will be mine: the Standing Committee on Education, Training and Young People. This committee is to examine matters relating to early childhood—absolutely fantastic—and care; primary, secondary and post early education; vocational training; and non-government education. Then we add to it youth and family services, technology, arts, culture—so, only young people are involved in technology, the arts and culture—and sport and recreation; so anyone who is older—that is, more than 25—should not have an interest in sport and recreation.

But the one that is really good is the Standing Committee on Health and Disability. That is its title. And what does it do? It examines matters relating to hospitals; community, public and mental health; health promotion; disease prevention—all of those things you would expect—substance abuse; targeted health programs; community services—we have not mentioned anything about disabilities yet—including services for older persons—okay, women. So if they are not health and disability services, do women get a look in anywhere else in this committee structure? No, Mr Speaker. Poverty—now, poverty only relates to health and disability; there is no mention of housing here—multicultural services; so only people with an interest in multicultural services and indigenous services as they relate to health and disability services get a look in under this committee.

This committee structure is just riven with gaps. And then we get to my old stamping ground, the Standing Committee on Planning and Environment, to examine matters relating to planning—of course—and public works. Mr Speaker, in the negotiations we had at length about the structure of the general purpose committees it was generally agreed that (1) this Assembly had never ever properly scrutinised public works and (2) there was a lot of merit in the discussion that we should have a stand-alone public works committee. But the government only wants five committees, because that is as many as it can control.

Despite the recommendations of a number of committee reports in the last Assembly, including those agreed to by Mr Hargreaves, there was a general view that there should

be a stand-alone public works committee separate from the Planning and Environment Committee, simply because the work of the planning and environment committee was sufficiently large that it was impossible for them to do the work of a public works scrutiny committee. In the course of these negotiations, there was, in fact, some discussion that at the very least that work would be directed to the public accounts committee.

The interesting thing is that we have the public accounts committee responsible for sustainability while we have the planning and environment committee responsible for ecological sustainability. So, for the second Assembly in a row, there is a break-up of a nexus between sustainability and ecological sustainability, which means that although, as Dr Foskey has said, the government says it has a commitment to sustainability, it does not understand the first instance. In the first item about sustainability, it just has not got it.

The most improbable aspect of this whole general purpose committee structure is paragraph 4. This is where we get to the guts of it. This is where you see just how paranoid this government is. When it really comes to the crunch, not only have they put together a dog's breakfast of a committee system; they have put together a situation where they will have control of all the vital committees.

The Standing Committee on Education, Training and Young People, the Standing Committee on Health and Disability and the Standing Committee on Planning and Environment will have two government members, and these committees will not work in the way that they did in previous assemblies. This will be a rubber stamp for the government, and we have another situation here—

Mr Quinlan: It's got to be constructive instead of political.

MRS DUNNE: Yes, it is about politics, but it is not about doing exactly what the Labor Party wants. I do not recall that you got 100 per cent of the votes in this place; I do not recall you even got 50 per cent of the votes in this place. You do not vote for—

Mr Quinlan: Dr Foskey said we'd have 17 seats in any other parliament.

MRS DUNNE: Yes, by putting together a committee system like this, you run only the agenda of the ascendant party to the disadvantage of the roughly 60 per cent of people in the ACT who did not vote for you. If we pass this motion today there will be no scope for a non-Labor view being expressed, or even investigated—

Mr Quinlan: Or dominated.

MRS DUNNE: especially in the Standing Committee on Education, Training and Young People, the Standing Committee on Health and Disability and the Standing Committee on Planning and Environment. If members of this place come in here with a recommendation for a reference to the committee, if the government does not want it, it will vote it down. If members of the committee want to discuss self-reference, if the government does not want it, the government's people will be told to oppose it. As a result we will only be discussing business which is important to the Labor Party. If this motion is passed today, it is the beginning of "Abandon hope all ye who enter here",

unless you are a card-carrying member of the Labor Party. As a result of this motion, this government will set itself up in a way to make everybody else apart from the Labor Party in this territory absolutely and utterly irrelevant.

It will continue to happen unless we of the opposition, with the help of Dr Foskey on the depleted crossbench, continue to make the noise and point out to the community that they are being sold down the river by their majority government. The people in the disability community, the people in public housing and the people interested in planning and the environment have been sold down the river by the establishment of these committees, which are a travesty of the committee system. This committee system will be doing the bidding of the majority Labor government, and it is happening, Mr Speaker, just because they can. And they will continue to say, "We are a majority government. We can do what we like, and the devil can take the hindmost."

The Liberal opposition will oppose this motion today, and we will continue to oppose the flagrant abuse of power that we are starting to see from the majority Labor government. You may smirk, Mr Speaker, but we are seeing today a departure from what has been happening in what could be called a gentlemanly parliament. It ceases to be a gentlemanly parliament. There is no consensus here today; before committees were brought about by consensus.

Yes, we did not win the election, and you have the spoils of victory. But the government needs to be careful that, in coveting the spoils of victory, it does not do so to the detriment of the community. The community will be made voiceless because of these committees and, as a result, government in this territory will be worse. There will be no scrutiny, there will be no means of holding this government to account or of bringing forward the views of the community because, every time a community member says that they have got a matter of concern, and members of this place think that the matter of concern is worth being investigated, what will happen, Mr Speaker? The government members on a committee will say, "No, we don't want that to happen. You know, our mate Jon has got us in a half-Nelson and, even if we think it's a good idea, caucus has told us we can't do it."

As a result, there will be no inquiry or collection of evidence. As a result, much of what was brought out in the previous Assembly will be left hidden—for instance, issues relating to the reporting of child abuse in the territory. If the committee system had not worked the way it did in the previous Assembly, those issues may not have been brought to light. We might not now be spending millions of dollars that need to be spent on child abuse reporting and family services in the ACT. Of course, that would save the government a lot of money, but the children would still be at risk—to a much greater extent than they are today. This is why the Liberal opposition will be opposing this motion and this travesty of a committee system.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.56): Mr Speaker, the search for relevance begins for those on the other side of the chamber. Over the next four years we are going to hear the mantra "abuse of power", "abuse of majority government", et cetera.

Mr Speaker, we have before the Assembly a very reasonable and straightforward proposition. It is reasonable because it outlines very clearly the way in which the

Assembly can use its committee system to scrutinise all of the important elements of government activity, executive activity, in the territory. I think it is worth taking a bit of a reality check for members who are opposed to this proposition, a bit of a reality check on what happens in every other state and territory parliament around the country.

In every other state and territory parliament around the country—indeed, Mrs Dunne’s colleagues up on Capital Hill—very clear decisions are made about who goes on what committees, what committees are established—

Mr Hargreaves: and who chairs them.

MR CORBELL: and who chairs them and who has a majority on them. And let me tell you, Mr Speaker, if we had followed the precedent that every other state and territory parliament and the federal parliament had followed, there would not be a single committee in this place that was not chaired by a government member and had a majority of government members on it. That is the reality, and that is not the course that this government has chosen to follow.

Before we hear all the rhetoric about abuse of power and taking advantage of majority, just reflect on what your own colleagues do federally and what every other state and territory government does, regardless of its political persuasion, around the country. They do not even contemplate giving the opposition the chair of even one committee. They do not even contemplate giving the opposition an opportunity to have a majority on the committee. They control every single one of them. So let’s take that reality check first and foremost.

These committees establish a very reasonable framework for oversight and scrutiny. I heard the absurd argument from Mrs Dunne that, because housing was mentioned in health and disability, it only had to do with those people who were sick or had a disability and their housing needs. Well, Mrs Dunne is being deliberately obtuse and making an argument that is simply wrong.

The Standing Committee on Health and Disability deals with all the matters that are the responsibility of the health and disability portfolios. That is what it deals with. What is so complex and difficult about that? You know, what is so difficult about that that Mrs Dunne fails to get the point? The same again, of course, with the legal affairs committee, which has all of the responsibilities of the justice portfolio. There they are in that committee. The planning and environment committee has all the matters of responsibility of the planning and environment portfolios. It is not a difficult proposition to understand at all. The Standing Committee on Education, Training and Young People has the responsibilities of the education portfolio as well as the responsibilities of the sport portfolio. That is a reasonable approach to take.

Mr Speaker, the government has retained in the motion before the Assembly today the opportunity for members of committees to self-refer. If committees wish to instigate their own inquiries, they can continue to do that. Equally, we have indicated in discussions with the Liberal Party and the Greens member, Dr Foskey, that we will always be willing to consider select committees if particular matters arise that warrant a dedicated look seen to be too difficult to manage within the standing committee framework. That was the same in previous assemblies; it is the same in this Assembly.

Finally, I will foreshadow that the government will not be supporting the amendments that Dr Foskey has circulated and which I presume she intends to move. I discussed the reason for that earlier with her. The proposal by Dr Foskey to establish a standing committee on community services and social equity, in our view, does not add anything to the process. In fact, the relevant terms of reference, as Dr Foskey acknowledges in her circulated amendment, are already included in the terms of reference of the five standing committees we propose to establish through this motion. It seems to me that Dr Foskey is really just looking for a committee that she can be a member of and perhaps chair. So we do not think that is an appropriate course forward. The resolution before the Assembly is comprehensive, encompassing all the areas that are the responsibility of the executive and allowing those committees to self-refer.

In conclusion, I think it is important that the Assembly acknowledge that the government has been elected through the Hare-Clark proportional system and has achieved a majority. Now the government is entitled to assert its views in the Assembly on these matters, and to do so responsibly, articulately and in the spirit of discussion with other members.

It is interesting how Mrs Dunne asserts that there is some lack of legitimacy in this government's vote and its representation on the floor of this chamber. It is the first time I have heard the Liberal Party claim that the Hare-Clark system does not deliver a fair result. It is interesting that the only time she asserts that is when the Labor Party gains majority. Well, we have gained majority through a very fair and proportional electoral system, one which all parties in this place endorse, and we have a responsibility to articulate our view in this place for those people who chose to vote Labor at the last election. That is what we are going to do, and I urge members to support this motion.

MRS DUNNE (Ginninderra): Mr Speaker, I seek leave to speak under standing order 47 because I have been misquoted.

Leave granted.

MRS DUNNE: Mr Speaker, in his closing remarks, the minister said that I had suddenly changed my tune on supporting Hare-Clark. That is not the case. I have never been anything but an advocate of Hare-Clark and continue to be so, and I did not say that the vote of the Labor Party presented them with an overly disproportionate amount of the seats. I said that still the majority of people did not vote for them.

DR FOSKEY (Molonglo) (12.04): I seek leave to move the amendment circulated in my name.

Leave granted.

DR FOSKEY: I move:

- (1) Subparagraph (1)(b), omit "Young People" and "youth and family services;
- (2) Subparagraph (1)(c), omit "and Disability", "disability matters," and "and community services, including services for older persons and women, housing, poverty, and multicultural and indigenous affairs";

(3) Insert new subparagraph:

“(1)(e) a Standing Committee on Community Services and Social Equity to examine matters relating to the needs of family, youth, children, older persons and people with a disability; housing, poverty, children at risk, multicultural and indigenous affairs;” and

(4) Insert new subparagraph:

“(4)(f) Standing Committee on Community Services and Social Equity—
(i) one member to be nominated by the Government;
(ii) one member to be nominated by the Opposition; and
(iii) one member to be nominated by the Crossbench.”.

I will speak in response to the motion and in support of my amendment. I am seeking to amend the committee's motion to provide for the re-establishment of the community services and social equity committee because this committee carried out important work in the last Assembly and, I believe, has an important role to play in the new Assembly.

Community services play a vital role for the people of the ACT. They support people at critical times in their lives, when specialised assistance is required or when natural support, such as family and friends, are unable to assist. They step in to give vulnerable people a helping hand and to ensure that everyone, regardless of age, income, race or ability, has a reasonable standard of living and access to the necessities of life.

The significance of these services and the synergies to be gained from considering them together have increasingly been realised by this government. As a result it established, only two years ago, the Department of Disability, Housing and Community Services, which recently added children, youth and family services to its list of responsibilities. The creation of this department arose largely from the recognition that community service provision requires a very different skill set and knowledge base to the provision of services like health and education.

Community services are largely about responding to the individual needs of people to assist them in living everyday lives in the community, while education and health are institutionalised and systematised models of service delivery. Community services are also about responding to social inequity and poverty and are mostly directed towards filling gaps in people's support structures, whereas health and education services are designed to be universally provided.

The framework and principles that guide the delivery of community services are therefore very different from those used to direct other areas of government service provision. We need a committee, as we had in the last Assembly, which is in a position to properly address the complexity and diversity of community service and social equity issues.

I note that our concerns about the lack of this committee have led to the overburdening of two of the committees proposed by Ms MacDonald. What we have, in fact, are two committees that are going to be able to do only a tiny proportion of the work that is set out for them in the list of responsibilities. Ms MacDonald herself referred to the fact that in earlier assemblies committees were not able to attend to all their work. To me, this

indicates the need for a further committee and not the overburdening of already overstretched committees.

We need a committee that is not so taken up with dealing with other important service system issues that it rarely has time to properly consider community service and social equity issues. We know that in the Fourth Assembly, when issues relating to children and young people were considered by the education committee and disability issues were considered, if at all, under the auspices of the health committee, very few matters relating to these areas ever got to committee.

Of the nine reports produced by the education committee in that Assembly, for example, all were directed to a school or preschool related issue, except for the examination of annual and financial reports. The current government in its last term did a great deal of important planning work in the area of community services and social equity. It has, among other things, developed a social plan, a children's plan, a future directions plan for the delivery of disability services and a plan to address the issues related to carers. It has undertaken major studies on the disadvantaged and on homelessness in the ACT and has identified indigenous and multicultural affairs as areas requiring integrated support.

This is clearly only the beginning. After the planning phase must come the implementation, and in the area of social equity and community services we know that this usually proves to be far more difficult. Governments are too often far better at developing and writing papers than they are at delivering quality outcomes on the ground for individuals. An Assembly social and community services committee must be available to consider those matters where planning and implementation do not gel, where gaps are discovered in the plans and where new matters come to light.

Standing committees of the Assembly have continuously made strong, positive contributions to the development of government policy. They have also, very constructively, held government to account and acted as a bridge between community and parliament. It is hard to understand what the government really hopes to achieve by abolishing the community service and social equity committee this term. It will serve only to overburden the remaining committees, as I pointed out, and to ensure that many important issues will not get the detailed Assembly consideration they deserve.

Furthermore, Mr Corbell's point that select committees can be set up to deal with issues that are not covered by standing committees fails to reflect the fact that a majority government can choose not to address certain issues, even when these are of great concern to other members of the Assembly and to the community itself.

Finally, in response to Mr Corbell implying that I am only seeking a committee that I can be a member of, and perhaps chair, I think that in that implication there is an acknowledgment that there has been a process of exclusion in the setting up of these committees. Also, there is a personal sort of remark there which I will not engage with, simply because we have raised this as a matter of community concern. I certainly would like to be a member of that committee. I do not necessarily need to be the chair. I think that committee needs to exist and I have stated the reasons why.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (12.12): Thank you, Mr Speaker; I will be rather brief. I rise, first of all, in relation to

what was supposedly a travesty and just to support Mr Corbell. In so doing I would like to quote Dr Foskey, who observed earlier today that, had we been elected under a system that prevails in most states and territories, there would have been 17 ALP members in this place.

Dr Foskey: Mr Hull's observation, not mine.

MR QUINLAN: Well, you chose to introduce it. Can I just put myself on the record as being not a total fan of the Hare-Clark system? In discussing Canberra's political system, I have said a number of times, and I will repeat it today, that I believe that Canberra has no lower house—only an upper house. A lot of our members used to operate as if they were in an upper house. We do actually need to have a government with a mandate, and we now have one.

In the past, committees have been constructive—but not always. In fact, I would say that in the majority of cases, the committees have tended to be hostile. Let's be practical. In the last Assembly you could observe that the Democrat who was a member of this house generally set herself up in opposition to the government. So, virtually, committees were hostile, and then unfortunately became more political, even to the point of abuse of position when we had a chair of one committee having to stand down for breach of privilege. I think that was a commentary on some of the activity within the committee system.

So Mr Speaker, we will not be supporting the tailoring of individual committees to suit members and their personal agendas. Therefore, I can give notice that we will not be supporting Mr Mulcahy's motion, when that is moved.

MR STEFANIAK (Ginninderra) (12.14): Mr Speaker, the opposition will be supporting Dr Foskey's amendment to Ms MacDonald's motion and my colleague Mr Mulcahy will be moving a very sensible, almost procedural, motion, which adds to the government's motion and is not in any way dependent on Dr Foskey's motion.

In relation to committees, I have been around this place a long time, as you have, Mr Speaker. With interest I heard Mr Corbell say that what the government has proposed is very reasonable, and he prattled on about what occurs in other states and in the federal parliament. We have developed a fair bit of history here ourselves. The committee system has served us well, and I think it is something we will discard at our peril. Whilst the government's motion is very clever—because it probably does ensure that nearly all the time they will end up with a majority report favourable to them—it is not terribly reasonable. In the past, the committee system of this Assembly has been very strong and, yes, this is the first time we have had a majority government, but that is no reason to weaken the committee system.

Mr Quinlan, contrary to what you have said, I think you will find that in the case of a lot of committees in the last Assembly there are quite a few unanimous reports. I can think of a few from my own committee, particularly the fireworks report. Mr Hargreaves will remember that well. Each member took certain ideas to that committee, and as a result of the hearings things changed. A lot of evidence was taken. We came down with a unanimous report, and that is something that has been a history in this place. A lot of good work has been done in all committees over the years. There have been quite

a number of unanimous reports, regardless of the make-up of the committee, and that has served this place well.

Governments do not often like what committees come up with. I remember that, as education minister, I often did not like some of the comments made by Ms Tucker's education committee, but there was usually a lot of good sense in most of the recommendations. Most of the recommendations of that committee were accepted by government. When you go through the history, most of the recommendations of all committees have been accepted by government. Because committees have taken evidence, they adopt largely a reasonably bipartisan stance.

That is not always the way, and it will never always be the way. But certainly in the history of this place, a lot of good work has been done in committees and effectively a more bipartisan stance has been taken and I think that has been for the better good of the people of the ACT and the good governance of the ACT. Just because we have a majority government now does not mean we need to throw all of that out and discard a system that has served us well.

The current government was in a pretty strong position in the last Assembly. It had eight members, and it had a Green member who was ideologically committed to a number of things the government was doing. It was in a fairly strong position. Mr Hargreaves was then the government whip, as I was the opposition whip to start with. Indeed we came up with six committees. And if Ms Foskey's motion were accepted, I suggest it would be pretty well the six committees that served the Fifth Assembly and the community of Canberra very well. That included a CSSE committee, as it was called, which is exactly what Dr Foskey is proposing here.

That would simply reinstate the very good system we had in the last Assembly. For a body this size and, given the composition of members of this place, that is not unreasonable. That would not put an unreasonable strain on government members, opposition members, or indeed the crossbench. It is not the situation we had when we had smaller governments, when people like Robyn Nolan, Harold Hird and Bill Wood were on every single committee and run absolutely ragged. That would not be the situation at all.

But it would give a good spread right across the spectrum of things we need to do. And the CSSE committee, as proposed by Ms Foskey, would pick up those areas that are probably not going to get the same attention under this proposed new structure by the government. I can count: it is going to get through. But what Dr Foskey is proposing is a much better approach because it dovetails with what we had before and gives sufficient emphasis to those areas this government says a lot about—probably paying lip service—but when it comes to the crunch does not necessarily deliver.

Well, here is your chance. If you accept what Dr Foskey has done, you will be able at least to establish a committee to look at these important areas that are not currently being looked at. I foreshadow Mr Mulcahy's motion. It is a sensible one, ensuring that public works is in the Standing Committee on Public Accounts. It is a very important area of government and needs to be properly examined. Mr Mulcahy will explain more about that. It is certainly something the opposition also urges on this Assembly. I make these points in this debate, and I will be supporting Dr Foskey's amendment.

MRS BURKE (Molonglo) (12.20): I will be brief, due to the constraints of time. Mr Speaker, I hold before me here the 25th anniversary edition of *Contact*, which, as members will know, is Canberra's community information handbook. The concern I have—and I certainly commend Dr Foskey for her amendments to the motion before us today—is that there are 2,700 organisations in and around the ACT that provide community-oriented services. *Contact* does not include most for-profit organisations, which are readily available through the telephone directory, but it includes those 2,700 organisations.

I take Ms MacDonald's point. Having been on the health committee with Ms MacDonald, we knew there were many issues that we wanted to pursue but could not. She said it herself. She picked herself up by saying there were things that we wanted to do throughout all of the committees in the last Assembly but which, because of the constraints of time and the enormous workload, we were unable to do. How on earth does axing a committee give us more opportunity to do that? Surely, there is a real point here in having that sixth committee. Mr Corbell said we can establish select committees, as we have the right to in this place. Why get rid of that sixth committee to put even more work pressure on the others?

I don't really care about the make-up of the committee. Mostly, committees work well in this place—let's have that said. Most committees work really well. But I am concerned about the inordinate amount of work now being placed on a compacted committee system that will not allow for the process, as Dr Foskey is foreshadowing in her motion. We are not going to be able to hear from all the community, and it is of grave concern. I will leave it there, but I understand that we have a motion on the notice paper later in the day, and I will make a comment at a later hour. Thank you.

Dr Foskey: I seek leave to speak again. It will be extremely brief.

Leave not granted.

Amendment negatived.

MR MULCAHY (Molonglo) (12.22): Mr Speaker, I seek leave to move an amendment.

Leave granted.

MR MULCAHY: I move the following amendment:

- (1) Subparagraph (1)(f), omit "public works and"; and
- (2) Subparagraph 1(a), insert new subparagraph:
 “(v) examine matters relating to public works;”.

In relation to the amendment circulated in my name, there is a typographical error in Ms MacDonald's name, which I draw to your attention. I will briefly outline my amendment. One of my early observations, both in the campaign and having subsequently been elected, has been the absence of a special committee on public works, which has existed in other parliaments in this country for some time. In the recent

campaign, there was no matter, beyond the hospital system, that drew more attention or concern than the matter of planning, and for that reason I would imagine that the Standing Committee on Planning and Environment will be busy.

I imagine Mr Seselja, as our opposition spokesman on these matters, will have a range of issues to pursue, and I am concerned that public works matters, which amount, according to the budget papers, to approximately \$329.9 million in terms of capital works provision, will not warrant the scrutiny and attention that they deserve. Accordingly, I am suggesting that these matters be more appropriately addressed by the public accounts committee.

I welcome the Treasurer's suggestion, which he made by way of interjection to my colleague, that we should make a constructive amendment and, indeed, I believe this is in the spirit of that constructive amendment. I understand that the public accounts committee has some scope within the budgetary process to review these matters, but I am not of the understanding that there is adequate scope to look at, in thorough detail, major capital works activities and specific projects. I commend this amendment to the house.

Question put:

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

The Assembly voted—

Ayes 7		Noes 8	
Mrs Burke	Mr Seselja	Mr Berry	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Corbell	Ms MacDonald
Dr Foskey	Mr Stefaniak	Ms Gallagher	Mrs Porter
Mr Mulcahy		Mr Gentleman	Mr Quinlan

Question so resolved in the negative.

DR FOSKEY (Molonglo) (12.29): I seek leave to move another amendment to Ms MacDonald's motion.

Leave granted.

DR FOSKEY: Given that the amendment could not be circulated earlier because it relied on the vote for my previous amendment, I want to emphasise my—

Ms MacDonald: On a point of order. Mr Speaker, in order to assist the Assembly, could Dr Foskey please read out what the amendment says so that the rest of the Assembly knows what she is talking about.

MR SPEAKER: I am sure she will come to that.

DR FOSKEY: I move the following amendment:

Omit paragraph (4) and substitute:

- “(4) Each committee shall consist of three members, except for the Standing Committee on Planning and Environment, the Standing Committee on Education Training and Young People and the Standing Committee on Health and Disability, which may have four members.”.

The reason I am moving this amendment to expand the size of these committees is the government’s expressed intention to have two members on each of these three policy-based committees just established. I know that the community, in electing a Green to the Assembly, expected that we would be given the opportunity to contribute to the detailed development of recommendations by committees, in the same way as the Greens have in the past. In particular, the community would expect me to make my services available to those committees where I can contribute the most.

As the government has conceived the committees to this point, they have neglected to leave room for both Green and Liberal points of view on the three policy-based committees. Clearly, with only one Green representative in the Assembly we cannot join all the committees, but we can lend our knowledge and expertise to three. The three committees to which I believe I can contribute most are the planning and environment committee, the education, training and young people committee and the Committee on Health and Disability.

You will know that I have been involved in education for much of my life—as a student, as a teacher and as the executive officer of the country education project, which worked in both the community and the schools in East Gippsland. You will also know that I have had a long involvement in the environment and that two of my theses involved deep research—one into environment, planning and community consultation in Canberra and the other one into more global issues, but related to such things that the Canberra community is vitally concerned about, such as the impact of population and our ecological footprint.

I feel that I should have the opportunity to contribute this expertise, as I have been elected to this Assembly by many people on the basis of it, no doubt. I urge the government to support this amendment to allow a Greens perspective to be added to those committees where I believe I can contribute the most.

MR SPEAKER: Just in case there is a misunderstanding about the circulation of material and amendments, it is open to you, Dr Foskey, to circulate matters at any time. I would not want you to think there is any restriction on your doing that.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (12.33): The government will not be supporting this amendment. The argument is basically one of proportionality. Dr Foskey as a Greens member is one-seventeenth of this Assembly, but she wishes the Greens to be represented on three of the five committees. In fact, she wants to represent the Greens on all five of the committees that exist in this place.

I do not know how that stacks up in proportionality terms, but Dr Foskey is one member. We have sought to accommodate Dr Foskey as a crossbench member in the make-up of committees, which is the motion Ms MacDonald has put forward, but we think it is very

difficult to justify that a party with only one member in this place should be represented on each and every standing committee. We do not believe that it is consistent in any way with the spirit of the approach that has been adopted in every Assembly, including this one, where some level of proportionality has been attempted. The government simply cannot support the proposition.

MRS DUNNE (Ginninderra) (12.35): Mr Speaker, the Liberal opposition will support Dr Foskey's motion because, although Dr Foskey, Mr Corbell, Ms McDonald and I participated in some discussion and it was raised at the time that, yes, there was some accommodation for allowing the Greens to be on some committees, there were particular areas where Dr Foskey, as the Greens representative, having expressed a desire to participate, because of the structure—"We have got to have a majority and the chairmanship of committees so that we can control the agenda,"—was unable to participate in committees like the planning and environment committee.

Although the suggestion was made to extend the membership of some of the committees, principally the planning and environment committee, the government went away and, we presume, talked about it at caucus, came back and said "No, we are not going to do it." I think that, without the perspective of the whole community in committees, particularly the planning and environment committee, the community will not be well served. For that I think reason the Liberal Party should support this amendment.

MR SPEAKER: Thank you, members. There has been a bit of an oversight. I usually draw attention to the time at 12.30 in respect of the luncheon break, and I will continue with that practice. But the government has already indicated that it wishes to continue with this motion. The question is that the amendment be agreed to.

Amendment negatived.

MS MacDONALD (Brindabella) (12.37): A couple of comments have been made in the course of the debate, specifically in relation to my comment that in the last Assembly, when we had six standing committees plus the administration and procedure committee—so seven standing committees all up—we could not actually get through everything. That is certainly true and, while this could be considered to be a flaw in my argument, I would point out that either the First or the Second Assembly—you would know, Mr Speaker, much better than I because you were here—had seven standing committees plus the admin and procedures committee. I would also point out that much larger parliaments have far greater numbers of committees. I would bet my bottom dollar that they also do not get through every item of business that they would like to because of time constraints and other matters pressing upon members.

I think it is interesting as well that Dr Foskey made the point that she wanted to go onto three of the committees, but she did not actually attempt to take herself off the other two committees. Apart from anything, the workload that that would have created for her would have been quite monumental. Something that she will come to find in this place is that being on committees does require a large amount of time.

The intention is that I will be on three standing committees, plus admin and procedure. In the last Assembly I was on three standing committees and not admin and procedure, and that took up a lot of time. Dr Foskey has put forward that she wants to go on five

committees. As the minister pointed out, she is one-seventeenth of this place. Even if you take into account that she got about 12 per cent of the vote in her electorate, that would not entitle her to representation on every committee in this place. Mr Speaker, I commend the motion.

Question put:

That **Ms MacDonald's** motion be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Berry	Mr Hargreaves	Mrs Burke	Mr Seselja
Mr Corbell	Ms MacDonald	Mrs Dunne	Mr Smyth
Ms Gallagher	Mrs Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Quinlan	Mr Mulcahy	

Question so resolved in the affirmative.

Sitting suspended from 12.41 to 2.30 pm.

Questions without notice

Hospital waiting lists

MR SMYTH: My question is directed to the Minister for Health. I refer to the Auditor-General's performance audit of waiting lists, which found that there has been a general decline in performance in the less urgent categories.

The average delay in category 2 has risen over the last three-year period to June 2004 from just below the clinically indicated 90 days to well above it—that is, 167 days for Calvary and 135 days for the Canberra Hospital. In category 3, performance has fluctuated, but has generally declined over the three-year period to June 2004, with the average wait increasing from 226 days to 383 days for Canberra Hospital, and from 144 days to 243 days for Calvary.

Why has the waiting time for elective surgery in categories 2 and 3 increased so badly under this government, when you have stated that it was one of your highest priorities to reduce waiting times in these categories?

MR CORBELL: I thank Mr Smyth for the question. The government continues to work hard to address the issue of demand for elective surgery through our public hospitals. It is true that there has been an increase in waiting times in a number of areas. It is worth making the point that, at the same time, there has been a very significant increase in the number of people receiving their elective surgery.

That shows that at the same time as we are increasing capacity, we are also seeing increased demand. It has been difficult for the government to keep up with that demand. That said, it is worth making the point that in the most recent budget an additional \$1 million was provided to improve access to elective surgery, particularly for people

receiving joint and cataract surgery. Quality of life can be immeasurably improved with these procedures and as a result of elective surgery being undertaken. We anticipate that this financial year an additional 200 people will get access to joint and cataract surgery.

In addition, the Auditor-General's report has highlighted the need for a waiting list management policy. I am very pleased to advise members that the government now has such a policy in place. Interestingly, the Auditor-General at this point—

Mrs Dunne: Mr Speaker, I rise on a point of order. Under standing order 118A I ask that the minister be concise. The question was: why has the waiting time for elective surgery for categories 1 and 2 increased so badly? So far, the minister has not mentioned categories 1 and 2, and he has been speaking for almost two minutes.

MR SPEAKER: I think the minister is staying in context; he is sticking to the subject matter and the question. I am sure he will come to those issues in due course.

MR CORBELL: Mr Smyth couched his question in the context of the Auditor-General's report. I want to provide some further context in that regard. It is interesting that the previous Auditor-General made a recommendation to the then government for the need to develop an elective surgery waiting list management policy. The previous government singularly failed to implement this in any way.

We now have an elective surgery waiting list management policy, which will ensure that people get access to surgery in an equitable and timely way. Yes, there has been an increase: there has been an increase in demand; there has also been an increase in the level of throughput. In fact, the level of throughput is at its highest ever. The government will continue to work hard to address those areas where there is still need for further improvement.

Amaroo school

MR GENTLEMAN: Mr Speaker, my question is to the Minister for Education and Training, Katy Gallagher. Minister, the Amaroo school recently won a national award from Master Builders Australia, the national environment and energy efficiency award. Minister, what were the design features that led to the school receiving this prestigious award?

MS GALLAGHER: I thank Mr Gentleman for the question. For the benefit of members of this chamber, the new Amaroo school is a leading new facility in Gungahlin that delivers exceptional educational resources to the young people who attend it and delivers a model for future school developments in terms of environmental standards. In recognition of these excellent features, Amaroo stage 2, primary school, was nominated for an award in the Master Builders Australia national environment and energy building efficiency award—commercial, under \$10 million category—in October. The nomination was successful and the award was presented at a ceremony in the Great Hall at Parliament House on 19 November.

The awards are presented to members of the MBA for excellence in various categories of construction. Manteena, which is a member of the MBA, managed the Amaroo building project on behalf of the Department of Education and Training.

Amaroo continues to be a great community facility for the people of Gungahlin and a great example of a public school leading the education sector in design, construction and well-resourced classrooms and teaching spaces.

Stage 2 of the Amaroo school was opened in February 2004 and is designed to cater for 400 students from kindergarten to year 5. Amaroo was designed to provide flexible learning spaces to meet the educational needs of students while nurturing the development of a sense of community. The design was developed with sustainable energy systems and safety in mind. It has also been recognised in occupational health and safety awards. The school was designed to make the most use of the warmth of the sun, with specially designed ventilation and high ceilings to ensure classrooms remain cool in summer.

Some of the other innovative design features that were noted in the award included passive solar design; underground water tanks for the recycling of rainwater; use of natural ventilation and lighting; walls constructed for thermal mass performance; extensive shading; and use of environmentally friendly materials.

The Amaroo school has received this award in recognition of its great features. It is a demonstration of the government's commitment to sustainability as outlined in the Canberra plan. As the chamber may be aware, the Amaroo school consists of three stages: stage 1, the preschool, opened at the beginning of 2003; stage 2, the primary school, commenced operating at the beginning of the 2004 school year; and stage 3, the high school, commenced construction in September 2003 and is ready to be opened at the beginning of the 2005 school year.

When the senior school opens at Amaroo next year, I hope that many of its innovative features will also attract public comment and support. New features at this school will include many other features to promote sustainability, including solar hot water power, photovoltaic cells, a wind turbine and storm water storage tanks.

Amaroo is a great example of innovative design but is also a welcome addition to the educational resources of the ACT community. At a time when many are prepared to take a swipe at public education, Amaroo remains an example of public education leading the way in the ACT.

Alcohol and drug program

DR FOSKEY: Thank you, Mr Speaker. My question is to the Minister for Health and is in regard to ongoing reviews of the ACT's alcohol and drug program. The minister would be aware that concerns have been raised about some operations and practices within the alcohol and drug program. The first occasion was through the health department in 2002 and 2003; then through the union, also in 2002 and 2003; next through Kerrie Tucker to the Chief Minister in June this year; and, in July, through the media. The ACT government response to these allegations and concerns consists of three reviews. The first one, on probity, was conducted by Acumen Alliance and was tabled in the Assembly on August 24. The third review, of clinical governance, is now under way and is due for completion early in the New Year.

MR SPEAKER: Order, Dr Foskey. Could you come to the point of the question.

DR FOSKEY: Can the minister scotch the rumour that the health department will not release the workplace environment review—now that the Labor Party has majority government—and assure the Assembly that the full review, including all recommendations, of which there are 30, will be publicly released; that the government will respond to it in full; and that the recommendations, where accepted, will be implemented as soon as possible in a comprehensive and transparent manner?

MR CORBELL: I thank Dr Foskey for the question. The government does not intend—I did not intend—to release that report. The reason, on clear advice, is that to do so would result in some fairly serious breaches of privacy for the individuals involved. It comments in a very detailed way on issues that affect individual staff members, who are identified by name. For that reason, I do not intend to make the report public. However, I am prepared to offer a detailed briefing to any member who is interested in this particular issue and at the same time I can assure Assembly members that the government is implementing all of the outcomes of that workplace environment review to ensure that the issues are appropriately and comprehensively addressed.

MR SPEAKER: Does the member have a supplementary question?

DR FOSKEY: Yes, thanks very much, Mr Speaker. I understand that the recruitment of a new director for the Alcohol and Drug Program has commenced nationally—

MR SPEAKER: Dr Foskey, there is a rule—

DR FOSKEY: Can the minister reassure the Assembly—

MR SPEAKER: You just picked up on that ruling.

DR FOSKEY: I am learning fast! Can the minister reassure the Assembly that the successful candidate will lead any necessary culture change and advise us of arrangements that will be put in place to oversee such change?

MR CORBELL: Again, I thank Dr Foskey for the question. The government, through ACT Health, has commenced a nationwide recruitment process for a new manager of the program. I understand that that has attracted a good level of interest and I am confident we will be able to recruit a quality candidate. Obviously, the need to reform the culture of the program is paramount in my mind and in the mind of the Chief Executive of ACT Health. The Chief Executive of ACT Health is keeping me closely informed of the process: he is taking a very close interest and personal oversight of the process for recruitment for that new position.

MR SPEAKER: On the issue of supplementary questions: it has been my consistent position that I do not allow preambles to supplementary questions. I will be continuing that practice.

Hospital waiting lists

MRS BURKE: Mr Speaker, my question through you is to the Minister for Health. Minister, I refer to the Auditor-General's performance audit on waiting lists. Ideally, patients should wait no more than a year for category 3 elective surgery. However, the Auditor-General revealed that, as of 30 June 2004, one patient had been waiting 1,785 days, or nearly five years. Why had this person been waiting nearly five years for elective surgery?

MR CORBELL: I thank Mrs Burke for the question. I will have to check the details of that individual's case, but I think it is worth, in general terms, putting on the record that there can be a range of reasons why someone is waiting for surgery. Not only can they involve, obviously, the very high demand for a particular type of surgery and/or the availability of the necessary specialists but also other factors that are beyond the government's control, for example, whether or not the patient is ready for care; whether they are physically well enough, even with their illness, to undergo surgery; whether they have, themselves, chosen to decline surgery on a number of occasions; or whether they are seeking surgery only by a particular surgeon and are not prepared to contemplate surgery by other surgeons.

I do not know whether or not that is the case in this circumstance and I am happy to provide further information to Mrs Burke in that regard. But there is a range of reasons why someone will wait longer than necessary for their surgery—some of them within the control of the territory and others outside it.

We have in place an effective waiting list management policy which makes it very clear how someone is categorised and counted in respect of the length of time they have waited, depending on their individual circumstances—whether they have initiated postponement or whether the postponement has been system initiated. For those reasons, the government has taken steps to establish a waiting list management policy. That is entirely what is needed to help make sure we measure waiting times accurately and in a consistent way. I will provide further details to Mrs Burke on the particular instance she cites from the Auditor-General's report.

MRS BURKE: Mr Speaker, I have a supplementary question. I thank the minister for that answer. In his advice, will the minister please advise whether the patient has now received elective surgery or if indeed they are still waiting. If he could clear that up, that would be good.

MR CORBELL: Subject to privacy issues around the individual patient, I am extremely happy to provide that information.

Bushfires—coronial inquest

MR STEFANIAK: Mr Speaker, my question is to the Attorney-General. Attorney, on 6 May 1999 you made the following statement in this place:

When making decisions about whether the laws of parliament are properly observed, whether people should be prosecuted and a range of other issues going to

the legal system, it is the Attorney-General, as the first law officer, who has a principal role to play. The Attorney-General is a minister of the government, but as a minister he does have an identity separate to that which other ministers have in our systems of government. The Attorney-General must on occasions separate himself, in terms of his responsibilities to the law, from his role as a politician. It is a vital and accepted part of his role as Attorney-General.

Attorney, do you stand by your statement in this place on 6 May 1999?

MR STANHOPE: I most certainly do, Mr Speaker.

MR STEFANIAK: Mr Speaker, I ask a supplementary question. Attorney, why have you failed to follow this generally accepted part of your role in relation to the coronial inquest into the bushfires?

MR STANHOPE: I haven't, Mr Speaker.

Innovation grants program

MS PORTER: My question is to the Minister for Disability, Housing and Community Services, Mr Hargreaves. Can the minister please advise the Assembly of the outcomes of the 2004 Disability ACT community-governed innovation grants program?

MR HARGREAVES: I thank Ms Porter for the question. Mr Speaker, I was expecting something really mean and tricky from those folk; I will wait for that. Disability ACT is committed to developing innovative support arrangements for people with a disability in the ACT. The innovation fund was established in the 2002-03 budget following recommendation 49 of the board of inquiry into disability services in 2001. The main aim of the grants is to minimise the impact of disabilities on people and maximise the opportunities for people with a disability to participate as full members of their communities.

Disability ACT decided to be innovative in its approach to the 2004 innovation grants selection process by enlisting the assistance of SHOUT Inc, which has been given a grant to facilitate the employment of two parent advocates to undertake this work. These project coordinators were responsible for the development of a grants process, the drafting of appropriate documentation, and the gathering of a reference group and separate selection panel from expert community representatives.

Projects funded under these grants were intended to directly address the needs of people who have a disability, their families and their primary carers; that is, projects that encourage or act as a catalyst for long-term change in community attitudes and cultural perceptions of people who have a disability, create partnerships and support families in new ways, and redesign conventional practices to better address people's needs.

Thirty-eight applications were received, with 11 of them being short listed for interview. Six proposals were approved. The first was the get out and play project of VISACT, concerning sport for the visually impaired, which received \$19,000. The focus of this project is on coaching and sports development. The aim is to enable people with visual impairment to have access to mainstream sport. VISACT will offer regular coaching and come-and-try options and will work with sporting bodies to increase awareness.

The belly dancing performance group proposal of Morgan Jai-Morincome with CAPS Access received \$17,860. This proposal is about an integrated group of women who will learn and then perform belly dancing. There will be some initial segregated lessons for women to learn the basic moves, followed by several classes for all women regardless of their ability. The lessons will culminate in some public performances. I look forward to Mrs Burke engaging in that process.

The strength-based mapping and asset-based community development project of Northside Community Services received \$25,000. This project uses a combination of strength-based mapping and asset-based community development to mobilise existing capacity in the community to achieve increased inclusion, choice and engagement for a person with a disability in their own neighbourhood.

The Woden accommodation service training room at the Woden school received \$8,100. This project is about the development of an accredited course in accommodation services, with identified units of competency. The room will be furnished as a replica of a hotel/motel room for students to learn the competencies. Existing partnerships with hotels will be further developed.

The mentors in leadership and innovation project of Baptist Community Services received \$25,000. This project is about supporting people with a disability to plan a project of their choice and link them to a mentor in the community. It will provide individuals with a disability with opportunities to lead, develop skills in their area of choice, and contribute to their community. Potential leaders will form a partnership with a person who will support, encourage and inspire them. The project aims to promote inclusion, independence, initiative and the individual strengths of the participants.

Finally, the exercise for women with mobility aids project of the Women's Centre for Health Matters, Women With Disabilities ACT and the YMCA of Canberra received \$24,778. This project is about developing a safe fun activity/exercise program for women with physical disabilities, with the long-term goal of social inclusion in mainstream fitness programs. It includes weekly classes over 28 weeks, informal talks and presentations on health matters, and visits to the AIS and the Southern Cross Club's health and fitness centre. The latter has expressed an interest in partnering longer term with the women with mobility aids project.

That is the way in which this government tries to normalise the issues for people with a disability. It tries to get them out and do with them the things that they know and the things that they are good at. I hope that this grants program will achieve all of its aims.

Bushfires—coronial inquest

MR SESELJA: My question is to the Attorney-General. Why has the ACT government joined the action against Coroner Doogan to try to force her to stand down from heading the coronial inquest into the 2003 bushfires?

MR SPEAKER: I have an issue in relation to our interference with the courts, and I think that that question attempts to elicit an answer. I think I will disallow the question.

Mrs Dunne: Mr Speaker, before you rule it out, I would make the point that this is not seeking the Chief Minister's view on the merit of the action at large, or the outcome of the action at large; it asks why the ACT government joined the existing action.

MR SPEAKER: Could you repeat the question, Mr Seselja?

MR SESELJA: Why has the ACT government joined the action against Coroner Doogan to try to force her to stand down from heading the coronial inquest into the 2003 bushfires?

MR SPEAKER: I will allow the question, but the minister should steer very clear of anything that could be construed to be sub judice. Otherwise, I will intervene.

MR STANHOPE: Thank you, Mr Speaker. I agree with you that the sub judice rule is very important and should be respected. In any question that goes to an issue before the courts there is a real issue about the extent to which it respects the separation of powers.

In relation to the decision the government took, I think members are aware that the coronial inquest has been sitting for a long time. It is a very important inquest, important to a lot of people within the ACT. A lot of emotional energy has been invested by a lot of people, and the government is very aware of the importance of the outcomes of the inquest and, indeed, the conduct of the inquest itself for many Canberrans, especially those Canberrans so directly affected by the fire.

As I say, the inquest has been conducted over a period of time. It has heard evidence from a significant number of witnesses; it has compiled significant amounts of information. It is the case that, during the conduct of the inquest, information has come to hand. It came to the attention of those represented at the inquest, specifically through the advice of learned counsel to the territory's legal advisers in relation to a concern as a result of some of that information, that the coroner may have created a perception of bias in those circumstances.

It was open to individuals represented before the inquiry—indeed, open to the territory representative for the inquiry—to consider whether, as a result of an apprehension of bias, it would be appropriate, in the interests of justice, to ensure that that issue was raised. Indeed, it was raised before the coroner. The issue was raised before the coroner as to whether, as a result of certain incidents and certain information, it could be rightly presumed that there was an apprehension of bias.

MR SPEAKER: Mr Stanhope, I think we are going to the issue that is now going to be a matter that the courts will consider.

MR STANHOPE: Well, they certainly are, Mr Speaker.

MR SPEAKER: And I am very mindful of the sub judice convention and quite cautious about allowing any debate that might impinge on matters that come before the courts. I repeat my anxiety about going too close to issues that may have in fact been considered by the court, including a discussion about the issue of advice in the context of the matter which is being brought back to the courts.

MR STANHOPE: I understand that, and I take it that it is not a tack for the purposes of providing some additional information to members.

Mrs Dunne: Mr Speaker, under standing order 118 (a), an answer is to pertain to the subject matter. The question is: why did the ACT government join the legal proceedings? And that question has been answered, at least to some extent, by the Attorney on radio and in this place.

MR SPEAKER: What Mr Stanhope says on radio is a matter for him. But what is said in this place is a matter for me to determine in the context of the standing orders. Mr Stanhope, who is dealing with the point of the question, is very cautious about the sub judice rule.

MR STANHOPE: Thank you, Mr Speaker. It is important that we respect the sub judice rule—the separation of powers in the courts. In light of your cautionary remarks, let me go to the point of the role and responsibilities of the Attorney-General in the administration of justice. I presume that this was the point that the shadow attorney was seeking to address in his question, in a very ham-fisted way.

The Attorney-General, as the first law officer, has essentially a dual responsibility. The Attorney-General is also a politician. I am a politician; I am a first law officer. There is a first law officer act that seeks to make explicit some of those issues and the dual role and responsibilities of a first law officer. I am the Attorney-General, I am a politician and I act in the interests of the government in relation to the administration of justice and issues with a legal focus.

I can initiate legal action on behalf of the territory. I am also the first law officer, and I have a responsibility for the courts. I have a responsibility for the administration of justice, and the matter now before the Supreme Court is a matter that goes to the heart of the administration of justice—namely, that justice not only be done but that it be seen to be done and that it be seen to be done according to some very strict principles and protocols. That is what we are doing.

MR SPEAKER: The minister's time has expired.

MR SESELJA: I have a supplementary question. Chief Minister, who provided the advice suggesting that the government act in this unprecedented way?

MR STANHOPE: The government's legal advisers.

Bushfires—coronial inquest

MRS DUNNE: Mr Speaker, my question is to the Attorney-General. Attorney, prior to your unprecedented action to join in legal action against the coroner, you sought advice from the head of your department. Like you, he may be the subject of an adverse finding or criticism if the coroner is able to deliver her report next year. Attorney, why did you ask for advice from the head of your department, rather than an impartial source on this issue, given that he, like yourself, has an obvious conflict of interest?

MR STANHOPE: The advice that the government received in relation to this matter was advice that was prepared by independent counsel. It was advice that was arranged and facilitated by the head of the department of justice or his officers, as one would expect. But the government has independent legal counsel representing it in relation to this matter and advice in relation to this matter was prepared by independent legal counsel.

MRS DUNNE: Mr Speaker, I ask a supplementary question. In light of that answer, who was the independent legal counsel and how was that seeking advice facilitated by the head of your department?

MR STANHOPE: The advice in relation to this matter from independent counsel was sought in precisely the way that independent advice is sought by the government in relation to all the issues in which we are involved. The territory, through the department of justice or through the ACT solicitor or through me, is involved in the courts on a daily basis. It is fair to say that on almost every day a court sits in the territory, the territory in one guise or another is represented, and in relation to many of those matters I give advice, or my advice is sought and I give direction or instructions. It happens daily.

In the context of the question you asked, I received a request just this week for advice in relation to a matter before the court going to the defamation action between Ms Szuty and Mr Smyth. In fact, yesterday I received a brief from the department of justice in relation to a matter before the Supreme Court now, namely the finalisation of costs by Ms Helen Szuty against Mr Brendan Smyth. My advice as Attorney-General has been sought.

Mrs Dunne: Point of order, Mr Speaker. Under both paragraphs (a) and (b) of standing order 118, the answer is not to the point, it is not concise and it is debating another issue.

MR SPEAKER: Come to the point of the question.

MR STANHOPE: Mr Speaker, I was coming to the point that I think it is important to put this in context. This is not unusual. The department constantly seeks my advice as Attorney-General in relation to matters affecting the territory that have been dealt with in the courts.

Just yesterday—and this is quite pertinent—the department of justice referred a brief to me in relation to a matter that I believe is in the courts this week, namely an issue of costs. Bear in mind that the territory met the costs of Mr Smyth in the defamation action against him by Ms Szuty for his outrageous defamation of her.

Mr Stefaniak: Point of order, Mr Speaker. I think he personally needs to withdraw the word “outrageous”.

Mr Smyth: I won.

Mr Stefaniak: Exactly. Firstly, it is contrary to a court decision; and, secondly, again the Chief Minister is not confining his remarks to the subject matter. He is again being repetitious so he is breaching paragraphs (a) and (b) of standing order 118.

MR SPEAKER: If the word “outrageous” was used in the context of a court decision, I would ask Mr Stanhope to withdraw that. But I think Mr Stanhope is entitled to refer to matters upon which he has received advice.

MR STANHOPE: They are quite relevant. I have used the word “outrageous” in relation to the defamation and it certainly was—

Mr Smyth: Because there was no defamation.

MR STANHOPE: Oh, no.

Mr Smyth: Point of order, Mr Speaker. There was no defamation. The court found against Ms Szuty.

MR SPEAKER: Order! I cannot deliberate on what the court has or has not found. I do not think you have a point of order in that context, Mr Smyth.

Mrs Dunne: Mr Speaker, I would again ask the Chief Minister to withdraw the word “outrageous” in relation to defamation. I have already asked him to withdraw it and he has used this as an opportunity to repeat it.

MR SPEAKER: I said to the Chief Minister that he should withdraw the word if he said it in the context of the court’s decision.

MR STANHOPE: I will not mention the issue of what exactly it was that the court found in relation to Mr Smyth’s conduct. I will table the judgement after question time; it makes very interesting reading.

But I make the point—and I do not wish to digress—that as Attorney-General I am asked to deal with a full range of issues that affect the territory in the courts. One such matter at the moment is the extent of the costs that the territory will have to pay as a result—

Mrs Dunne: A point of order, Mr Speaker. I refer to paragraph (a) of standing order 118. I asked a question about who provided independent advice and how that was facilitated by the head of JACS, and that has not been answered in the 4½ minutes that the Chief Minister has taken.

MR SPEAKER: The Chief Minister has five minutes to answer the question and if he is prevented from doing so by continuous points of order along the same lines it is hard to see how he will ever get the chance to do so.

MR STANHOPE: Mr Speaker, the advice, amongst a range of advice which the government received and on which it ultimately acted, was received from respectively leading members of the Sydney and Melbourne bars, which is what happens constantly. I would have answered the question more quickly if you had not kept interrupting me.

Bushfires—coronial inquest

MR MULCAHY: Mr Speaker, my question is to the attorney. I refer to the

unprecedented step in taking legal action to force Coroner Doogan to stand aside as coroner. As the entire legal bill for this court case will be paid for by the ACT taxpayer, can the attorney advise how much it is estimated the taxpayer will pay to cover the costs of this legal action—legal representation of the government, the costs of the other parties to the action and the coroner?

MR STANHOPE: I am more than happy to seek what advice I can in relation to those particular questions but, of course, I do not have it here with me or at my fingertips. Certainly there is a cost. The inquest to date has cost some millions of dollars. I cannot quite remember the figure but I think it may be of the order of \$5½ million to \$6 million to date. It will, of course, cost more. The point I made before, I think, is well made: every legal action, of course, results in significant costs.

I am dealing just this week with the cost of a defamation action against the Leader of the Opposition in which I am being asked to resolve an issue in relation to the extent of the costs that the ACT taxpayer will have to meet. Just as attorney, I am aware and conscious of the costs that the ACT taxpayer has had to meet in relation to a range of actions taken by staff of members of the opposition over the last three years in relation to a range of things such as wrongful dismissal and other sorts of allegations that are made. Of course the territory represents members of the Assembly in relation to each of those matters and of course there is a significant cost in relation to each of those matters—the mess that each of you have had your offices in over the last three years and the cost the taxpayer has had to bear as a result of a range of wrongful dismissal actions and a range of other actions that staff have taken against you as a result of defamation actions taken against the Leader of the Opposition. The operation of the law is an expensive business.

Mr Smyth: On a point of order, Mr Speaker: standing order 118 (b) says expressly that the Chief Minister cannot argue the point; he must contain himself and contain his answer to the question, which was about his costs and the costs of his government in regard to the coronial inquiry.

MR SPEAKER: How can I ask him to contain himself to such a bold question like that!

MR STANHOPE: I will take it on notice.

MR MULCAHY: May I ask a supplementary question, Mr Speaker?

MR SPEAKER: You may.

MR MULCAHY: In relation to the provision of information regarding estimates of costs, could the attorney also indicate the specific costs associated with the ACT government's participation in this action as distinct from the other costs incurred by those parties?

MR STANHOPE: I will seek to achieve that, Mr Speaker. Certainly I will have to take advice. I am not entirely sure about the extent to which we will be able to disaggregate, but I am certainly more than happy to provide all of the costs, disaggregated, as best I can. I didn't quite hear the conclusion. Would you also like me to provide the costs of the defamation action involved? I will do it any way.

Business confidence

MS MacDONALD: Mr Speaker, my question through you is to Mr Quinlan in his capacity as Minister for Economic Development. I ask if the minister can inform the Assembly of the results of recent business surveys, in particular with regard to surveys on business confidence and export activity in the ACT.

MR QUINLAN: Good news! To commence this Assembly, good news. The latest Sensis Business Index of November 2004 to January 2005 for ACT small and medium enterprises reports that 80 per cent are positive about business prospects for the next 12 months and only five per cent are negative. This is eight percentage points higher than the August survey and, of course, it is higher than the national average.

The Sensis Business Index also shows that ACT small and medium enterprises have the strongest export performance nationally, with 17 per cent of survey respondents exporting last quarter. That is up to four percentage points higher than the last survey and compares favourably with the national figure of 13 per cent. Interestingly, we understand that Austrade's recent Australian FTA government procedures opportunities seminar had the highest proportional attendance by local businesses in the ACT of any state or territory in Australia. The latest Hudson hiring expectations report, from October to December 2004, shows that 44 per cent of ACT employers are expecting to increase staff, with only about six per cent anticipating a reduction. Again, those figures compare very favourably with the national figure; we lie second only to Queensland in respect of employment prospects. The optimistic outlook by Hudson clients is also supported by the ANZ jobs index, where we remain at historically high levels.

I do expect that from time to time there will be variations in these figures and that, particularly when figures have shown confidence as high as 80 per cent, there will be declines. But, over the last three years, the trend line has been very strong and business confidence and employment expectations within business have been high. That is the important line to look at.

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

Leave of absence

Motion (by **Mrs Dunne**) agreed to:

That leave of absence be given to Mr Pratt for today, 7 December 2004.

Auditor-General's reports Nos 8, 9 and 10 of 2004

Mr Speaker presented the following papers:

Auditor-General Act, pursuant to subsection 17 (5)—Auditor-General's Reports—
No 8 2004—Waiting lists for elective surgery and medical treatment, dated
1 December 2004.

No 9 2004—Administration and monitoring of youth service contracts, dated
6 December 2004.

No 10 2004—2003-2004 Financial Audits, dated 6 December 2004.

Motion (by **Mr Corbell**, by leave) agreed to:

That the Assembly authorises the publication of the Auditor-General's reports Nos 9 2004 and 10 2004.

Resignation of member

Mr Speaker presented the following papers:

Ms Kerrie Tucker—Resignation of office as Member—
Copy of a letter of resignation in accordance with section 13 of the Australian Capital Territory (Self-Government) Act 1988 (Commonwealth), dated 14 September 2004 (circulated to members when the Assembly was not sitting).
Copy of a letter from the Speaker to the Electoral Commissioner, ACT Electoral Commission, dated 14 September 2004.

Papers

Mr Speaker presented the following papers:

ACT Legislative Assembly Secretariat—Report and financial statements, including the Auditor-General's report, for 2003-2004.
Quarterly Travel Report—Non-Executive MLAs—1 July to 30 September 2004.

Executive contracts

Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

David Prince, dated 24 August 2004.
George Tomlins, dated 17 November 2004.
Gordon Davidson, dated 11 October 2004.
Hamish McNulty, dated 9 November 2004.
Helen Strauch, dated 8 November 2004.
John Woolard, dated 9 August 2004.
Lucy Bitmead, dated 2 November 2004.
Steve Ayling, dated 7 September 2004.
William Stone, dated 23 September 2004.

Short-term contracts:

Andrew Rice, dated 27 September 2004.
Angel Marina, dated 25 August 2004.

Anne McGrath, dated 27 September 2004.
Anthony Polinelli, dated 3 November 2004.
Clare Wall, dated 25 August 2004.
David Butt, dated 1 October 2004.
David Collett, dated 19 November 2004.
Floyd Kennedy, dated 16 August 2004.
Frank Duggan, dated 20 October 2004.
Gordon Davidson, dated 2 November 2004.
Hamish McNulty, dated 19 October 2004.
Julie McKinnon, dated 16 August 2004.
Kevin Shore, dated 27 September 2004.
Khalid Ahmed (3), dated 19 November 2004.
Lucy Bitmead, dated 2 November 2004.
Michael Zissler, dated 7 September 2004.
Neil Bulless, dated 31 August 2004.
Pam Davoren, dated 26 August 2004.
Philip Hextell, dated 5 October 2004.
Phillip Tardif, dated 2 August 2004.
Rhys Ollerenshaw, dated 9 August 2004.
Roslyn Hayes, dated 16 August 2004.
Sue Ash, dated 27 September 2004.
Sue Ash, dated 20 October 2004.
Sue Ross, dated 28 October 2004.

Schedule C variations:

Alan Phillips, dated 1 and 19 September 2004.
Allan Eggins, dated 18 and 19 October 2004.
Anna Lennon, dated 11 and 15 October 2004.
Elizabeth Fowler, dated 6 September and 19 October 2004.
Fran Hinton, dated 14 and 31 July 2004.
Mandy Hillson, dated 19 October 2004.
Maxine Cooper, dated 19 October 2004.
Sue Ross, dated 26 October 2004.
Tom Elliott, dated 20 September and 19 October 2004.
Tony Bartlett, dated 2 September 2004.
Tony Gill, dated 25 September and 19 October 2004.

Schedule D variations:

Ademola Bojuwoye, dated 6 September 2004.
Anne McGrath, dated 19 October 2004.
Anne Thomas, dated 22 September 2004.
Catherine Hudson, dated 17 and 20 September 2004.
Christine Healy, dated 30 September 2004.
Floyd Kennedy, dated 31 August and 5 September 2004.
Frank Duggan, dated 19 and 25 October 2004.
Glen Gaskill, dated 28 June 2004.
Glen Gaskill, dated 21 and 30 September 2004.
Hamish McNulty, dated 20 September 2004.
Helen Strauch, dated 20 September 2004.
Lucy Bitmead, dated 26 and 27 March 2004.
Michael Bateman, dated 26 October 2004.
Michael Harris, dated 6 and 11 October 2004.
Michael Harris, dated 16 and 18 August 2004.

Michael Harris, dated 17 November 2004.
Peter Gordon, dated 26 July and 3 August 2004.
Phillip Tardif, dated 17 September 2004.
Phillip Tardif, dated 19 October 2004.
Phillip Tardif, dated 4 and 11 November 2004.
Stephen Ryan, dated 24 September and 1 November 2004.
Sue Birtles, dated 31 July and 15 August 2004.
Sue Birtles, dated 16 and 24 August 2004.
Sue Ross, dated 24 September 2004.
Susan Killion.
Tony Gill, dated 11 October 2004.

I seek leave to make a statement.

Leave granted.

MR STANHOPE: Mr Speaker, I have presented another set of executive contracts. These documents were tabled in accordance with sections 31A and 79 of the Public Sector Management Act 1994, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 24 August 2004. Today, I have presented nine long-term contracts, 27 short-term contracts and 36 contract variations. The details of the contracts will be circulated to members.

Papers

Mr Stanhope presented the following papers:

Remuneration Tribunal Act, pursuant to section 12—Determinations, together with statements for:

Chief Executive and Executive Remuneration—Determination No 157, dated 7 September 2004.

Commissioner for Public Administration—Working Hours—Determination No 152, dated 7 September 2004.

Full-time Holder of Public Office—Commissioner, Emergency Services Authority—Determination No 153, dated 7 September 2004.

Full-time Holders of Public Office—Remuneration and Leave Entitlements—Determination No 158, dated 7 September 2004.

Part-time Holders of Public Office—

Community Inclusion Board—Determination No 154, dated 7 September 2004.

Disability Advisory Council—Determination No 155, dated 7 September 2004.

Special Magistrate—Appointment of Northern Territory Magistrate—Determination No 156, dated 7 September 2004.

Administrative arrangements

Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs): I present the following papers:

Administrative Arrangements—

Australian Capital Territory (Self-Government) Ministerial Appointments Notice 2004 (No 2)—Notifiable Instrument NI2004-418 (S6, dated Friday, 5 November 2004).

Administrative Arrangements 2004 (No 5)—Notifiable Instrument NI2004-419 (S6, dated Friday, 5 November 2004).

I seek leave to make a statement in relation to the administrative arrangements.

Leave granted.

MR STANHOPE: Mr Speaker, I am pleased today to table the new administrative arrangements following the government's re-election to the Sixth Assembly. The revised administrative arrangements orders and the new ministerial arrangements were notified on 4 November 2004 and gazetted on 5 November 2004.

As everyone is aware, ministerial responsibility remains largely unaltered, except for the allocation of a new ministry to Mr John Hargreaves in place of Mr Bill Wood, who, as we know, did not seek re-election. The arrangements have also updated legislation by adding nine new acts passed by the Assembly at the end of the Fifth Assembly and the deletion of 18 repealed acts.

Papers

Mr Quinlan presented the following papers:

Financial Management Act—

Pursuant to section 25—Consolidated and annual financial statements, including audit opinion—2003-2004 financial year, dated 30 September 2004.

Consolidated annual financial statements—Management discussion and analysis—Financial year ending 30 June 2004.

Pursuant to section 26—Consolidated financial management report for the financial quarter and year-to-date ending 30 September 2004.

2003-04 Capital Works Program—Progress report—June quarter (circulated to members when the Assembly was not sitting).

Territory Owned Corporations Act—Pursuant to subsection 19 (3)—Statement of Corporate Intent—ACTTAB—1 July 2004-30 June 2005.

Gaming Machine Act Paper

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development):
I present the following paper:

Gaming Machine Act, pursuant to section 60F—Community contributions made by gaming machine licensees—Seventh report by the ACT Gambling and Racing Commission—1 July 2003 to 30 June 2004.

I move:

That the Assembly takes note of the paper.

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

Financial Management Act Papers and statement by minister

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development):
I present the following papers:

Financial Management Act—

Pursuant to section 14—Instrument directing a transfer of appropriations from the Office for Children, Youth and Family Support to the Department of Education and Training, including a statement of reasons, dated 8 September 2004.

Pursuant to section 16—Instrument directing a transfer of funds as a result of the Administrative Arrangements Order of 4 November 2004, including a statement of reasons, dated 4 November 2004.

Pursuant to section 19F—

Instruments amending budgets—

Department of Education and Training, including a statement of reasons, dated 8 September 2004.

Office for Children, Youth and Family Support, including a statement of reasons, dated 8 September 2004.

I ask for leave to make a statement in relation to the papers.

Leave granted.

MR QUINLAN: Mr Speaker, as required by the Financial Management Act 1996 of tabled instruments issued under sections 14, 16 and 19F of the act, the direction and the statement of reasons for the above instruments must be tabled in the Assembly within three sitting days of being given. These instruments for the 2004-05 financial year were signed in the period from September to November 2004. Copies of the instruments and statements of reasons of all variations tabled have been issued to members of the Assembly and, as such, I draw members' attention to those explanations. I commend the papers to the Assembly.

Public Accounts—Standing Committee Report 14—government response

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (3.21): I present the following paper:

Public Accounts—Standing Committee—Report 14—Review of Auditor-General's Report No 10 of 2003: Financial audits with years ending to 30 June 2003—Government response.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

Papers

Mr Quinlan presented the following paper:

Australian Capital Tourism Corporation Act, pursuant to subsection 28 (3)—
Australian Capital Tourism—1st Quarterly report—July to September 2004.

Mr Corbell presented the following papers:

Calvary Public Hospital—Information Bulletin—Patient Activity Data—External
Distribution—
August 2004.
September 2004.
October 2004.

The Canberra Hospital—Information Bulletin—Patient Activity Data—
August 2004.
September 2004.
October 2004.

Planning and land directions Paper and statement by minister

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): I present the following paper:

Planning and Land Act, pursuant to section 12—Planning and Land Direction to
Authority 2004 (No 1)—Notifiable Instrument NI2004-370, dated 9 September
2004.

I ask for leave to make a brief statement in relation to the paper.

Leave granted.

MR CORBELL: Mr Speaker, on 9 September this year I gave a ministerial direction to the ACT Planning and Land Authority in relation to the neighbourhood plans for Griffith, Narrabundah, Forrest, Red Hill, Yarralumla, Hughes, Garran, Hackett and Watson. In approving the neighbourhood plans, I directed the authority under section 12 of the Planning and Land Act 2002 to apply a policy of sympathetic and complementary design, the type of development permitted to occur within the A10 land use policy areas for the suburbs of inner north and inner south Canberra.

I also directed the authority to prepare a companion guideline document to the good design guideline series, outlining what is complementary and sympathetic design. This document will assist developers and the community to understand and meet this general policy direction in regard to the previously mentioned A10 areas.

Mr Speaker, this ministerial direction is a notifiable instrument and, as appropriate, has been notified in the ACT legislation register. In accordance with the Planning and Land

Act 2002, a copy of my direction was provided to members of the previous Legislative Assembly out of session.

Lease variations Papers and statement by minister

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) I present the following papers:

Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 July to 30 September 2004.

I ask for leave to make a statement in relation to the schedules.

Leave granted.

MR CORBELL: Mr Speaker, section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Legislative Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value, and leases granted over public land.

The schedules I have tabled cover leases granted for the period 1 July to 30 September 2004. During the quarter, eight leases were issued by direct grant. I have also tabled for the information of members two other schedules relating to approved lease variations and change of use charge payments received for the same period.

Papers

Ms Gallagher presented the following paper:

Occupational Health and Safety Act, pursuant to section 228—Operation of the Occupational Health and Safety Act 1989 and its associated law—First quarterly report for the period 1 July 2003 to 30 September 2004.

Mr Corbell presented the following papers:

Petitions—Out of order—
Petitions which do not conform with the standing and temporary orders –
Dragway—Request for support—Mr Stefaniak (331 citizens).
Nicholls—Traffic conditions—Mr Stefaniak (51 citizens).
Calvary Hospital—Proposed psychogeriatric/rehabilitation facility—Mr Stanhope (74 citizens).
Annual Reports 2003-2004—
Annual Reports (Government Agencies) Act, pursuant to section 13—
ACT Audit Office, dated 28 September 2004.
ACT Building and Construction Industry Training Fund Board, dated 10 September 2004.
ACT Cleaning Industry Long Service Leave Board, dated 3 September 2004.
ACT Construction Industry Long Service Leave Board, dated 3 September 2004.
ACT Electoral Commission, dated 23 August 2004.
ACT Gambling and Racing Commission, dated 5 August 2004.

ACT Government Procurement Board, dated September 2004.
ACT Health, dated 23 September 2004.
ACT Human Rights Office, dated 24 September 2004.
ACT Insurance Authority, dated 10 September 2004.
ACT Ombudsman, dated 2 September 2004.
ACT Planning and Land Authority, dated 20 September 2004.
ACT Policing, dated 24 September 2004.
ACTEW Corporation.
ACTION Authority, dated 7 September 2004.
ACTTAB, dated 17 August 2004.
Australian Capital Tourism Corporation, dated 5 August 2004.
Australian International Hotel School, dated 24 September 2004.
Canberra Public Cemeteries Trust, dated 22 September 2004.
Chief Minister's Department (2 volumes), dated 21 September 2004.
Commissioner for Public Administration, dated 24 September 2004.
Commissioner for the Environment, dated 24 September 2004.
Community and Health Services Complaints Commissioner, dated 24 September 2004.
Cultural Facilities Corporation, dated 13 September 2004.
Department of Disability, Housing and Community Services, dated 23 September 2004.
Department of Education and Training, dated 16 September 2004.
Department of Justice and Community Safety (2 volumes), dated 24 September 2004.
Department of Treasury (2 volumes), dated 23 September 2004.
Department of Urban Services (2 volumes), dated 22 September 2004.
Exhibition Park in Canberra, dated 28 July 2004.
Healthpact.
Independent Competition and Regulatory Commission.
Land Development Agency, dated 20 September 2004.
Legal Aid Commission, dated 27 September 2004.
Office for Children, Youth and Family Support, dated 24 September 2004.
Office of the Community Advocate, dated 24 September 2004.
Office of the Director of Public Prosecutions, dated 10 September 2004.
Office of the Occupational Health and Safety Commissioner (including ACT WorkCover), dated 14 September 2004.
Public Trustee for the ACT.
Stadiums Authority.
State of the Service Report (incorporating the Commissioner for Public Administration's Annual Report).
Totalcare Industries Limited.
Victims of Crime Support Program, including the Victims of Crime (Financial Assistance) Act 1983 Annual Report, dated 6 September 2004.
Subordinate legislation (including explanatory statements unless otherwise stated)—
Legislation Act, pursuant to section 64—
Financial Management Act—Financial Management Amendment Guidelines 2004 (No 4)—Disallowable Instrument DI2004-252 (LR, 4 November 2004).
Long Service Leave (Contract Cleaning Industry) Act—Long Service Leave (Contract Cleaning Industry) Board Appointment 2004 (No 6)—Disallowable Instrument DI2004-253 (LR, 9 November 2004).
Partnership Act—Attorney General (Fees) Amendment Determination 2004 (No 3)—Disallowable Instrument DI2004-257 (without explanatory statement) (LR, 19 November 2004).
Public Place Names Act—

Public Place Names (City) Determination 2004 (No 2)—Disallowable Instrument DI2004-254 (LR, 11 November 2004).

Public Place Names (Dunlop) Determination 2004 (No 2)—Disallowable Instrument DI2004-256 (LR, 19 November 2004).

Public Place Names (Gungahlin) Determination 2004 (No 3)—Disallowable Instrument DI2004-255 (LR, 11 November 2004).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2004 (No 12)—Disallowable Instrument DI2004-251 (LR, 1 November 2004).

Road Transport (Offences) Regulation—Road Transport (Offences) (Declaration of Holiday Period) Determination 2004 (No 1)—Disallowable Instrument DI2004-258 (LR, 22 November 2004).

Committees—standing Membership

MR SPEAKER: I have been notified in writing of the following nominations for membership of committees:

Administration and Procedure

Mrs Dunne

Dr Foskey

Ms MacDonald

Education, Training and Young People

Mr Gentleman

Ms Porter

Mrs Dunne

Health and Disability

Mrs Burke

Ms MacDonald

Ms Porter

Legal Affairs

Dr Foskey

Ms MacDonald

Mr Stefaniak

Planning and Environment

Mr Gentleman

Ms Porter

Mr Seselja

Public Accounts

Dr Foskey

Mr Mulcahy

Ms MacDonald.

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

That the members so nominated be appointed as members of the relevant standing committees.

Chief Minister—portfolio responsibilities Ministerial statement

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for

Environment and Minister for Arts, Heritage and Indigenous Affairs): I ask for leave of the Assembly to make a ministerial statement concerning my portfolio responsibilities.

Leave granted.

MR STANHOPE: When the people of Canberra went to the election on 16 October, they gave my government a very strong and a very clear endorsement. It was an endorsement the like of which has not been seen in the history of self-government in the ACT. As a result, I now have the privilege of leading the territory's first majority government, and it is a privilege.

My colleagues and I take this endorsement very seriously. I am proud of my government's achievements over the past three years. Those achievements are well known and I do not intend to rehash them here today. I would much rather focus on the future.

The next four years will be an important time for our city and our community. Together, we have agreed upon a vision: the Australian Capital Territory will be a place which encapsulates the very best in Australian creativity, the very best in community living, and the very best in sustainable development. We have already begun turning that vision into a reality; but, of course, there is much more work to be done. The next four years will be an exciting time for Canberra.

As I outline the major work that will be taking place in my portfolios, I will begin with indigenous affairs, a portfolio that is particularly important to me personally. Twelve years ago, almost to the day, Paul Keating eloquently put reconciliation on the national agenda while addressing a rally in Redfern Park. It was a profoundly touching speech that started a movement that had its zenith when a quarter of a million Australians walked across Sydney Harbour Bridge in support of reconciliation. Thousands more marched in other cities, including Canberra.

The lack of vision of Paul Keating's successor has now brought that movement to a grinding halt. One day not long from now, history will judge our counterparts across the lake poorly for their lack of compassion. They will also be judged poorly for abolishing ATSIC without creating a new and democratically elected body in its place. Very few would deny that ATSIC was flawed. But the end of self-determination for indigenous Australians is a monumental setback for this country. It has set us back not years but decades.

I am determined, however, that here in the ACT we will maintain an unremitting effort to address the results of the last two centuries of indigenous disadvantage and dispossession. We will work to narrow the gap in health and education—in the chances we have in life—between indigenous and non-indigenous Canberrans. We will address the overrepresentation of indigenous people in the justice system and their under-representation in the workplace. We will get on with the job of implementing the \$7.7 million in new initiatives that we have funded in this year's budget and address the ongoing issues that leave indigenous people among the most disadvantaged members of our community.

The goal of tackling disadvantage, of making sure that no-one in our community is left behind, is also the essence of the Canberra social plan. The plan itself is much more than just a list of important initiatives. It is a concerted attack on the causes of disadvantage. We have already funded many of its initiatives, and this work will continue in our second term.

In February next year, my government and the Community Inclusion Board, chaired by Hugh Mackay, will start an innovative new program to help people who have been trapped by spiralling debt. Last week it was reported that ACT householders are the most indebted in the country, with the average householder owing almost \$95,000. In Canberra in 2002, almost two out of every three adults had some sort of debt. One in five had a mortgage, one in two had consumer debt and one in four had both.

This level of debt puts people under a great deal of stress, particularly those with lower incomes, and those people suffering from financial stress find it harder to take part fully in community life. In February, the Community Inclusion Board and my government will begin a new program called the household debt pilot project. We will ask community organisations to nominate a small group of low income people who are caught in the cycle of debt. We will assess their needs, find appropriate courses and provide individual case management.

The project will better equip people to manage and reduce their debt. They will better understand the crippling nature of high levels of debt, gain qualifications for employment and be able to participate more fully in the Canberra community. This project has the potential to make a real and positive difference in the lives of Canberrans trapped by serious debt, and I am very much looking forward to seeing it get under way.

I am also looking forward to the commencement of the first projects to be funded under the community inclusion fund. We allocated \$1 million to the fund this financial year and the response from the community has been tremendous. We received more than 120 applications, with the total amount of funding requested just in the first year exceeding \$8 million.

The contrast between our commitment to the people of Canberra became clear at lunchtime today when I announced the names of the first two recipients of these grants. We will be awarding \$330,000 over three years to a program called Birrigai boys, which will provide indigenous students at primary school level with opportunities to learn and develop self-identity. It is a flexible and alternative approach to education that will support vulnerable and underperforming indigenous students—those students who are most at risk of becoming excluded from the community.

The other successful program targets young Aborigines and Torres Strait Islanders who have left the school system early, or those who are at risk of dropping out of school. With a grant of \$105,000 over three years, the Gugan Gulwan education support program will employ a qualified teacher to deliver an education program that is innovative and culturally appropriate.

Mr Speaker, the Canberra social plan is a huge body of work that will guide the government's work over its second term. Most of the initiatives are well known, but

I would like to mention one that is now in full swing. This morning—indeed, over the last week—members would have noticed a huge Christmas tree in Civic Square. We held a great event on Saturday night to light it up, and there will be a whole string of events taking place at the tree in the lead-up to Christmas. Saturday's event, which was called "Christmas in the City", was the first in an enhanced program of community events planned by the government.

Once the Christmas festivities are over, there will be fireworks, a free concert and a dance party on New Year's Eve, a huge two-day program of events for Australia Day, and bigger and better celebrations are planned for Canberra Day. We will continue to support the other significant events taking place throughout the year, such as the National Multicultural Festival and Floriade.

This program of events recognises the importance of celebrating together as a community—that celebrating our city, people and culture is an important part of building a stronger community. Those who claim that Canberra is bland clearly need a reality check, because in reality my government is delivering a great program of community events.

The strength of our community has never been more obvious than in the days, weeks and months that followed 18 January last year. Next year, on the second anniversary of the fires, my government will launch the successful design for a memorial to be located in Stromlo Forest Park, and by the third anniversary in 2006 the memorial will be in place. It will be the kind of memorial the community has asked for—a place for reflection to commemorate those who lost their lives and a lasting testimony to the kindness and generosity of others in our time of need. We all know what a great tragedy the bushfires were. But out of that tragedy came opportunity—opportunity not just to restore what was lost but also to improve on what we had.

A major competition is already under way to find the best design for an international arboretum and gardens to be established at the western end of Lake Burley Griffin. It will be a major tourist attraction of international standing and a venue for a wide range of recreational activities—a place of outstanding beauty. The arboretum will be a showcase, a living example of what can be achieved while respecting the natural environment, and the gardens will be world class. The same will apply to the renewed Stromlo Forest Park, Cotter and Tidbinbilla.

We are close to getting final approval from the National Capital Authority for our plans for a sustainable village of 100 homes at Uriarra. This is great news for the territory and the residents of Uriarra who were forced out by the bushfires. We are working hard to come to an agreement with the NCA on the other rural villages at Stromlo and Pierces Creek.

Our approach in restoring the bushfire damaged areas of the ACT and the rural villages has at all times been guided by the principles of sustainability. These are principles that the government takes very seriously. From the outset, we have taken the lead in our move towards sustainability. We have not shirked our responsibilities or shied away from the task. In its second term, the government will build on that leadership.

I have already increased the profile and responsibilities of the Office of Sustainability in my department. In addition to its existing roles and responsibilities, it now has responsibility for energy, greenhouse and water policy. This is more than just shuffling deck chairs. It will give these issues a whole-of-government focus.

The office will play a leading role in the development of a sustainability act to ensure that the principles of sustainability are incorporated into the everyday work of government agencies. The legislation will have a profound effect on the way the government carries out its work. It will establish a sustainability code of practice to guide the decisions, actions and operations of government agencies. It will introduce sustainability procurement guidelines that will help government agencies move the ACT towards sustainability and, at the same time, provide a market for sustainable goods and services.

It will provide financial management guidelines for evaluating the sustainability of government activities and programs, and establish a framework for sustainability reporting. This will be a critical piece of legislation. Given the scope of the ACT government's activities, it will be a great step towards sustainability.

Another step will be the development of an energy policy. Like water, energy is fundamental to business and community life. We will develop an energy policy to ensure that the ACT will have reliable, cost-effective and environmentally sustainable energy into the future. We will encourage the use of more sustainable transport. Where cars are essential, we will promote the use of more efficient vehicles, and the government is again leading the way. We have set ourselves a target for our second term to ensure that 10 per cent of the government fleet will be fuel efficient, low emission vehicles by 2008.

Over the next four years, the government will take up the challenge of reducing greenhouse emissions. We will ensure that innovative measures are in place to address this important challenge—innovative measures like the trial greenhouse gas reduction project in schools that I committed to during the election campaign. Ten ACT schools, six government and four Catholic, will be selected to take part in the trial, which aims to cut energy consumption by 25 per cent a year, and it will aim to cut greenhouse gas emissions each year by 30 tonnes. We will achieve these targets through a range of measures, including the use of photovoltaic technology and by installing timers on light switches and insulation. Again, the government is not shirking its responsibilities in leading the way to sustainability.

Water is also critical for the long-term future of the ACT and the surrounding region. We are moving quickly, firmly and responsibly. I have taken responsibility for water issues and the administration of that is now being undertaken in the Chief Minister's Department. Because of the drought and bushfire damage to our catchments, we have introduced restrictions on use to ration our supply, and we have spent \$54 million on upgrading water treatment facilities so that we can continue to provide water to the people of Canberra.

We have introduced water efficiency measures, spelt out in the "Think water, act water" strategy, that encourage and support more efficient use of water in houses, gardens and parks. We have recognised that we need to plan for the growth of the ACT and the

impact of climate change on water supply. The ACT community has responded magnificently to the restrictions, but they are not a long-term solution. As members know, I have asked Actew to provide advice on whether a new water supply option is necessary and, if so, what the optimal solution might be.

We have recognised that we are part of a bigger region. We will play our part as a member of the Murray Darling Basin and, subject to a satisfactory outcome of discussions between the commonwealth and states and territories, we will be supporting national water reforms contained within the national water initiative.

Those principles are at the very core of the government's approach to our natural environment, and they will guide our actions on the environment. I am very proud of our first term record on environmental issues. Our approach has been characterised by a strong sense of responsibility and the willingness to back it up with the necessary funds. In our second term, we will build on that record.

We will increase the 1,460 hectares of native bushland we added to the Canberra nature park by adding another 900. We will protect our native woodlands and grasslands, including 400 hectares in Jerrabomberra. We will protect yellow box/red gum woodland at Kinlyside, 100 hectares at Lawson grasslands and 130 hectares at west Majura. We will protect the lowland woodland at Naas Valley, and we will carry out detailed studies of the Newline quarry and south Aranda woodlands.

In its second term, the government will trial alternative fuels such as biodiesel in the ACTION fleet. We will spend \$4 million on upgrading our public housing stock to make it more energy efficient. We will strengthen the role of the Conservator of Flora and Fauna by reviewing the Nature Conservation Act. We will introduce new legislation to deal with pest plants and animals.

I am looking forward very much to continuing the government's strong first term record in the arts and heritage. The Canberra community has been recognised repeatedly as among the most creative in Australia. A flourishing and well-supported arts community will continue to be a great asset as we work to diversify our economy and improve the beauty and liveliness of our city.

In its second term, the government will continue its strong financial support for the festival and arts grants programs. We will double the amount of funding provided to the poetry award and we will provide \$5.9 million to develop the powerhouse glass centre at Kingston as Australia's pre-eminent centre for glass art.

One of the biggest projects to be undertaken in our second term will be the construction of a new Belconnen arts centre on the shores of Lake Ginninderra. We will also introduce a public art scheme for major capital works projects, and we will work to better support the growth and live performance of contemporary music in Canberra.

In heritage, we will ensure that the ACT's heritage sites, including Aboriginal sites, are maintained, protected and developed. We will promote the tourism potential of these sites, further develop a series of heritage trails, and develop the Duntroon dairy precinct as a site of major heritage significance.

The government will also maintain its very active program of law reform. These reforms will support the work we are doing in implementing the Canberra social plan by focusing strongly on social and legal equity. They will help build a culture in the ACT that understands, values and respects human rights.

In our second term, I will work with the commonwealth government to reform the self-government act. The ACT has come a long way in the 15 years of self-government, and it is time our achievements were recognised and our experience put to proper use. I have already put on record my belief that control of Lake Burley Griffin should be handed to the territory. We will also work to ensure that the community receives the very best legal services the territory has to offer.

We will work with the law society and the bar association to implement nationwide reforms to the legal profession which include incorporated legal practices, new registration processes and independent disciplinary procedures. We will continue to modernise the criminal law to ensure that it remains relevant. Part of this process will be the use of common English in legislation as much as possible.

We will continue to streamline and improve the ACT civil law. As part of our commitment to making the civil system more accessible, we will undertake a public review of the fees charged by the legal profession. We will bring downward pressure on legal fees to protect the community and consumers. This will also benefit firms by ensuring that small to medium sized legal firms are able to compete equitably for government work.

In our second term, we will work to ensure that the ACT courts regain their former status as national leaders in innovative procedures and jurisprudence. We will examine the recommendations of the Auditor-General following a performance audit of the ACT courts that will take place next year and we will examine the avenues available for overhauling our tribunal system. The ACT currently has six tribunals administered by the Magistrates Court, as well as a number of tribunals located outside the court. We will consider establishing a single administration that will service all of these tribunals, and we will ensure that tribunals remain accessible to the community.

In its second term, the government will continue the highly promising restorative justice approach for victims, and it will extend this program to schools. The government is strongly committed to a fair and just criminal system. In our second term, we will introduce reforms in the process of assessing whether a person is fit to plead. In the future the court, rather than the Mental Health Tribunal, will answer this question. We will examine the feasibility of incorporating into our Human Rights Act aspects of the International Covenant on Economic, Social and Cultural Rights. Again, I am proud of the government's achievements during its first term, and we will build on that success over the coming years.

I will conclude, Mr Speaker, with a brief mention of some of the major capital works projects that will take place over the next four years and beyond. In our second term, we will resolve some of the issues that have confronted successive governments, issues that have not been resolved. We will build a dragway. We will carry out the much needed refurbishments to the National Convention Centre. We will build a new Belconnen arts

and cultural centre. We will look towards Canberra's centenary in 2013. Even now, work is under way in planning the design of a new Supreme Court.

I am also of the opinion that a new Legislative Assembly would be a fitting 100th birthday present for Canberra, and a new building for this purpose will be designed. We will also build a prison at Hume.

Clearly mine is a government with vision. We are not afraid to look beyond the next election cycle and do what needs to be done to build a stronger community and a stronger economy. That was reflected in the recent Sensis business index, of which my colleague Mr Quinlan spoke earlier today, and it does show that the ACT leads the nation in business confidence.

In its second term, just as in its first, my government will carry out the everyday business of government. We will carry it out always with an eye to the future. We will govern at all times for all Canberrans.

Treasurer and Minister for Economic Development—portfolio responsibilities

Ministerial statement

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (3.46): I ask leave of the Assembly to make a ministerial statement concerning my portfolio responsibilities.

Leave granted.

MR QUINLAN: As this government begins its second term in office, I would like to record my personal gratitude to the people of Canberra for the endorsement that the 2004 election result represents. I owe the electors an apology for harbouring some doubts that some would not sort the wheat from the chaff during the course of the election campaign—and there was chaff in abundance. My fears turned out to be unfounded.

The territory is healthy and has the potential to grow, but its future is not devoid of risk. I will touch upon that later. Nevertheless, our economy remains strong. It is the government's intention to keep it that way. We are unapologetic regarding the level of analysis and planning that we have carried out.

Contemplate the alternative. If you find it difficult to visualise that alternative, I suggest you think back to the Carnell days of hipshot decisions and the consequent stream of business fiascos. It may be time to commit the Liberals' past disasters to the dustbin of history. However, there were some eerie parallels in the utterances of the opposition leading up to the 2004 election.

It is instructive to reflect upon the 'magic pudding' mentality of the opposition's major election commitments. Perhaps they might consider overlaying the cheap shot, upbeat one liners with a little analysis and planning of their own, as they now have four years to mount a challenge for the government benches.

Our planning has been associated with action. I want to take a little time to reflect on what has been done as an indicator of what will follow during the term of the Sixth Legislative Assembly. On 24 August this year I tabled a statement on the implementation of the commitments made under our economic white paper. That report is recommended reading, and it puts a lie to bogus claims of inaction on our part.

Speaking of action, first permit me to list initiatives in my other portfolio areas before returning to economic development. In racing and gaming, we see the Thoroughbred Park redevelopment made possible through government backing. We see a decent legislative framework in place for the regulation of clubs and poker machines. We now see a well entrenched, decent code of practice in relation to gambling machines.

In sport and recreation, women's sport has deservedly received greater recognition and support. Canberra Stadium is operating well, with a fantastic giant replay screen that represents a business enterprise in itself. For anybody that watched any of the Melbourne Spring Carnival and saw the big screen down there—that is ours, hired out at a profit.

Manuka Oval is being improved with increased undercover seating and upgraded external presentation. The hockey centre is undergoing significant improvement and will be capable of hosting the women's champion trophy next year.

Draft plans for significant development of Southwell Park are now out for discussion. There have been a number of sensible and popular programs to encourage wider participation such as actively ageing, kids-at-play and good sports territory. All of those have been embraced by the sporting and recreation fraternity.

There have been significant improvements in tourism. We now have a commission with credibility and a strategic approach. In large part, the industry is working together. Some elements will continue to pressure government for more promotions and more events. We understand their motivation and we will take it into account. When promoting business, we also expect a contribution from those who would directly benefit.

In a wider context the government will continue to build on our strengths and pursue diversity within the economy. The business community is not the natural constituency of a Labor government. Within that sector there are articulate advocates who will no doubt continue to make calls for taxation concessions and who will feel duty-bound to call for more favourable treatment for business, regardless of what is done.

We appreciate where they are coming from. However, I have to say that from time to time I am amazed at the serious treatment afforded in the public forum calls on government blatantly inspired by naked self-interest.

We will continue to build solid relationships with the business sector. But we will also feel free to introduce balance and perspective into debates on what governments might do for business and what governments might do in relation to industrial relations and working conditions.

The single biggest challenge facing the government and the community is the need to further diversify the ACT economy. Much progress has been made, but there is still too high a proportion of every dollar spent that at source relies on government.

The point needs to be made that we do not want simply to replace public with private; rather we want to grow private without seeking to reduce the very important role government plays in the economy. We must remember that the public sector often provides a buffer for Canberra when the private sector struggles or hunkers down in the face of adverse conditions.

I firmly believe that this government's record in business, and economic development more generally, is one of strategic success. This contrasts with some events in previous years. For the first time in Canberra's history, the city has a coherent, integrated plan for the future. It is a plan that is bearing fruit right now.

I can report to the Assembly that we have implemented much of what is in the white paper. We have earmarked \$130 million expenditure to support that report. The key philosophy underlying the white paper has been to focus effort within. Our priority is to work with the companies, institutions and business people that have committed to the territory. This government is of the view that Canberra is better off developing its own enterprises rather than buying business from elsewhere. We will continue to foster and grow locally.

It is clear that we have been on the right path for three years. We now have more businesses strutting their stuff on the national and international stages than before, and more are emerging as I speak. The ingenuity, innovation, entrepreneurship and enterprise resident in this city and region are simply mind-boggling.

It is also important to know that companies that do not live at the high tech end of town are also making great strides. Companies such as Bottles of Australia, Inland Trading Co, Air Sine, Emax Engineering—to name a few—are also evidence of the success Canberra companies are experiencing.

The figures bear this out. According to Austrade, the territory gave birth to more new exporting companies in 2003-04 than did South Australia and Tasmania. The last Sensis small business survey showed a significant increase in the number of ACT based exporters compared to a national decline. We, as Canberrans, have always known that our city is smart and entrepreneurial, with a strong and outwardly focused private sector. It is clear that the rest of the country and the world are starting to discover that also.

I believe that we are heading towards that point of critical mass beyond which sustainable long-term economic development will feed upon itself. That does not of course mean that we can sit back and take it easy; there is still a great deal more to do.

The economic white paper provides a framework for our activity and efforts. The document will be as relevant in 10 years time as it is now. The document has four key strategies that will guide us in the decades to come. The first is supporting business through direct means, such as enterprise development assistance, and through general business and economic policy making that is pro-business.

The next is capitalising on competitive advantage—this means playing to our strengths, directing government resources where the sustainable returns will be the greatest, and understanding where future possibilities might lie and acting promptly. Then there is leveraging intellectual assets. The territory has a remarkable and unique stock of human capital and world-class institutions, including public sector organisations. Building on these assets presents our greatest development opportunity.

The next is providing supportive planning and competitive government infrastructure. This means not only providing efficient and reliable infrastructure and services to the business community but also being much more focused on urban planning and, indeed, other government services infrastructure, so that we are supporting our economic objectives.

Supporting business does not mean giving existing business all sorts of concessions and adding a profit; it means being involved in those things that will grow business and business activity.

While our strategies mark the way for the medium to long term, there is also activity in the short term. In the next few months we will see the creation of the territory's first small business commissioner, despite the misplaced negativity from the opposition. The "open for business" sign will go up in the territory's first large venture capital investment fund.

There will be the addition of New South Wales government resources to the ACT Office of Film, Television and Digital Media—ScreenACTion—to broaden its work across the capital region. There are the continued successful efforts of the Australian Capital Tourism Commission to brand Canberra under the "See yourself in Canberra" banner.

There is the establishment of a one-stop shop for business services at 220 Northbourne Avenue, which will house Business ACT, the Canberra Business Advisory Service, ScreenACTion and the Small Business Commissioner. And we are host to the ACT office of Austrade, as we work hand in glove with them. New and existing businesses will be able to easily access all the information they need at one location.

There will be a commencement of a new expert panel mentoring program known as building innovative business. Changes to the knowledge fund to provide greater support for equity funding and collaborative activities between small firms and local research institutions will be implemented. Further effort will be made to deepen the export relationships for ACT businesses that the government has established with organisations such as the Greater Washington Initiative, USCD and CONNECT in Santiago, Larta in Los Angeles and the London Development Authority, and there will be the establishment of the ACT's first business angel network.

My office has recently convened a symposium on population and prosperity in order to look beyond the simplistic notions and the even more simplistic solutions that have been hitting the airwaves in recent days.

One of the challenges facing my department and government as a whole is the skill shortage facing Canberra. It is a very complex issue but we are responding. We will be

introducing a range of measures designed to address the issue and assist businesses in meeting the challenge. It is important to outline to the Assembly what those measures are.

We will create the young entrepreneurs' scholarship, which will give our business leaders of tomorrow the opportunity to take advantage of our international partnerships. We will provide targeted financial support through the 'See yourself in Canberra' incentive program, which will provide \$1,500 in stamp duty reductions or bond relief for new residents who wish to undertake employment in sectors needing skilled personnel.

We will create and maintain the Canberra mature worker register, a free service to help older Canberrans find work and assist Canberra businesses interested in employing mature experienced workers. We will introduce a retraining voucher for long-term unemployed, which will provide \$1,200 of support for training at the Canberra Institute of Technology in industries that are suffering from skills shortages such as construction, hospitality and financial services.

We will work closely with the local business community to develop solutions to properly address skill shortages in affected industries. We will fund a study to look at the skills needed in emerging industries and how the VET system—the vocation education system—can respond quickly to skills demand and how the additional funds that we have provided for VET can be put to the greatest effect.

As members can see, a lot has been done and a lot is being achieved. This is not an idle government and our efforts are targeted, measured and, importantly, effective.

Earlier I mentioned risk. We must recognise that there are threats and risks to our economic welfare. They include the clawing back of federal funding through the elimination of competition payments, already announced by the Prime Minister; the elimination of special revenue assistance, which is a misnomer—that is, money that the ACT is legitimately and morally entitled to; and cost shifting on many fronts.

Members will have witnessed the conga line of federal ministers saying, "With the GST and the rivers of gold that states are now receiving, they ought to be paying for this, they ought to be paying." That list is growing. At question time on Capital Hill today, Peter Costello announced that he will be going to the March Council of Treasurers with a list of taxes that he expects the states to eliminate from business because we have all this GST.

Mr Costello is in the process of reinventing the inter-governmental agreement that supports the GST. Watch this space for that. There will be some fun. There will be an ongoing battle with the commonwealth as minister after minister refers to the GST revenues as a rationalisation for cost shifting to the states and territories.

Our economic strength is capable of meeting the various threats, but we need to be aware that tuning our budgets to the conditions prevailing at the peak of the economic cycle would be foolhardy to say the least. Our budget is supported by strong economic data, with decent growth anticipated and historically low levels of unemployment. Business confidence remains high and various indicators within the economy are still strong. The

government will maintain the same fiscal policy that has led to the endorsement of the economy by grading agencies and by informed commentators.

The government strategies and objectives are articulated for the entire community to see and to scrutinise. The Canberra plan has been supported by genuine, ongoing and successful activities for the past three years. This record has received due recognition at the ballot box. The next four years will see the further realisation of what we have presented to the people of the ACT in our plan.

Vulnerable people

Discussion of matter of public importance

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

The importance of comprehensive and effective statutory oversight of services and support for Canberra's vulnerable people.

DR FOSKEY (Molonglo) (4.04): Today I address the response of the government to the Review of Statutory Oversight and Community Advocacy Agencies conducted by the Foundation for Effective Marketing and Governance, hereinafter in my speech called FEMAG. In particular, I comment upon the new human rights and service review commission that will be created.

The plan is to incorporate into the commission the offices of the existing Human Rights Commissioner, ACT Discrimination Commissioner and health services commissioner together with a newly created disability services commissioner and community services commissioner.

The importance of this commission to the most vulnerable people in our community cannot be underestimated. The role of these commissioners and others who may be appointed later is to ensure that the services and supports that our community provides for people in need are adequate and appropriate to the task; that they are of a high quality and provided in such a way as to empower and support individuals to live valued and contributing lives.

These commissioners in effect give such people a voice and an opportunity to have their issues taken seriously and addressed. Systems, bureaucracy and service providers are notorious for becoming inward looking and failing to pay sufficient attention to responding to the needs of the people they were set up to serve.

The role of the commissioners, in part, is to aid the recognition that this might be occurring and to suggest ways in which the necessary refocusing can take place. To do this well, it is vital that the commissioners not be inhibited from dealing with the true picture and circumstances of the lives of people concerned, and that they have the necessary power and jurisdiction to look at the totality of what is happening and to make recommendations that are likely to result in changes to people's lives.

In other jurisdictions, commissioners have played an important role in identifying and investigating systemic failure, in addition to failure to perform by particular service

providers. This role has been vital to ensure that people with a disability and other vulnerable people do not fall through the cracks of service provision.

People die, Mr Speaker, through a failure to recognise simple needs such as how to balance their diet and how to get enough appropriate exercise. It requires a commissioner to have the power to link seemingly unrelated events and information to identify the system failure and to bring pressure to bear to ensure that this is remedied. Often systems failure will reflect badly on a minister or a department, making them reluctant to facilitate the necessary all encompassing investigations.

The government's plans for the role and functions of the new ACT disability services commissioner are outlined in its response. They indicate that the commissioner will be limited to consideration of disability services issues. This would seem to prevent the commissioner from inquiring more broadly into system-wide issues of importance to people with a disability, if those issues are not directly connected to existing disability services. It would also seem to prevent the commissioner looking at all the circumstances in the life of an individual or lives of groups of individuals to be assured that they are appropriately supported and their needs are being met.

In other jurisdictions, the capacity of the commissioner to inquire into a pattern of complaints has proved particularly effective in identifying serious systemic issues in need of attention. Such a pattern of complaints may also fall outside the ambit of the commissioner's powers as currently envisaged.

In deciding upon the functions of the disability commissioner, the government received advice from the Disability Legislative Reform Working Group, which it established for the purpose. This group consisted of representatives from Disability ACT, the Human Rights Office, advocacy and service provider organisations, together with people with a disability and one father of a child with a disability.

The group, in its recommendations, which were put out for consultation in the sector, said that the functions of the disability commissioner should include, among other things, first, to inquire on his or her initiative into matters relating to any service that is provided in whole or in part because of a person's disability; secondly, to review the causes and patterns of complaints and identify ways in which those causes could be removed or minimised; thirdly, to review the situation of a person or persons with a disability; and, fourthly, to consider patterns in relation to the causes of deaths of people with a disability and to identify ways in which those deaths could be prevented or reduced.

Many of these functions are similar to those currently undertaken by the New South Wales Community Services Commissioner and were considered by the working group to be necessary for the commissioner to be a truly effective protector of the rights of people with a disability.

It is surprising then that the government has, as part of its response to the FEMAG review, chosen to reproduce and respond to most of the recommendations of the legislative reform working group, but has chosen not to reproduce or respond directly to the recommendations of the group in relation to the functions of the disability commissioner.

I can only assume that this is because it does not wish to answer questions about why these functions were not considered acceptable. The working group recommended broad reaching functions for the commissioner in the knowledge that the system for supporting people with a disability would likely be very different in the future from the traditional service provision model of the past.

The future directions document released by the government in July of this year confirms this. It is an inspirational document, which seeks to create a society in which people with a disability can live a life of their choosing in a city that is truly inclusive.

It makes clear that in the future the focus for supporting people will be on assisting them to develop networks and engage with community services in a similar way to other Canberra people, so that the use of specialised disability service provision will be the exception rather than the norm. These plans, while laudable, will require significant change both on a cultural and a practical level. They must involve those that they will impact: people with a disability, their families and friends, government departments, services, and the community.

The Greens are happy and proud to support the work necessary to achieve this change. At the same time, we recognise that change of this dimension is not easy. It will take direct and indirect action on a range of levels within and outside government. There will be many hiccups and faltering along the way. Those who dislike or do not understand the changes will resist, regardless of the merits.

We would like to avoid this. This means that, for the foreseeable future, while the changes are taking place, it is imperative that the oversighting mechanisms we establish are robust and comprehensive. In particular, we need a commissioner who can look at the totality of services and supports provided to individuals with a disability and make recommendations in areas where problems are found.

If the commissioner is limited to inquiring into disability services under the new schema, his or her role may become largely irrelevant, because the majority of supports and services being provided to people with a disability will not be disability services.

We also need a commissioner who will remind us when we are not progressing and who is not reliant upon the whim of government in deciding priority areas for investigation. The government has been courageous enough to accept the challenge laid out in the future directions document. I now urge you to be equally courageous in accepting the necessity of a strong, independent oversighting mechanism in the form of a powerful disability commissioner.

The natural tendency of bureaucrats and services is to fear such appointments. Instead, we should be welcoming the opportunity that they provide to better respond to the needs and desires of people with a disability.

In my speech I have focused on the disability services commissioner, because this is the first new commissioner to be appointed with a specific mandate to examine the community end of our service system. In the near future there are likely to be other similar commissioners for community services, and for children and young people. Let

us begin as we mean to proceed, and establish a legislative scheme that will make a difference in the lives of people with a disability.

There are two other aspects of the government's response to the FEMAG review that are cause for concern. The first of these is the rejection by the government of a FEMAG recommendation that a commissioner's recommendation be enforceable by an appropriate tribunal if not implemented within a reasonable period.

The legislative reform working group of Disability ACT also advised the government of the need for a tribunal enforcement mechanism. The government's response is to offer a shaming mechanism, whereby the Human Rights and Service Review Commission is given the power to publish the names of non-compliant organisations.

We accept that a commissioner should not be in the position of making determinations in the first instance. Organisations should have the opportunity to respond appropriately or perhaps even to find a better solution. But there are occasions when something stronger will be required to make an agency take action. The possibility of enforcement by a tribunal in itself has the effect of making it more likely that organisations will comply, without needing the intervention of that tribunal.

If the government is serious about establishing commissioners with the power to ensure that the most vulnerable people in our community have their needs met, then it should ensure that the work they do has some effect.

The other area of the government response to the FEMAG recommendations that gives cause for concern relates to the FEMAG recommendation that a process be instituted to develop principles and standards applicable to advocacy.

The government contends that this could be covered by the community engagement code of practice, which is currently under development. While this code of practice may deal with the issues relating to advocacy on a systemic level, it is unlikely, as I understand it, to make any useful comment on advocacy for individuals.

Individual advocacy requires quite different skills and expertise to those required for systemic advocacy. The principles and standards that should apply are also likely to be qualitatively different because individual advocacy occurs in relation to the issues and desires of a single person. It is important that these differences are not lost and that the expertise on advocacy developed at the national level is used as a starting point for a community discussion on these matters, as recommended by FEMAG.

In a time of majority government and a time where significant changes are occurring in the way vulnerable people in this territory are being supported, it is vital that the mechanisms for review and statutory oversight are robust and comprehensive. I urge the government to recognise that good governance requires the determined approach to accountability at all levels of government that strong independent statutory oversight agencies and well-conducted advocacy can provide.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services)

(4.17): I thank very much Dr Foskey for her support for the initiative to create a commissioner for people with disabilities.

Mr Speaker, in August this year, the Chief Minister tabled a government position paper on the system of statutory oversight in the ACT entitled *The right system for rights protection*. That paper responded to the report of the review of statutory oversight and community advocacy agencies conducted by the Foundation for Effective Markets and Governance, known as the FEMAG report. *The right system for rights protection* also takes account of the board of inquiry into disability services report, the ACT Health review, the disability reform legislative working group's submission to government on the disability commissioner and the review of the safety of children in care in the ACT and of ACT child protection management.

When the government commissioned FEMAG to conduct a review of statutory oversight and community advocacy agencies, it was looking for a broad-ranging review of the statutory oversight system. Terms of reference for the review were subject to community consultation conducted by ACTCOSS. In response to consultation comments, the terms of reference were refined to ensure a balanced approach in which the reviewer examined statutory oversight functions and powers to determine whether there were overlaps between agencies or gaps in the system and how the system as a whole operated to provide an efficient and effective method of improving services and protecting rights of consumers. The terms of reference allowed community members to have input into the review process in a variety of ways.

During the review, the reviewer, FEMAG, held discussions with over 200 people, including meeting with representatives of over 50 organisations and participating in a forum organised for the disability sector.

To ensure the government position set out in *The right system for rights protection* is based on extensive review of community consultation processes carried out over several years, after taking on board all that we have been told, the government proposes to establish a new structure for statutory oversight in the ACT that is more streamlined and accessible to the public. The new structure will be efficient and flexible and will have the objective of both protecting vulnerable community members and improving service delivery.

Both the report from FEMAG on the review of statutory oversight and community advocacy agencies and the ACT Health review report comment on the need to consolidate statutory oversight agencies to improve efficiency, flexibility and the efficient use of resources. In the context of the small size of the ACT, this makes sense. The new structure proposed by the government will provide a strength that a series of small, stand-alone agencies does not have.

The legislation currently being developed for a new human rights and service review commission will enable specialist commissioners to work together to deal with individual complaints as well as looking for solutions to systemic problems. The new commission will initially include the human rights and service review commissioner, the health services commissioner and the disability services commissioner. The new role of president of the commission will take on the day-to-day administration tasks, leaving specialist commissioners free to investigate issues brought to the attention of the

commission through complaints or by other means. Working together as part of an overarching commission, commissioners will be able to investigate matters jointly where there are overlapping issues, which partially, I would hope, addresses some of the concerns Dr Foskey raised about having commissioners being restricted somewhat.

The establishment of a new overarching commission will balance the benefits of specialist commissioners with the advantages of a bigger office. Commissioners will be able to be appointed on a full-time or part-time basis, depending on the workload related to particular areas, without reducing the front office services to the public. For members of the public, the new commission will present a single office in which they can learn about rights or service standards and have complaints or concerns examined. When a person has a problem that relates to more than one issue such as, for example, discrimination and disability services, that person will not have to go from one oversight agency to another.

All matters brought to the attention of the commission will be able to be dealt with consistently. The new commission will be able to make reports and recommendations to a wide range of bodies in order to encourage service improvement. Decisions about reporting will be made on the basis of the results of the investigation process so that the recommendations can be targeted at systemic improvement and optimum service delivery. When the commission decides it should report to the government on a matter of public importance, that report will be brought to the Assembly also.

Efficiency, accountability and accessibility are all important features of an effective statutory oversight system. The changes proposed in our position paper will ensure that they are features of our system for protection and support of Canberra community members. The implementation of the government's position paper on the system of statutory oversight in the ACT presents an excellent opportunity for increased protection of disability and community services users in the territory.

I have already spoken about the government's intentions in relation to the structure of the new human rights and service review commission, so now I will address the key improvements that will impact on those consumers in the disability and community services sectors. In creating the new commission, the government has played close attention to the needs of disability consumers. Our response to the report of the board of inquiry into disability services of September 2002 indicated that we would consider the establishment of a specific commissioner to investigate complaints about disability services.

Subsequent to this announcement, we listened to the community through both the FEMAG review and the submission to government from the disability reform legislative working group. This submission, based on community consultation, informed many of the positions that the government adopted in relation to the disability services commissioner. Specifically, the disability services commissioner will monitor the quality of disability services, conduct inquiries and review issues relating to disability services, investigate complaints about disability services from people with a disability and others, encourage the resolution of complaints about disability services through internal complaints handling processes, make recommendations to disability services on the improvement of services and make recommendations to the minister and the Attorney-General in relation to the improvement of disability services or the service

system, and provide education, training and support for disability service providers in relation to the improvement of service quality. That of course will be an important part of the human rights and services review commission.

As I have indicated before, Mr Speaker, the government's position on the disability services commissioner was significantly informed by the disability reform legislative working group's submission. We have agreed with the working group that the disability services commissioner will be an independent statutory officer, established by legislation separate from the Disability Services Act 1991. The commissioner will investigate complaints and decide on how they should be handled; will promote the use of internal services complaints mechanisms; will be independent of the department responsible for disability services; and will report to the Attorney-General.

I think that it is worth noting that there has been a significant drop in the number of complaints about disability services to the current Community and Health Services Complaints Commissioner over the past couple of years. This outcome, I believe, is a positive reflection of the work that has been undertaken by Disability ACT and its community partners in the broader disability services sector. There has been a strong focus on quality improvement in services over the past few years and this is reflected in the drop in the number of complaints.

The other position that I am keen to progress is that of the community services commissioner. As part of the consultation on the FEMAG review, the ACT Council of Social Service expressed a very strong view to government that there existed a gap in the coverage of current statutory oversight agencies. The government accepted this view and committed through *The right system for rights protection* to a community consultation process on what form and what coverage a community services commissioner would have. Government's preliminary view is that the community services commissioner would take complaints about and seek to improve service quality and community services, including public and community housing, homelessness, emergency relief, youth services, generalist community services, counselling and support services.

The key question that the government will seek to resolve through community consultation—and I want to underscore that, through community consultation—is how broadly or narrowly to define community services. What exactly do we all understand to be community services? I suspect you might have 17 definitions of that if you went around this room. Drawing on the recently enacted legislation in South Australia, should we define community services as “any service which seeks to relieve poverty and social disadvantage” or should we also include those mainstream services such as mediation, advocacy and community information services? Should we broaden the scope even further and include sport and recreation services or possibly all incorporated associations? These are the sorts of questions that will be posed in the discussion paper that I will be releasing in the coming month regarding the community services commissioner.

The final form of the commissioner will also depend on the outcome of community consultation on the Commissioner for Children and Young People currently being conducted by the government. Broadly, the ACT will be only the third jurisdiction in Australia to cover community services in its statutory oversight regime and, as such, it is critical that we get the best system possible to ensure that consumers are protected.

I look forward to the debate on the human rights and service review commission legislation to be introduced by the Attorney-General. I hope that all Assembly members will contribute to the discussion, with the best interests of consumers in the forefront of their minds.

Mr Speaker, what we are talking about here is statutory oversight. We are not talking about parliamentary oversight; we are talking about statutory oversight. And that has to do with the independence of these commissioners to be able to report to government, to the Assembly and to the people of the ACT on what it sees as systemic failures and individual failures. But also it needs to report on the services that we provide to our community that are really good, that are really working—systemic change that actually has a positive contribution to make. All too often people in this place pounce upon the negative and forget about the positive.

There have been enormous strides forward by the Department of Disability, Housing and Community Services, I have to say, the department of education and a number of other departments in looking after those less well off in the community. We should never lose sight of the fact that it is our responsibility to extol those virtues as well as pick on the downside.

We talk often about the morale in various services. We talk about how people feel badly or how they feel well out there in the community. Just remember: people delivering those services, whether they be public servants or non-government organisation agencies, all do that work because they want to. We need to make sure that they do that in a spirit of goodwill, cooperation and the need to help somebody else. So in creating these oversight facilities—these agencies, these commissioners—let us not lose sight of the fact that it is part of their role not only to find errors and fix them but also to extol the virtues of those people working within those agencies and to highlight with government and the community those areas that we either have missed or could do a bit better at.

I welcome the opportunity afforded to us today by Dr Foskey. I am sure that she is fully supportive of a disability commissioner and is fully supportive of a kids commissioner, and I am pretty sure that, as she becomes more familiar with the model, she will become even more supportive of this approach to statutory oversight. It is something a little bit new. It is a little bit courageous. All too often there is a temptation to just create another commissioner. It costs \$120,000 to pay them and another \$200,000 for their support services, and we just roll on. But we do not need to do that; we need to do things smarter; we need to do things well; and we need to do things with genuine honesty and transparency. And that is what this review of statutory oversight has delivered for the people of the ACT.

MRS BURKE (Molonglo) (4.31): I would like to thank Dr Foskey for bringing forward this most important matter of public importance. I think it really goes without saying that often it is really good—and being in this place for my third stint now—to see, when new blood comes into the Assembly, how they bring with it a new perspective and a new way of thinking.

I listened with interest to what Dr Foskey was saying, and I also listened to Mr Hargreaves and what he was saying. I think Mr Hargreaves is right: sometimes our

positions can be accused of being negative, carping, whinging. But our job is to be that oversight of the government, if you like. I think that, as Mr Hargreaves says—and I agree with him—we are on a new track. Of course existing members will remember in this place the Gallop report. Much, thankfully, has changed since then. I commend the government on those steps forward because, of course, it is crucial that we have in place a comprehensive and effective oversight of services in our city.

There has been debate in this place today regarding the input of the community at the level where they can feel they are having effective input. If Canberra's vulnerable people feel that that has been taken away from them—with Mr Hargreaves's logic and argument being put forward—we need to make sure that the broader community is quite aware that there will be avenues and vehicles through which they can direct their fears, their challenges and their suggestions.

I am concerned that, as we look around us at the many commissioners that we have now—and we seem to have a commissioner for just about everything and anything—going back to our role in this place, possibly we are now going to see those commissioners really starting to earn their keep if they do not do also already. I think that they do an excellent job out there.

I think that, whilst Dr Foskey has brought forward this matter—and the government has reassured us all as well—she obviously raises an issue for us all. We cannot become complacent and say that we believe, just because something new has started, that it is going to work and be effective. It does take others of us in this place to keep a watch on that.

I think Dr Foskey was concerned, too, about the commissioner for disability side, particularly that the role was too narrow in the ACT. I know that she made mention in her speech of the New South Wales model. I think that we cannot afford to be inward looking in the ACT. We have to think laterally; we have to act laterally. We have to make sure as well that we bring the community along with us. I think that the ACT disability services commissioner must be allowed to advocate as broadly as possible for Canberra's vulnerable people; it is crucial.

I think that the concerns that Dr Foskey has—and I would like to talk to her more and hear more from the government on that, certainly to allay any fears that she and others in this place might have, especially new members—truly need to incorporate all the concerns of people in our community. There will need to be an all-embracing, broad approach to problems that arise from time to time. So I think that we should not just discard this matter today. I do commend Dr Foskey.

Again, I suppose, listening to Mr Hargreaves and to Dr Foskey—two slightly different viewpoints—it just might be that we do not have all the bases covered. We might not have covered all those things we think we do in regard to advocacy for people with a disability.

Mr Hargreaves also talked of overlaps in the roles of various commissioners in the ACT. That is one of my concerns: that we are going to become so heavy with commissioners for just about everything that there could be the possibility of overlap. But, again, that is also one to be concerned about in regard to people dropping through the gaps.

Mr Temporary Deputy Speaker—welcome to the chair for the first time, Mr Gentleman, if I am allowed to say that, sir—I wanted to support Dr Foskey today in her MPI and I look forward to working with her on this to make sure that what we have in place is in fact what the government says we do have in place because we certainly do not want any more boards of inquiry into disability services such as we had in the Gallop report. I commend this and fully support the sentiment behind what you are trying to achieve here, Dr Foskey, and I have pleasure in supporting this motion today.

MR STEFANIAK (Ginninderra) (4.37): Mr Temporary Deputy Speaker, might I congratulate you on taking the chair only hours into the first proper sittings of the Assembly on your first real day here. It is a day of firsts. My colleague Mr Mulcahy has had trouble with his chair; he was rained on during the thunderstorm that hit this building. So it is a day of firsts. But, welcome, Mr Temporary Deputy Speaker.

Mr Stanhope: You're not suggesting anything there are you, Mr Stefaniak?

MR STEFANIAK: I don't know, Chief Minister; the place might be jinxed or something.

I rise too to speak to this particular matter in relation to the importance of a comprehensive and effective statutory oversight of services and support for Canberra's most vulnerable people. I mention another first today. I think Mr Seselja made a very valid point in his excellent maiden speech about the need for all of us to ensure that in a civilised society we need to look after our most vulnerable citizens. Indeed, it is the mark of a civilised society, as opposed to other types of societies, that they have regard for and do their best to look after our most vulnerable people. Putting politics aside, over the years that this Assembly has been going, probably all members and all governments have tried in one way or another to do that.

Mrs Burke made a very good point in relation to the number of commissioners. There probably would be a difficulty if we ended up with too many commissioners exercising statutory oversight of services. If one looks at problems in the past, people have fallen through the cracks; we have had difficulties in the governance of those issues—difficulties that have caused vulnerable people perhaps to suffer needlessly. A lot has been caused perhaps because there has not been a proper holistic approach. There has not been the required amount of work between the various agencies to ensure that people do not slip through the cracks. Unless you are very careful, no matter how many commissioners you might have, that still is a very real problem and we need to keep that in mind.

There is always a temptation—I am glad that Mr Hargreaves recognised it in his speech—to say, “We'll appoint another commissioner.” He is probably fairly right with the costs: \$135,000 for the commissioner and a couple of hundred thousand for some staff. It is easy enough to do—perhaps it is unnecessary expenditure—but the fundamental question to ask is: do we actually need them? Is it going to work? Is it going to assist the proper oversight, be it statutory or otherwise, of services to our most disadvantaged? In many instances that may not indeed be the case. I am starting to see in some areas where there are statutory bodies, statutory commissioners, and a tendency for things to get too bureaucratic.

Mention was made by Dr Foskey of the Human Rights Commissioner and the Human Rights Act. As members are well aware, the opposition is not in favour of that particular act. I certainly am not and I have spoken out against it. But, putting all that to one side; the government is saying: “Yes, all right, we’ve got a majority government; it is in favour of that act continuing; it will continue; there will be an ever-increasing role for the Human Rights Commissioner to undertake.” But, looking at that already and talking to a few people in the community who have got some problems—they are certainly all battlers; one of them might have been quite vulnerable—it is still early days yet and I wonder just how that act, that particular commissioner and that particular office are actually going to provide, through statutory oversight or otherwise, what is needed to give them justice.

I do worry about too much bureaucracy there. I think that it is a danger and certainly a danger I can see happening in some areas. That is something we need to avoid. I can particularly see a real problem with the way the Human Rights Act is going to be interpreted and that it might well have an extra layer of bureaucracy; it is going to cost us a lot of money, a lot of bureaucratic expenditure, for maybe not the intended purpose of the act—actually helping someone who is a battler, who is really vulnerable, at the coalface. As I said, it is very early days yet. But I am aware of a couple of instances. There is one case going through the commission. I am not going to talk about that—I cannot—but I will be interested to see how it pans out. I think there may well be another lot of similar situations where this particular commission may not be able to do what the Chief Minister, the Labor Party and the Labor government hope it will do: noble aims, but whether it works in reality we will just have to wait and see.

It is terribly important, in looking at these areas, to ensure that there is the necessary holistic approach; that we try to ensure that it does not get too bureaucratic, because that is not going to help anyone, any sort of consumer, especially vulnerable people. We have to ensure that people do not fall through the cracks. We have to ensure that there is proper coordination between agencies. It certainly does not help having too many commissioners—far from it. But we certainly want to make sure that there is that coordination.

We are, after all, a small place. Dr Foskey talked about the effectiveness of those innovations, doing things differently and constantly moving forward. We can do that in a small place like this because Canberra is a city state. It is a lot easier coordinating within a department or between departments here—and I have seen that during my time as a minister—than it is in a big place like New South Wales, Queensland, Western Australia or even the Northern Territory, just because of the tyranny of distance and the problems that arise.

We are better placed than most to ensure that we have proper coordination and that we can, as a relatively small community, make sure that individual vulnerable people are assisted within the system, that they do not fall through the cracks and that there are agencies able to look after them. Obviously, effective statutory oversight of services can certainly assist there, but it is important that the government in particular, because it is charged with these responsibilities, ensure that that does occur.

I again thank Dr Foskey for bringing on this particular matter. In the last Assembly—she may not be aware of it—our former colleague Kerrie Tucker certainly made a lot of comments in relation to some of the problems we had in terms of reports not being passed on, the problems in relation to the Community Advocate, who plays a terribly important statutory role, and the problems that arose over a number of years in relation to acts not being complied with. I think it was probably a wake-up call for a lot of people that those things indeed happened over the course of the last 10 or 15 years in a number of areas. I hope that, with some of the improvements that have been made, fewer problems will now arise. It is terribly important that we are all vigilant in that regard because at the end of the day it is Canberra's most vulnerable people who will benefit from good effective governance, be it through statutory oversight, be it through commissioners or be it just through a very competent public service that talks to each other and a government that actually is on top on things and running its bureaucracy properly.

MRS DUNNE (Ginninderra) (4.45): Mr Speaker, I thank Dr Foskey for bringing forward this matter of public importance today because support and services to Canberra's most vulnerable people are, I hope, why we are all here. I think it is appropriate that on the first effective day of sitting of this Sixth Legislative Assembly we should spend some time and focus our attention on how we provide services and support to Canberra's most vulnerable people.

As my colleague Mr Seselja said this morning, it is the mark of a civilised society how we protect and how we give succour to the people who are most vulnerable; the people who do not have their own voice; the people who do not know their way around the system; the people who do not have, for lack of education or lack of access or just lack of heart, the capacity to advocate on their own behalf. This is our role: to ensure that those people who cannot do it for themselves have the resources and the wherewithal to find justice and to find access to services and to support.

There has been a lot said about the value of reviewing the statutory oversight bodies and the importance of efficiency and ensuring that there are no overlaps. All of that sounds very good and, I suppose, as a bit of an economic rationalist, there are a lot of arguments in favour of making sure that there is efficiency and there is no overlap.

But the other part of me that subscribes to the principle of subsidiarity is cautious about the whole approach because, by bringing everything together in a sort of super organisation, yes, there is the efficiency of having all your office support being done by people who do office support; you may be able to have some economies of scale; and there may be the opportunities for people in one area to bounce off their issues and develop a better approach by virtue of their being closely associated, perhaps co-located, so that a lot of these statutory oversight bodies can benefit from the critical mass of being together and being closely associated.

But, at the same time, we need to be careful that, in creating a new, better, more efficient structure—it may be more efficient for the government or for the bureaucrats who do not want actually to experience the statutory oversight because sometimes it is inconvenient—we do not nobble the statutory overseers, because if we sort of say, "Let's be all efficient and cut back resources in one area and there's not the scope for research

and because we are all located in the one place we can be just generally more efficient,” you’ll find a shaving and a paring, as the Chief Minister spoke about before his election to the position of Chief Minister back in 2001. He was very keen to talk about how he would sort of make savings by shaving and paring. I hope that this is not such an occasion when there will be such shaving and paring that the people who are supposed to benefit from this will in fact be left out of the equation and will not be considered in the move towards efficiency.

As somebody who subscribes to the principle of subsidiarity, for the most part I think that there have to be really compelling arguments why this statutory oversight is not done in discrete areas that relate directly to the bodies and the legislation that they have to oversee, because there you have built up a body of expertise, you have built up a body of knowledge, you have built up a corporate knowledge which may be undermined by the establishment of some uber statutory overseer. As a result, I think that we need to progress cautiously when we move down the path of statutory oversight to ensure that we maintain our status as a civilised society and a civilised protector of the vulnerable and the disabled.

It’s interesting that Dr Foskey has raised this issue today and raised the question in my mind and the minds of my colleagues about the effectiveness of statutory oversight on the same day as we have had the debate about the community being nobbled by the lack of access to a committee process that may be the outcome of the committees established in this Assembly. One of the things that we have to make sure are happening is that, as doors are closed to the community, which is almost certainly to be the case under the current committee regime, all other doors are open for the community. We have to use this review of the statutory oversight procedures to ensure that that door is propped open and that the government cannot close it on the community. We have to ensure that the voice of the community is still able to be heard in the corridors of power, if not in the corridors of the Legislative Assembly.

I think that it is very appropriate that Dr Foskey has raised this almost coincidentally with the discussion that we had this morning about the establishment of the committees because there is a very important relationship between the committees and statutory oversight. It was through the communication between a statutory overseer, the Community Advocate, and the previous CSSE committee that we first became aware of problems with reporting under section 161 of the Children and Young People Act, and I hope that that level of communication can remain open. It was also paying tribute to the work done by members of the previous Assembly. There was considerable oversight of this review process by Estimates Committees and others.

I was inquiring about and discussing the other day with officials the progress of the statutory oversight review. I heard myself asking questions that I am sure in the past Ms Dundas would have asked. I thought that perhaps I had caught something along the way and that even more of the ability of Ros Dundas had rubbed off on this community than I had hitherto thought, when I found myself asking the same questions that year in and year out she had asked about: where were we with the statutory oversight review, what was the progress, when were we going to see the outcomes, et cetera.

We need to be very careful when we are making decisions about this, especially in the climate where we have a majority government, that the community gets its say, that it is

actively involved in the legislative process of setting up the reformed statutory oversight process, that their voice is heard and that we in the opposition—I am sure the crossbench will join with us—ensure that the voice of the community is heard as much as possible in the somewhat strained circumstances that the community will find itself in in the next four years.

I commend Dr Foskey for bringing this matter of public importance to the attention of the opposition, the Assembly at large and the community, and I hope that this is the way that she will continue to advocate on behalf of Canberra's vulnerable people.

MR SPEAKER: The discussion of the matter of public importance has concluded.

Road Transport (General) Amendment Bill 2004

Mr Quinlan, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (4.55): I move:

That this bill be agreed to in principle.

This bill amends the Road Transport (General) Act 1999 to clarify and remove doubts expressed in some quarters as to the effectiveness of ministerial declarations pursuant to section 12 of that act.

Section 12 empowers the Minister for Urban Services to declare in writing that the road transport legislation, or a provision of the road transport legislation—

- (a) applies to an area that is open to or used by the public; or
- (b) does not apply to a road or road related area.

The declaration has effect until it is revoked or, if a period is stated in the declaration, for that period. Such declarations are disallowable instruments.

The issues addressed by this bill relate to the minister's power to suspend application of the compulsory third party motor vehicle insurance scheme in relation to motor sport events, such as rallies and the upcoming Summernats. The bill addresses concerns expressed by the NRMA for a number of years that the minister's declarations were, in the past, potentially ineffective. Successive ACT governments have relied on these declarations to delineate the times and geographic areas within which the compulsory third party motor vehicle insurance scheme is either applicable or inapplicable in relation to the types of events that I have outlined. While this government accepts the view in principle that such declarations are inherently valid, it has taken the opportunity to provide clarification to all relevant parties.

While the amendments are technical in nature, their effect is to provide specific validation of declarations under sections 12 and 13 of the act. Clause 2 provides for the

bill to take effect on the day after its notification. It is intended to notify the legislation on 10 December 2004.

Clauses 4 and 5 of the bill contain the essence of the changes to the act. The new sections 171(2) and (3) expressly state that a compulsory third party motor vehicle insurance policy is inapplicable with respect to vehicles in a declared area at the relevant time. The existing provisions are silent on the issue, and while they were considered to be effective in the past, the government considers it is appropriate to clarify the position and to remove any doubt. I commend the bill to the Assembly.

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

Territory Owned Corporations Amendment Bill 2004 (No 2)

Mr Quinlan, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (4.59): I move:

That this bill be agreed to in principle.

Today I am tabling the Territory Owned Corporations Amendment Bill 2004 to convert the company named as Rhodium Asset Solutions Limited into a territory owned corporation. This bill is consistent with a resolution passed in the Legislative Assembly on 5 August 2004 agreeing to the transfer of the fleet business of Totalcare Industries Ltd to a new territory owned corporation.

This government has a commitment to improving the implementation of its programs. This is reflected in the initiatives undertaken by the first Stanhope government to restructure the activities undertaken by Totalcare Industries Ltd, some of which provide essential services to the ACT community. As part of the restructuring of Totalcare, all of the business undertaking of Totalcare, with the exception of the fleet business, was successfully transferred back to the ACT government agencies by 1 April 2004.

As I previously advised the Legislative Assembly on 3 August 2004, the fleet business cannot be transferred into a government agency. This is because legal advice indicates that it is not possible for the territory to become both lessor and the employer under particular novated leasing arrangements. It is for this reason that the government has determined that the fleet business should be transferred to a new territory owned corporation. To bring this into effect it is necessary to enact some consequential changes to the Territory Owned Corporations Act.

Although Totalcare will need to continue as a legal entity after the transfer until all outstanding claims have been resolved, it will not be involved in any trading activities. The bill therefore includes the removal of Totalcare Industries from Schedule 1 of the Territory Owned Corporations Act of 1990. I present and commend the Territory Owned Corporations Amendment Bill 2004 (No 2) to the house.

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

Annual reports—2003-2004 Referral to standing committees

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.01): I seek leave to move a motion to refer annual reports to the relevant standing committees.

Leave granted.

MR CORBELL: I move:

That, notwithstanding the resolution of the Assembly of today establishing standing committees:

- (1) the annual and financial reports for the calendar years 2003 and 2004, and the financial year 2003-2004 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below:
- (2) that, notwithstanding Standing Order 229, only one standing committee may meet for the consideration of the inquiry into the calendar years 2003 and 2004 and 2003-2004 annual and financial reports at any given time; and
- (3) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Referral of Annual Reports to Standing Committees Calendar years 2003 and 2004 and Financial year 2003-2004

Standing Committee	Annual Report	Minister/s responsible
Public Accounts	ACT Auditor General	Chief Minister
	ACT Legislative Assembly Secretariat	Speaker
	ACT Government Procurement Board	Treasurer
	ACT Insurance Authority	Treasurer
	Australian International Hotel School	Treasurer
	Chief Minister's Department	Chief Minister Minister for Economic Development Minister for Arts, Heritage and Indigenous Affairs Minister for Women

		Minister for Multicultural Affairs and Community Engagement
	Australian Capital Tourism Corporation	Minister for Economic Development
	Commissioner for Public Administration	Chief Minister
	Department of Treasury	Treasurer
	Exhibition Park in Canberra	Treasurer
	Gambling and Racing Commission	Minister for Economic Development
	Independent Competition and Regulatory Commission	Treasurer
	Stadiums Authority	Minister for Economic Development
	ACTEW Corporation	Treasurer
	ACTTAB Ltd	Treasurer
	Totalcare Industries Ltd	Treasurer
Legal Affairs	ACT Construction Industry Long Service Leave Board	Minister for Industrial Relations
	ACT Cleaning Industry Long Service Leave Board	Minister for Industrial Relations
	ACT Electoral Commission	Attorney General
	ACT Ombudsman	Attorney General
	Australian Federal Police— ACT Region	Minister for Police and Emergency Services
	Commissioner for Occupational Health and Safety	Minister for Industrial Relations
	Community Advocate	Attorney General
	Department of Justice and Community Safety	Attorney General
	Director of Public Prosecutions	Attorney General
	Discrimination Commissioner	Attorney General
	Legal Aid Commission	Attorney General
	Office of the Public Trustee	Attorney General

	Victims of Crime (Financial Assistance) Act 1983	Attorney General
Health	ACT Health	Minister for Health
	ACT Mental Health Official Visitors	Minister for Health
	Community and Health Services Complaints Commissioner	Minister for Health
	Healthpact	Minister for Health
	Department of Disability, Housing and Community Services	Minister for Disability, Housing and Community Services
Education	Canberra Institute of Technology	Minister for Education and Training
	Department of Education and Training	Minister for Education and Training
	Office for Children, Youth and Family Support	Minister for Children, Youth and Family Support
	Building and Construction Industry Training Fund Board	Minister for Education and Training
	Cultural Facilities Corporation	Minister for Arts, Heritage and Indigenous Affairs
Planning and Environment	ACT Planning and Land Authority	Minister for Planning
	ACT Land Development Agency	Minister for Planning
	ACTION Authority	Minister for Planning
	Canberra Public Cemeteries Trust	Minister for Urban Services
	Commissioner for the Environment	Minister for Environment
	Department of Urban Services	Minister for Urban Services
	Nominal Defendant	Minister for Urban Services

MR CORBELL: Mr Speaker, members will have in front of them a notice of motion from me outlining the referral of annual reports to the relevant standing committee of the Assembly, as dealt with by the Assembly earlier today. This will allow the committees to undertake the scrutiny of the annual reports presented to members prior to the last election. For the new members, copies of those annual reports have been provided to their offices. It is a fairly straightforward process: the motion will allow the annual reports to be referred to those committees as outlined in the attached schedule.

Question resolved in the affirmative.

Standing orders—amendment

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.03):
I seek leave to move a motion to amend the standing orders.

Leave granted.

MR CORBELL: I move:

That the following standing orders be amended:

(4) Standing order 34:

Omit standing order 34, substitute the following new standing order:

“Adjournment of Assembly

34. At 6.00 p.m. on each sitting Tuesday, Wednesday or Thursday, and at 12.30 p.m. on each sitting Friday, the Speaker shall propose the question—“That the Assembly do now adjourn”—which question shall be open to debate. No amendment may be moved to this question:

Provided that:

- (a) if a vote is in progress at the time for interruption, that vote, and any vote consequent upon that vote, shall be completed and the result announced;
- (b) if, on the question – That the Assembly do now adjourn- being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question;
- (c) a motion for the adjournment of the Assembly may be moved by a Minister at an earlier hour;
- (d) any business under discussion and not disposed of at the time of the adjournment shall be set down on the Notice Paper for the next sitting; and
- (e) if the question – “That the Assembly do now adjourn” – is negatived – the Assembly shall resume the proceedings at the point at which they had been interrupted;
- (f) at the conclusion of the time allotted for the adjournment, the Speaker shall forthwith adjourn the Assembly until the time of its next meeting.”

(5) Standing order 27:

After the words “at 10.30 a.m.

insert

“, and on Fridays at 9.30 a.m.”.”

MR CORBELL: I have circulated to members a proposal to amend standing orders to deal primarily with the adjournment of the Assembly. Mr Speaker, the government has

taken the view that it is important that we have a clear and firm conclusion time for each sitting day. It is particularly important in the context of those members who have responsibilities for younger children and who, in the past, have had to juggle a range of childcare and other care responsibilities for what is often an extremely variable finishing time for the Assembly.

The government proposes that the adjournment of the Assembly now take place at 6.00 pm on each sitting Tuesday, Wednesday and Thursday and at 12.30 pm on each sitting Friday. This change would result in the Speaker's proposing the question that "the Assembly do now adjourn" at 6.00 pm on Tuesdays, Wednesdays and Thursdays rather than at 5.00 pm, which is currently the case. And I note, Mr Speaker, that we have not done it today.

The purpose of the change is to ensure that there is a more sensible time for the adjournment, because the adjournment at 5.00 pm, in my experience, has almost always been negated. This change, allowing for a later adjournment, reflects, I think, a more reasonable adjournment time to be considered by the Assembly. The other change to standing orders provides for the Assembly to meet on a Friday. Currently, standing orders do not permit the Assembly to meet on Fridays.

As members will be aware, the government has proposed that every second sitting Friday the Assembly shall meet for the morning to have additional time to deal with executive business. This is to allow business to be dealt with in a more orderly and streamlined way across the sitting calendar, rather than have a significant build-up towards the end of each year, which almost invariably results in late night sessions. It also accommodates the change to the adjournment, to occur at 6.00 pm on each sitting day other than a Friday. This proposal provides for the more orderly process of business in this place. And, importantly, it also provides certainty for members planning other responsibilities into the evening.

At 5.06 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negated, the debate was resumed.

MR CORBELL: In conclusion, the proposed changes to the standing orders facilitate a more conclusive and definitive finishing time for the Assembly on each sitting Tuesday, Wednesday and Thursday, as well as making allowance for the Friday sitting of every second week to deal with executive business. This increases the number of calendar days set aside for sittings, and we will be increasing the periods of time that the Assembly sits. I urge members to support the motion.

DR FOSKEY (Molonglo) (5.08): I wish to support the motion because the Greens' workplace and employment policies advocate family friendly work practices. Consequently, I am pleased to support a family friendly approach to the scheduling of sitting days. It is important that we here at the Assembly stick to family friendly work practices and it is also important that the government ensure that other agencies and funds can take a similar approach.

The whole idea of family friendly hours is contradicted by the working reality for the many people who are closer to the minimum wage end of our flexible work force than

members and staff in this building or people in other high demand occupations. Our retail industry, for example, seems to have moved closer to a seven-day, 24-hour service in the past few years. Similarly, community sector employees only achieve family friendly work hours by taking on what are effectively full-time jobs at fairly low rates of pay for part-time hours.

We cannot be sure that this change in hours will result in more family friendly work practices, particularly for those members and staff who need to cover a lot of the business in the Assembly. For instance, I may stop sitting here but I may have to get up early in the morning to prepare for tomorrow's Assembly. It may also result in unreasonably truncated debate and insufficient scrutiny of legislation and other business in the Assembly.

While I am happy to support this motion, I do not think we should serve out the full four-year term without considering how well the new family friendly approach has worked. I want to keep an eye on it and confirm whether the arrangements are working. Consequently, I will be asking the Administration and Procedures Committee to evaluate this change in standing orders and report to the Assembly by mid-2006—that is, June 2006.

MR STEFANIAK (Ginninderra) (5.01): The opposition will be opposing this motion. Before I go into a lot of substantive detail in relation to it, I point out that it is not dissimilar to a situation in another small parliament, Tasmania. My colleague, the Leader of the Opposition, was told only yesterday, I think, by a member of the Tasmanian parliament that it is not working down there.

One of the big problems with this, and I hear people talk about family friendly environments and that, is that I do not think that the Assembly, by the very nature of the job it does, can ever be a completely family friendly environment. In the past, there has been a real need to sit late—not all that often but often enough—to ensure that legislation was passed. Also in the past we have had the mad rush to finalise bills before the end of the year or before the end of an Assembly term. That just shows if we are doing our job properly there is a significant volume of work there. I think this motion would really restrict it and I think it will come home to bite the government in the not too distant future, in their simply not having enough time to get through the Assembly what they want to get through.

Let us look at the proposal. Every second Friday, and this is my understanding of it, we pick up three hours by sitting on Friday morning. All right. That is fine, as far as it goes, but we only sit—what is it? We have a 13 or 14-week sitting pattern for next year, so 42 or 45 days. In fact, I cannot think of a time that the Assembly sat more than about 45 days in any one year. So it is not a hell of a lot of days we actually sit. If we go on to this, what have we got? We have two hours in the morning on the Tuesday, Wednesday and Thursday and then, at 2.30 pm, we have question time. That, invariably, takes an hour. Then there are papers to present. Let us aggregate that to around about half an hour—I have seen it go longer, and I think today was a case in point, but let us say there was about half an hour there. That would take us to 4.00 pm.

Quite often we will have an MPI and that takes us out to 5.00 pm. On Tuesday we have one hour for additional business, on Thursday it will be government business and on

private members' day some private members' business. Even if we do not have an MPI, we are looking at about two hours or so in the afternoon. Even if we do not have papers, we are looking at a maximum of about 4½ hours of actual debate on bills, on Assembly business, on private members' matters. But more often than not it is going to be less than 4½ hours. It will be somewhere between three and 4½ hours on those three days and then the three hours on Friday. I just do not think that is going to be time enough.

Dr Foskey talks about it being the right idea and that it is family friendly. The other thing about this place and about the job we do, and it is a difficult job, is that it requires us to put in very long hours. All of us, especially those of us who have been around a while, and the new members will find this, if they are doing their job properly, have to go to meetings at night.

I think we are the most approachable Assembly or parliament in the country because we are very much part of the community. We are a small city-state and we are just simply out there more. People bump into us a hell of a lot more than they do members of a bigger parliament—by the very nature of Canberra as it is. There is great demand on our time and members will still find that they are going to be out doing their job at night and on weekends. We have to go home to our families when we can.

One benefit at least—unlike in the federal parliament or parliaments like Queensland, Western Australia and New South Wales—is that we get a chance to go home to our families. If you represent the north west of Western Australia or if you are in the federal parliament, unless you are an ACT member, you are not going to get home to your family very often, similarly for those members in New South Wales and some other states where there are significant distances involved. So one benefit is at least we can get home to our families. Yes, I suppose you make adjustments, and we all do, at weekends, because we work weekends.

I do not think this will, in any way, make us more family friendly. The big problem with it though is simple, if you do your maths, and that is the lack of time to do our business—the government to put forward its legislation and the other matters it needs to put forward, and the opposition and the crossbench to put forward the matters we need to put forward and the work we need to do in terms of challenging and keeping the government accountable for what it puts forward. There is simply not enough time allocated in this motion for us to do our job properly. You only need to go back and see what has occurred in previous assemblies for that to become painfully obvious. I mention again the situation in Tasmania where they have tried a similar thing and, we are told, it is not working.

Let us say the government says, 'Look, the 5 o'clock rule is a silly one. Why don't we aim to finish at 6?' That is probably reasonable, and there are a number of days when we will. Maybe the announcement of the 5 o'clock rule is a bit of anachronism. It does not perhaps serve any great purpose and there might be merit in making it 6 o'clock. On occasions we certainly finish on or around 6 o'clock. But there are occasions, and they are necessary, when we will have to go much later than that.

No-one likes to sit to three or four or five in the morning. I remember being in this place during budget sittings when bets were taken as to what time we were going to finish. I remember one year when we finished at 4.51 am—the public service knock off time

reversed! That certainly was not a terribly pleasant thing to do but that does happen on occasions and, yes, there is some real question as to how effective you can be at 2.30 in the morning when you are amending complex legislation.

I well recall the Crimes Act amendment in August 2001 where I think an amendment to an amendment went off in a tangent. It certainly took me about five minutes to work out how on earth we could fix it up but, with the help of the Clerk and a few other people, we managed to. So, okay, that is a situation where, when you are doing complex stuff, tiredness can be a problem, and maybe that is something to look at. Maybe we would be better saying, 'Let's try to make sure we don't go past, say, 11.00 pm or midnight.'

This rule, where we shut off proceedings at 6.00 pm, then have the adjournment debate and we are out of here at 6.30 pm, is great if you can do it but I think the practicalities of what this place is about—the legislation that you people want to bring in and the matters we are going to want to raise—simply means there will not be enough time. I do not think that extra three hours on Friday will be enough. You have got the numbers. You are going to get it through, but I certainly think you will be revisiting this one. The opposition will be opposing it.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (5.18): Just very briefly, I recall, over the seven years I have been here, some very extended debates—particularly extended budget debates—but it seemed to me that the whole process was not all that effective. I think there is a need for members to reflect on the relevance of what they are doing rather than having queues of speakers wanting to get up and say the same thing over again. We have people wanting to get up and have a second go at the debate simply because they disagree with something, turning it into a “he said”, “she said” process.

We did fall, particularly in the last Assembly, into a very ill disciplined approach. I do not know what the motivation was, as it did not seem to achieve anything other than late night sittings and a waste of time. You can wax lyrical and beat your breast about the right to speak and say that everybody should have the opportunity, but there is a limit, and I think we crossed that line last time. There is a need to use the time, not just your time but also our time, effectively.

MRS DUNNE (Ginninderra) (5.19): I am glad Mr Quinlan has spoken and has said exactly what you would expect Mr Quinlan to say because, really, the only person whose opinion is valued in this place by Mr Quinlan is his own. It really is quite an inconvenience for Mr Quinlan to have to listen to the views of anybody else, and especially someone who would dare gainsay Mr Quinlan.

This proposal brought before us today by the manager of government business is again a part of the pattern of, “We're now majority government so we can do what we like.” We had a discussion in the previous Assembly about reviewing the standing orders and about creating a more family friendly work environment, and we took particular pains in the last Assembly to try to create some certainty for the staff of the Legislative Assembly, both secretariat staff and our own staff, as to how we would sit and how long we would sit but, even with the best intentions of all of us, sometimes the timetabling falls out.

In the last review of the standing orders, and in the discussions we have had about family friendly workplaces, there was never a proposal that we should all up stumps at 6.30 pm, come what may, irrespective of the business before the Assembly and how much more we had to do. Mr Quinlan makes a point that needs some nodding and acknowledgment that from time to time members do get carried away with their own rhetoric, and can be a little on the verbose side, but there are standing orders about that. We would be better off, as was recommended in the review of standing orders in the last Assembly, perhaps enforcing the speaking times rather than putting a stop to debate, as this proposal will surely do.

As Mr Stefaniak pointed out, he can do the math—as they say in other countries—and really what we will resolve to do today is limit debate on Tuesdays, Wednesdays and Thursdays to about 4½ hours. Most of the issues that passed through in the previous Assembly did so, generally, with consensus or with minor amendment. Many bills passed in under an hour but, from time to time, there are matters of significant import where the debate is considerably longer. Just off the top of my head, some debates that took a considerable time, and needed to take a considerable time, in the last Assembly included the introduction of the building insurance indemnity scheme.

That was a very important piece of legislation that took considerable time and where debate went on for some time. It would have been inappropriate, in a sense, to adjourn the debate because “Gosh, we’ve come to 6.00 pm and, union rules, we have to go home now, irrespective of the need.” Legislation to set up the Planning and Land Authority, the education bill, the human rights bill—all were significant pieces of legislation where it was generally not appropriate to adjourn and come back because you would have lost the thread of the debate and we would have ended up with people repeating themselves and having to make their points again. People lose track of who has said what to whom and when and whether it has been said.

This proposal is a flawed proposal. The Liberal opposition will oppose it, because it is a flawed proposal. The only thing it does is provide certainty. I can now say to my family, “We’ll be pulling up stumps at half past six so, yes, you can make arrangements in the evening.” But, for the 40-odd days that we sit, there were very few days when we ever sat beyond 7 o’clock in the previous Assembly. As I said when we had this debate about family friendliness last year, when you stand for election, when you sign up to becoming a member, you sign up to the hours. If you are not here debating, you will be out in the community.

At 6.30 tonight, I am out of here and I am going to community meetings. I will still be doing my work. I still will not be seeing my children; I will be out doing the work of a member of the Legislative Assembly. This proposal does create some certainty. It means members do not need to have pairs, which is often a problem if they are given a dinner invitation or something like that. But the nub of what we are here to do is to debate issues in relation to the welfare of the people of the ACT, to look after the vulnerable, the people who need support.

The message we are sending to the community is that it is just too hard. I want to put on the record that it is not too hard for the Liberal opposition. We are prepared to do the hours. It is really too hard for the Labor Party. They resented having to sit here during

the Fifth Assembly and have people run a critique of their legislation, if that was necessary. They resented it most roundly, especially the Treasurer and the Minister for Energy, as he was then. But that is what democracy is about: democracy is about debating the issues of the day.

What it really boils down to is that this is an opportunity for the government to force its will not just on this place but also on the people of the ACT. It is not just about whether we get our moment in the sun. It is about whether the views and the rights of the people of the ACT get an airing in this place or whether the Treasurer and all his colleagues can push things through, irrespective of the need, and we have seen it today. We are going to have committees that suit the government. They are going to have majorities on committees so that they do not do anything inconvenient. They are not going to give leave to people to speak again, and we have had the first instance of a non-government member being gagged. Here, again, is another opportunity for the government to gag debate in the ACT.

This will not work. On the very first occasion that the government suddenly finds it has something that it really needs to do, we are going to have the suspension of standing orders. And who will have egg on their face then? We have created an entirely inflexible system, much like some of the inflexible planning systems that the manager of government business has attempted to create in the ACT; I mean, it is an entirely inflexible position, it does not provide for negotiation.

We had a system last year where, for the most part, we agreed to rise at seven and very rarely did we sit beyond that. If you look at the statistics, which I do not have on hand at the moment, there were very few days, especially prior to the arrival of certain secretariat staff, where we did that. As a result of this, we will have a system that is entirely inflexible. We are going to get to a situation fairly soon where something will need to be debated and resolved at a particular time, and this manager of government business will have created a situation where the government will not have the flexibility that it needs.

As to the impact it will have on private members' day—well, of course, now that we have a majority government we do not want anyone raising issues that would be inconvenient for them. What this will do is put the same constraints on private members' day. The thing that was most patently obvious about the government in the previous Assembly was that they loathed private members' day because it caused them inconvenience. Sometimes people required them to do things that they did not want to do. What they want to do with this proposal is gag the members of this Assembly who speak on behalf of the community.

MS MacDONALD (Brindabella) (5.29): I will attempt to be brief, succinct and to the point. Yes, there is that element of family friendly hours within the motion. We had that debate earlier in the year in the Assembly, and I was the one who put up the motion on that debate. Mr Quinlan just asked me if the motion was passed and the answer is, "Yes, it was passed." The opposition at the time opposed it and, yes, it is opposing it again. The opposition sits across from us saying that it is important that we be able to sit until very late into the night; that, when you take on the job as a member of the Assembly, you must sit unreasonable hours in which you cannot think properly because you have been here since early in the morning; and that it is okay that the same speech is presented at least six or seven times by the different members of the opposition.

Mrs Dunne has made the comment that we are seeing for the first time in this place a member being gagged. What the government wants to do is enforce some discipline. When the motion was put up earlier in the year, in the Fifth Assembly, Mr Cornwell, a member of the opposition, was in agreement with this government that if anybody up on the hill or in another parliament attempted to seek leave to speak again or seek leave for an extension of time they would be laughed out of the place. The fact of the matter is that this is an ill disciplined opposition. That is what we are talking about.

It is about the opposition not being able to speak within the time limits, as they are put up. It is about you not being able to decide, "Oh, well, I'm going to seek leave to speak again because I didn't like what you said about what I said the first time so I'm going to get up and say exactly the same thing again." That is right; we do not agree to that. We want some discipline in this place. We want to speak within time limits and we want to be fair not just to our families but to the families of the people who work in this place, not just in our offices but also in the secretariat; and, yes, we want to be kind to ourselves and make sure that we actually focus on what is being said and that what is being said makes sense. Half the time, a lot of the things that get said a second time around make absolutely no sense at all and nobody, absolutely nobody, is listening to what you are saying.

MRS BURKE (Molonglo) (5.32): I am wondering why we are all here. Several times today I have heard Ms MacDonald contradict herself. Nobody is debating the fact. I think Mr Quinlan raised some good points: "nobody wants people going over and over the same thing." Sorry, that is why we are here. Each of us in this place got elected to make a stand for our communities that we represent. We are here to have our voices heard. You do not like it, do you? You have got majority government now and you are still not satisfied. You want us to shut up and sit down, as Mr Quinlan has told me many times.

Ms Gallagher: Make sense.

MRS BURKE: Sorry, you are the most authoritative person in this place. I see: "disciplined approach; waste of time; he said/she said". Mr Quinlan, you are right. I agree. But it should not stop us in this democratic place from standing up to have our say and putting our point forward, despite the fact that you do not like it. You do not particularly like being in here. I cannot help that.

Mr Quinlan: It's boring.

MRS BURKE: Sorry, you're boring?

Mr Quinlan: It's not her fault; it's boring.

MR SPEAKER: Order, Mr Quinlan!

MRS BURKE: Thank you, Mr Speaker. That brings me to the point of why we are here. We are not nine-to-fivers and nobody is saying that we should stay here until the early hours of every sitting day. We sit three days a week for 14 weeks a year. Come on, what are we—men or mice? We already have a really bad reputation in the community. They

really have a very bad opinion of us out there in the community. All I can say is that they now have further cause to say, "Oh, that's right; that's the Assembly; lazy; just want to do a 9 to 5 and go home."

Ms MacDonald is right. We have families. We have people who do not want us sitting here all hours of the day and night but, unfortunately, we signed up for that. We get paid for the full period of the time that we are here. We are never off watch. Sorry, but that comes with the territory. I think that what is being proposed today is unhealthy because it is going to stifle debate; it is going to prevent us, contrary to what Mr Quinlan says, repeating things.

Mr Quinlan: I thought you were standing up for your community.

MRS BURKE: Sorry, would you like to say something, Mr Quinlan?

MR SPEAKER: Order! Mrs Burke has the call.

MRS BURKE: It is disappointing that Mr Quinlan and others treat this place with such contempt and I am really disappointed that we are not allowed to stand up here and say what we feel and to represent our constituents. I think it is disappointing that the ministers sit there scoffing at the opposition and crossbenchers because we want to do a job. We are paid and elected to do a job.

What have we got here? Finishing at 6 o'clock and maybe sitting some Fridays. The government is the one that needs to get some discipline, I suspect, Mr Speaker. We had a torrent of legislation poured onto us at the end of the Fifth Assembly. How organised was that? Not! Come on, surely now we have a prime opportunity to have proper sitting days, not meddling with it, to be able to rise at a sensible hour anyway.

Mrs Dunne is quite right: there are some very heavy and weighty things that have been debated in this place. We need to remember that. We do not have anywhere else to pass this stuff. Being a unicameral parliament, we are it. To hamstring us in this ridiculous way is just not democratic as far as I can see. I think we well know what the community's feedback is. All of us know. They are not very appreciative of the fact that we are just going to close the doors at 6 o'clock and to all intents and purposes go home—well, some in the government seats might be. The opposition is out there in the community. Four and a half hours of debating time, I heard Mrs Dunne say. What's that going to do, given the weighty issues that we have debated in this place?

I am for a family friendly workplace, and it will be now. But there has to be a reason why we are in this place, and it is not to work 9.00 to 5.00. I think this has gone one step too far. I agree with Mr Quinlan: there is a lot of time wasted in this place. I agree with Ms MacDonald; she is right. But I believe what you are proposing to do now will stymie debate; it will switch us off when we want to be responding to things that you do not want to hear. You do not want to hear our response to things. It is unfair and undemocratic.

I will leave it there. We have made our case. The Liberal opposition are not in agreement with what is being put forward today. We certainly will not be supporting it. We are defenders of the jobs that we do for the broader community, and this to me is indicative

of a government that is just sucking inward, inward looking, self-serving and self-seeking for the most part.

No disrespect to the new members here, but I hope that you can make some difference within your party to start your colleagues thinking laterally about why we are here. Do not suppress us in the way that you are planning to. This is nothing more than suppression. It is an appalling move by this majority, arrogant government to shut down debate in this place. I will not be agreeing with this motion.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (5.38): in reply: Mr Speaker, the way the opposition carries on, anyone would think that there had been a coup d'état in the ACT, soldiers coming into the Assembly and forcing people to go quietly, and all that sort of thing. This is the most extraordinary overreaction I have seen.

There are a few things that I would like to clarify. The first is that the opposition argues that this means that there will be an adjournment at 6.00 pm; there must be an adjournment at 6.00 pm. Mrs Dunne said it provides an inflexible framework because we are going to have to seek leave to suspend standing orders every time we know we want to sit beyond 6.00 pm. Well, that is simply not the case. You only have to read the motion to understand that, Mr Speaker. I doubt that Mrs Dunne did, based on the comments she made earlier in the debate, because what it says is that it requires the Speaker at 6.00 pm to put the question that the Assembly now adjourn. Of course that question can be negatived.

The government has indicated its broad intention to seek the adjournment at 6.00 pm because we think that is appropriate and we think that is a reasonable hour to conclude sittings for the day. But it does not in any absolute term rule out sitting beyond 6.00 pm. You just have to read the standing orders to see that: "If the question ... is negatived, the Assembly shall resume the proceedings at the point at which they had been interrupted." That is what it says. The Assembly shall resume proceedings at the point at which they had been interrupted. It is as simple as that.

It might be worth also pointing out to members that the dynamic of debate in this place will change, and just at a very basic level it will change because there will no longer be three crossbench members each wanting to speak on every single item. There will be invariably a minister in charge of legislation. There will be an opposition spokesperson, at the minimum, responding to the legislation and there will be one crossbench member responding to the legislation. It is a different dynamic.

That does not preclude other members from the government or opposition parties making their point in the debate. The government expects members to respond and join in debate in a responsible way and to make their contribution. But it is, nevertheless, a different dynamic. You do not have in every single debate three crossbench members responding on every single issue; you have one. Then you have whatever the make-up is from the government and opposition parties. It is a different dynamic, and that needs to be taken into account.

Of course, related to this issue is the notion of sitting on Fridays. Of course, sitting on Fridays permits an additional three hours every second sitting Friday for executive

business. Mr Stefaniak makes the argument that there needs to be more time for executive business. Well, we are providing that. We are providing the time for executive business—an additional three hours dedicated solely to executive business every second sitting Friday. So, far from closing down debate, far from restricting debate, it is facilitating the smoother running of the Assembly, a better opportunity for everyone to contribute and more time to deal with executive business. That is what the proposition does.

We are going to hear a lot, I am sure, over the next little while how at every point, every time the Liberal Party disagrees with something the government is doing, it will be an abuse of the majority. Well, I think you have got to make the argument on its merits; not just every time you disagree, say it is an abuse of the majority, because that is not going to get you very far and you are really going to have to work a bit harder on that.

The proposition is a reasonable one. It allows for additional sitting hours. It allows for a more focused approach to debate and it takes account of the changed dynamic, given that we do not have the same level of crossbench representation and will not need the time that it took to accommodate those views. I commend the motion to the Assembly.

Question resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Brindabella electorate

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.43): Very briefly, I want to take this opportunity—this is the first time I have really had to do so since the Assembly has come back—to express my appreciation to the people of Brindabella for the confidence that they showed at the last election in me and in the Labor Party.

I wanted to express my appreciation to my Labor colleagues over the last two terms that I have been in this place; to numerous members of my campaign team; and to my own office, Andrew and Maria particularly. Mr Temporary Deputy Speaker, I think it is incumbent on me to mention people like Jimmy Mallett, Marco Spaccavento, Keith Warren, Carl Segale and a whole host of members who are known to your good self and who contributed enormously of their time and effort to allow me to be elected.

Achieving over 10,000 votes was an absolute thrill, I have to say. But also may I just say that it is a particular honour that I have been able to return for a third term. I am sure that members coming back for their third term will cherish that honour and do the very best they can to make sure they provide a service to their constituents.

It is most incumbent on me to express my appreciation to my wife, Jen, and to my family. Without Jen and my family—but I guess mainly Jen—one, I would not be here in

the first place; and, two, I would never have been able to sustain the strength to contribute the way I have been able to, to get out and about and mix it with the people of Brindabella. So I wish the record to show how much I appreciate the support that only she has been able to give me.

I hope and pray that I will be able to live up to the expectations of the people who returned me to office. So thank you very much.

Calvary Hospital—cleaners

MR BERRY (Ginninderra) (5.45): I would like to rise briefly to mention the trials of a few fellow Canberrans, and I refer in particular to the cleaners at Calvary Hospital. They have had to face the phenomenon, which is part of industrial or labour relations these days, of the cleaning contract at the hospital being put out to tender.

As far back as July there had been some discussions with management about this, and the cleaners felt that they had in-principle support for a number of things. One was job security and some assurances about working conditions, along with a general in-principle agreement that the hospital would be interested only in companies that were signatories to the ACT cleaning industry code of best employment practice. That is by way of background to the issues as they developed. But, in the end, on Monday, the workers stopped work when they lost confidence that their employer had maintained its commitment to its earlier position in relation to these in-principle matters.

These are low-paid workers. It is always a shame to see workers put in this position, but especially so just before Christmas. Some of these workers have been at Calvary Hospital for over 20 years, and they were seeking a guarantee that next year they would still have a job. As we know, contract workers can be vulnerable, and none more vulnerable than those on low wages. It is important to know that there are others in the community who support them when they are involved in confrontation; so I was pleased to go out and see them yesterday when they stopped work and were picketing outside the hospital.

I have been contacted today by their union, the Liquor, Hospitality and Miscellaneous Workers Union, and advised that Calvary management has agreed to honour its earlier commitments and that these workers will still have jobs under the new contract. So I think that is a good outcome for these workers.

It is always disappointing, I have to say, to see a dispute develop into a confrontation that causes so much angst to everybody concerned. On the one hand of course, the workers are extremely concerned, but so too are management. They end up in two very different positions. Services of one sort or another are in some way limited because of the dispute in the workplace. But, on the other side of the coin, my experience tells me, after being on many picket lines in one form or another, that workers are fearful about their futures; in many circumstances they are desperate to assure their futures; sometimes they are angry to the point of fury about being betrayed in some way; but overall they are extremely stressed about what this particular industrial dispute might do to their futures and to their families. So it is not a very good situation for anybody concerned at all. As far as I know, most of these workers have not been involved in any sort of industrial action ever.

I felt, as an elected member of this place, a need to go out and reassure them that what they had decided to do was something that was open to them to do in the context of the way we do things in Australia. If you are in dispute, you are entitled to withdraw your labour in many circumstances.

I would like to congratulate the workers for highlighting their concerns as conscious, hard-working Canberrans. At a lighter moment yesterday I heard a new saying for industrial action. One of the cleaners—and she was not that relaxed about the industrial confrontation—did say, “Well, if the baby doesn’t cry, it doesn’t get milk.” So congratulations to Majvi, Dragica, Carlos, Stevka, Marika, Christina, Zora, Jacqueline, Maria, Zdravka, Slavica, Zora, Slavka, Danica and Mary, the cleaners at Calvary Hospital.

Karinya House

MR SESELJA (Molonglo) (5.50): I rise to speak briefly on Karinya House. I wanted to make sure that the member opposite, the Treasurer, is not too bored. I will try not to keep him for too long, but I would make the point to the Treasurer that, if he is particularly bored, he could bring forward his retirement. I am sure there is some willing young Labor Party person ready to take over. I would just like to pay tribute to the Karinya House committee. My wife and I attended the Karinya House ball on 20 November. A fabulous time was had by all. There were over 200 people there.

I want to pay tribute to the fantastic work that Karinya House does for the community. Karinya House, for those who do not know, runs two houses for pregnant women and new mothers to provide support in budgeting and health care and other services.

I would like to congratulate Melinda Tankard-Reist, the president, and Catherine Cooney, the vice-president. I also note that Vicki Dunne is patron of Karinya House. So I really would like to pay tribute to the work they do. I think it is fantastic work. A lot of these women are very vulnerable and Karinya House provides them with fantastic support.

It certainly receives some government funding—and that is very welcome—but there is always the potential for more. This is a particularly worthy organisation, so the government should always be open to providing more support where possible. I think that is about all I have to say.

Brindabella electorate **Mr Tony Burke**

MS MacDONALD (Brindabella) (5.52): I, too, like Mr Hargreaves, would like to place on the record my thanks to all the people who supported me, not just in the past 12 months of this campaign, because it has been a 12-month campaign for me, but who have given me ongoing support for the last 3½ or four years, since I decided to run for the Assembly in the first place. I also thank the people of Brindabella for giving their support to me to re-elect me. It was a gut-wrenching feeling going in, not knowing whether or not I would get back into this place. I am very pleased to be back, I have to say.

I specifically want to thank Lisa Brill from my office and Rebecca Cairns, who was in my office but has gone back to her permanent position, for having supported me and put up with me generally. We all had our nervous breakdown together, but it was actually fairly small. So I am grateful for that. The three of us, of course, were all very grateful to my husband, Brendan, for the continuous flow of emails and phone calls that we got on a daily basis, reminding us of all the things that we had agreed to do as part of the campaign. I am very glad to be back and I look forward to the next four years in majority government and beyond.

Mr Speaker, it was my great pleasure on Monday of last week, 29 November, to attend the inaugural speech of Tony Burke, who is the shadow minister for small business in the federal parliament. When I say his inaugural speech—he was referring to it as his first speech—he did, of course, point out that it was his second first speech because last year he gave his first “first” speech in the New South Wales upper house.

Tony and I went through Young Labor together. I have mentioned Tony before in this place because it was he who gave me the form to join the Labor Party in the first place, took it into head office for me and signed me up. He has provided, over 10 years, many years of guidance and support. Of course, Tony and I do not always see eye to eye, he being of a pro-life disposition and having a pro-life view, and I being pro-choice on a number of issues. But I do respect his views and of course it is always very difficult to be anything other than amiable with Tony because he is such a nice bloke. I wish him the best of luck.

I note that he stated in his inaugural speech last week that the convention was for him to be heard in silence for his first speech and then not. His response to that was: good, bring it on. I say as well that it is good to see him in the place because I know that he will take on the debate and thrust the challenge of the debate in the big house up on the hill and he will be a worthy advocate and a worthy person to represent the Labor Party in the House of Representatives for the seat of Watson. My congratulations go heartily to Tony, his wife, Cathy, and their three children whose names I cannot all remember.

New members
Molonglo electorate
Mr Michael Long

MRS BURKE (Molonglo) (5.56): There are a couple of things I want to say. Firstly, I would really like to welcome our new members, four of whom are sitting in the house—Mr Seselja, Dr Foskey, Mary Porter and Mick Gentleman. I want to say welcome.

I want also to thank the people of Molonglo and my colleagues. About all those things I will probably talk more later in the final speech of the year. But I want to say that it is fantastic to be back in this place for the third time. It seems I have ramped up steam and energy each time I have been here: the first time for nine months; the second time for 18 months; and now I am here for four years. So I thank everybody involved in that and no-one more than my husband, Lindsay, whom I love and adore. He is the tower of strength in my life and, like all members who have partners, husbands, whatever, we would not be here if it were not for their help, support and encouragement. It is one heck

of a job being a politician. It is no easy feat and we need the support of family members, colleagues and our parties. We cannot do this job on our own.

I want now to congratulate and thank Michael Long, too, for what he did. Many of you know him probably for his AFL career. I wanted to thank Michael for the way in which he conducted himself and the way in which he approached the raising of issues for indigenous people in this country. Michael has a very refreshing approach.

I had the honour, the privilege, the pleasure and the fun of being able to walk down Northbourne Avenue for that last stretch of his walk. I was the only local Liberal MLA there, and indeed only one of two Liberal members there. Mr Berry was there too. I also understand that Mr Stanhope had signalled he would be there but signalled at the last minute that he could not be there. It was a great turnout. Of course many federal politicians were there. I think some also would have found it amusing that we kept seeing different heads popping up and people joining the walk. It was quite funny.

Through all of that, Michael's demeanour and his steely-eyed vision for what he was going to do never changed. He is a man of purpose, a man of great determination; he is humble; and he is gracious. The things that he was saying to the media as they rocked up were things like: "I'm not here to bash up the Prime Minister; I'm not here to make this a political debate; I want to get on; we want reconciliation." In fact, Warren Mundine has backed that cause as well. "Let's move on; we've lost the focus." The Aboriginal and indigenous community have lost the focus in many ways. Because they are so geared around the sorry debate they have really lost sight of those real issues. That indeed is Michael's point.

I was tracking his walk for a week when he was about 400 kilometres from Canberra—his sole determination. It was just marvellous to meet such a guy who is so focused on what he wants to do and is not making any political debate about it; he just wants to get on and see his people lifted and the culture recognised truly for what it is. As an import to this country, that is what I want to see too. I am sorry for the things that happened to those people, but we have come a long way. I think good things are happening, including in the ACT, but more can be done if we do not try to make political gain out of it and drive political wedges into this debate any longer. I really applaud him for his efforts.

I applaud the fact that our Prime Minister agreed to see him so quickly. Michael's intention always was to walk and keep walking until the Prime Minister agreed to meet with him, which is what he did—and that is why the walk stopped—because 400 kilometres in a couple of days was going to be too much of a call in anyone's book, I think. But I want to say well done to him; he certainly furthered the cause.

I know there are more talks that will take place with the Prime Minister. I want to thank our Prime Minister, John Howard, for receiving Michael in the way that he did, openly embracing him in the way that he did, and certainly being prepared to work with Michael Long for the Aboriginal cause in this country. That is what we need; we need to move forward; we do not need to be divisive any longer; we need to make sure that we give these people great the services that they desperately need. And we will do that not with a victim mentality but with a positive, looking forward to the future mentality.

Ginninderra electorate
Karinya House
Members—pairs
Australian engineering excellence awards

MRS DUNNE (Brindabella) (6.01): Mr Speaker, I would like to place on the record my thanks to the people of Ginninderra for their support of my canvassing in the last election. I would also like to place on the record that it seems that one of the jinxes of the Hare-Clark system was broken in the last election. It was pointed out to me recently that, as a rule, the person who is elected fifth in a five-member electorate is usually bundled out at the next election. I am glad to say that that did not happen in my case. In fact, not only did I avoid the wooden spoon of being elected fifth but actually managed to move further up the pecking order, as it were. I am honoured; I feel privileged; and I thank the people of Ginninderra for returning me, in a sense, in a more auspicious position by being elected third out of the five members. I would also like to pay tribute to my family and those people who supported my candidacy because, as we all know, it is not a job that one person can do.

Seeing that Mr Seselja spoke about Karinya House, I do not need to, except to say that it is a fine organisation that provides excellent support to people in the community. I commend the work of Karinya House to members.

I did want to touch, Mr Speaker, on the issue of pairs in the Legislative Assembly. Pairs are, for the most part, a gentlemen's agreement that allows for the orderly running of a legislature, a parliament. It is a gentlemen's agreement basically between groupings to maintain voting ratios in the event of the absence of a member of parliament. In a very small place like this, pairs are very important indeed.

I want to place on the record that, despite the narrowness of the government's majority, we will not be going down the path of the Queensland opposition back in the late 1990s. At that stage the government held a very slim majority—I think they depended on the casting vote of the Speaker—and the opposition at that time really played pretty hard ball with the issue of pairs. As a result, on many occasions ministers were unable to attend important meetings like meetings of ministerial councils because, first of all, they could not get a pair and, if the pair was provided, they could not actually guarantee that the pair would be honoured.

I want to place on the record that the Liberal opposition will not be going down that path. We will continue to provide for the gentlemen's agreement about maintaining voting ratios and will always provide pairs in the case of illness of a member or close family member, for other personal needs that members may have and for ministers to attend ministerial councils and other related business, and their reasonable travel. Just because you are going to a ministerial council—I want to put on the record—you do not get an early pass to go shop in Sydney or Melbourne beforehand. There is often business before ministerial councils and we would allow for that, but it has to be reasonable.

Mr Speaker, there have been occasions when pairs have not been provided in the past, and some of these issues may not arise this time because of our bundying off at 6 o'clock

or 6.30, for the most part. If members wish to attend functions, especially in the evening, they have to be crucial. If more than one member wants to go, we will not provide two pairs.

The opposition will not provide pairs unless we are given a satisfactory explanation. From time to time there are important reasons why the explanation needs to be kept confidential, but the opposition will not provide pairs if at least the whip is not acquainted with the reason for the pair. Sometimes it is important to keep that confidentiality, and we will maintain that confidentiality, but I would like to put on the record that we will, for the most part, observe the niceties of pairs and will not go down the path of the Labor opposition in Queensland in the late 1990s.

I would like also to commend those people who won awards at the Australian engineering excellence awards at Parliament House on 24 November. The ingenuity was to be commended.

Ginninderra electorate
Sailability
Superannuation committee

MR STEFANIAK (Ginninderra) (6.06): I mention three matters. Firstly, I, too, would like to place on record my appreciation to the voters of Ginninderra for returning me. I am particularly honoured to get a significantly increased vote, which is particularly pleasing given the nature of the recent election we had. I certainly pledge myself to continue to do my best to represent the interests of my constituency, regardless of how they voted or anything like that, in my role of local member.

One person I always admired greatly was the late Jim Fraser, who lived around the corner from us. Whilst we were of differing political persuasions, he, I always thought, was a consummate local member, as I indeed found former Senator Margaret Reid to be, too, observing her over the years. I think it is always important to do that for your electors, regardless of how they may have voted or whatever. I think that is a crucial part of our role here as members. So I place on record my thanks to the voters of Ginninderra and also, of course, other people, my family and all the other people who helped in my campaign in various ways. Without them, of course, it makes it impossible to get in, given the nature of our system.

On another point: might I congratulate Sailability. A number of members of this Assembly went to the Three Monkeys Race, which has been a regular event now for four years. But Sailability has been going for at least seven years, and it is good to see a very bipartisan approach emerging in this Assembly. I had the honour of being sports minister and getting them, I think, their initial number of boats, with a grant. I was pleased to see the current sports minister featuring in a newsletter they had about a very impressive trailer that is part of an ongoing program to assist.

Sailability was founded largely by the efforts of a number of dedicated individuals, led by Terry Peek who has done a magnificent job not only in Canberra but also throughout Australia. It enables people with various disabilities to sail in these modified, converted dinghies.

As other members who have been involved can attest, it is a lot of fun; it is not terribly difficult to do; it is very difficult to get a head of steam up when there is very little wind, as I think all of us out there on Sunday can attest to; but it is a fantastic activity which has grown as a result of the work largely of the Canberra people involved to include and assist people with disabilities, enable them to compete in a brilliant atmosphere, right throughout Australia. The ACT has hosted a number of significant major events that have drawn thousands of people to the ACT.

Sailability is based at Lake Tuggeranong. They use a shed there, which has been up for a few years now. I would like to congratulate them on their seventh anniversary. I know they are going to go from strength to strength because they bring so much joy to so many people in our community.

Finally, Mr Speaker, I note there is another committee to be established, the superannuation committee, which probably needs to meet fairly soon; we have a number of ex-members who are probably getting a bit toey about their entitlements. I think we often forget the people who do not come back to this place—they do not get re-elected or retire and out of sight, out of mind—but I would recommend that that committee meet as soon as possible so that the rights that those people are entitled to are actioned as soon as possible.

Question resolved in the affirmative.

The Assembly adjourned at 6.10 pm