



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 December 2001

Wednesday, 12 December 2001

Petition: Fireworks	105
Crimes (Abolition of Offence of Abortion) Bill 2001.....	105
Health Regulation (Maternal Health Information) Repeal Bill 2001	109
Postponement of notices	112
Land (Planning and Environment) Legislation Amendment Bill 2001.....	112
Crimes Amendment Bill 2001 (No 3)	114
Supreme Court Amendment Bill 2001 (No 2).....	116
Assembly— number of members.....	119
Gungahlin Drive extension	131
Questions without notice:	
Education funding— inquiry	137
Education	138
Canberra Hospital.....	139
Needle exchange program	142
Road signs.....	143
ACTTAB	144
Break-ins at disability group homes.....	145
Dual occupancy	146
Impulse Airlines	147
Police numbers	147
Namadgi National Park	149
Members staff	150
Auditor-General's Report No 11 of 2001	150
Indigenous affairs (Ministerial statement).....	151
Future directions of departments under the jurisdiction of the Deputy	
Chief Minister (Ministerial statement).....	157
Personal explanations	170
Gungahlin Drive extension	170
Emergency housing	181
Adjournment:	
Mrs Vicki Dunne— votes received at south Kaleen polling booth	188
Death of Mrs Betty Wakefield.....	188

Wednesday, 12 December 2001

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

Petition

The following petition was lodged for presentation.

Fireworks

by *Ms Tucker*, from 107 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 on the attention of the Assembly: that Fireworks in N.S.W, S.A, VIC., W.A. & QLD. are banned because they are a danger to the community and its animals.

Your petitioners therefore request the Assembly to: Immediately ban the sale of over the counter fireworks in the ACT.

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

Crimes (Abolition of Offence of Abortion) Bill 2001

Mr Berry, pursuant to notice, presented the bill.

Title read by Clerk.

MR BERRY (10.31): I move:

That this bill be agreed to in principle.

Mr Deputy Speaker, I believe that abortion should be safe, legal, accessible and rare. Abortion is, and will always be, a controversial issue in the community. I accept that and I want to make it clear in introducing this bill that I accept those strongly held views. All that I ask is that you consider the following questions. Should we ignore the reality of 80,000 abortions across Australia last year? Should we accept that on a strict interpretation of the law many of these women and their doctors would be threatened by a jail sentence?

Abortion itself remains a controversial issue which appears irreconcilable. I know that, but I ask for acceptance of the fact that, legal or otherwise, abortions will continue to occur. Regardless of anyone's views on the moral question, we have the collective responsibility to ensure that we cannot be charged with turning a blind eye to the reality

12 December 2001

of ACT women having access to abortion and, at the same time, the existence of criminal sanctions. As you all know, I feel very strongly about this issue and it is my commitment to law reform in this area which has led me to campaign on this issue over many years and to my actions today.

It is a woman's right to choose whether she has an abortion and most in the community accept this position. It is worthwhile to look at how we got to this position. The Crimes Act 1900, which I seek to amend with this bill, has three sections which make abortion illegal—sections 44, 45 and 46. They provide a penalty of up to 10 years in prison for a woman who procures her own abortion, for someone such as a doctor who performs an abortion, or for someone such as a pharmacist who provides drugs which may be used to perform an abortion.

Our Crimes Act is modelled on the New South Wales Crimes Act, which was in turn based on the United Kingdom's Offences Against the Person Act of 1861. Let us now consider how things were in 1861 when this law was put in place in the United Kingdom. Women in those days were considered the property of their father until that possession was transferred to their husband. Continuing the family line—that is, bearing children—was considered essential. Women did not work outside the home and women were not allowed to own property until 1870. Women could not become members of parliament in the United Kingdom until 1919. They did not get the vote until 1928. In Australia, we were much more progressive—women were granted the vote in 1902—but the Crimes Act was passed in 1900.

Things have changed since then and the attitudes that prevailed in 1861 are, thankfully, a thing of the past. The way the changes in community attitudes have been recognised is through the courts. Rulings by judges have meant that the Crimes Act 1900 has not been enforced. We cannot ignore, however, that court rulings can and do get changed by different decisions. This was demonstrated starkly by the 1994 Newman ruling in New South Wales. In that decision, Judge Newman reaffirmed that, under the Crimes Act, abortion is illegal. Alarm bells started to ring all round the country. We had relied on the Menhennitt and Levine rulings for over 20 years, but a judge in a higher court reminded us that the illegality was still there.

Equally, we cannot ignore our responsibility as legislators. Ineffective and outdated law is bad law and should be ditched. It is not appropriate to allow laws to be breached. If we believe that they are no longer to be enforced, we must do our duty and change those laws. It is a sign of weaknesses inherent in the legislation where the harshness of the law has been ameliorated by the judiciary to reflect community standards. We are, after all, the law makers.

In the specific case I have raised today, the penalties under the Crimes Act are for up to 10 years jail. Quite simply, I do not believe that the community would countenance laws which could result in a woman being sent to jail for 10 years because she had an abortion, nor would they accept that her doctor should suffer the same fate for performing that abortion. Surely a woman faced with the difficulty of such a decision should be granted our support, not threatened with a jail sentence.

Society has moved a long way from 1861 and it is time that we brought our laws into line with community attitudes on this issue. Some will express concern that this will open up the floodgates for abortions performed by unqualified people or for abortions in late stages of pregnancy. These are the scare tactics of those who do not want women to exercise their choice free of sanctions. This is not the experience in Canada where, in 1988, their Supreme Court struck down the criminal provisions in their law, as my bill seeks to do. There has been no avalanche of abortions in Canada.

Some claim that there are protections in place that will be swept away by my bill. My bill sweeps away one thing and one thing only—the threat of a jail sentence. I need to debunk some of the myths commonly put around in debates on this issue in the community. The first is that there will be late abortions. There is nothing in the current law which sets a time limit. There are, however, protections in the law, and I am not proposing to repeal those. The existing section 42 of the Crimes Act 1900, the section dealing with child destruction, is another section steeped in early law which provides for penalties for contributing to a child's death or preventing it being born alive. This section under the law applies to the period nearer to childbirth.

The simple fact is that under the current system late abortions rarely occur, and that will not change under my amendment to the Crimes Act. The mechanisms that prevent late abortions are already in place. It is not the law that is stopping late abortions; it is women and their doctors. Doctors are not going to act against the interests of women and their unborn babies. Women in the later stages of a pregnancy are not going to seek an abortion because, as a pregnancy progresses, they come to know their unborn child as a person.

Myth No 2 is about backyard abortions. The law that is preventing them now is not affected by this bill; it is the Medical Practitioners Act. The only way we would see a return to backyard abortions is if the current Crimes Act provisions were enforced.

Myth No 3 is about the need for law to enforce counselling. I strongly support counselling. That is why, as the then Health Minister, I allocated extra funding for it. At such a difficult time for a woman, we have to provide the counselling and support needed. In my belief it would be impossible to effectively legislate for it. The problems of defining what counselling is, who is qualified to provide it, and when it is deemed to have been given are complex. I believe that the provisions in the health complaints act which relate to informed consent are a better way to go and, since they cover all medical procedures, are more likely to be successful.

I am not trying to increase the number of abortions done on Canberra women. As I said at the beginning of this speech, I believe that abortion should be safe, legal, accessible and rare. As Health Minister, I increased funding for counselling, demonstrating my commitment to ensuring that women have access to counselling. I do not believe that women will try to use abortion as a means of contraception. To suggest that is to misunderstand what a difficult decision it is to make.

The issue in this bill and the issue on which we all have to focus is the decriminalisation of abortion. The choice for this house is whether archaic laws which provide for up to 10 years jail for a woman and her doctor should remain in place.

12 December 2001

Many would wish that the issue were not debated, that it would simply go away. For too long many have said that it should not be debated. Unfortunately, the large majority of those have been men. The responsibility for the current situation falls on the shoulders of men. It is no good wishing that the issue will go away because it will not, not while sections 44, 45 and 46 of the Crimes Act stand.

We as legislators have to accept that it is our responsibility to make good law and not to sit idly by and ignore bad law because it is controversial. We have the opportunity as a mature legislature to send a message to the rest of the Australia. They, like us, are dominated by men. It is time to send the message that we have a responsibility to move in line with community attitudes.

Finally, I would like to address the conscience vote. A lot has been said about the conscience vote, and it is well known that both major parties in this house will condone a conscience vote on this issue. For me, the issue is clear. It is not my conscience which should decide whether a woman has an abortion.

MR DEPUTY SPEAKER (Mr Cornwell): The question is that this bill be agreed to in principle. Ms MacDonald.

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

That the debate be now adjourned.

MR DEPUTY SPEAKER: Thank you. That is the normal process.

Question resolved in the affirmative.

MR DEPUTY SPEAKER: The question now is that the resumption of the debate be made an order of the day for the next sitting.

Mr Hargreaves: Mr Deputy Speaker, I seek clarification from you. You have just said that the normal procedure was followed. It is my understanding that whenever a bill is put down by a private member the responsible minister adjourns the debate on that bill. Is that not the case? I was of the understanding that the member who would automatically or normally adjourn debate on a private members bill is the responsible minister.

MR DEPUTY SPEAKER: Not necessarily.

Mr Hargreaves: Is there a precedent that goes with that?

MR DEPUTY SPEAKER: Not necessarily, Mr Hargreaves. It is normal for debate on the bill to be adjourned after the introduction, but it does not necessarily have to be done by the responsible minister, although in this case it is possible that that is so, Mr Stefaniak being the shadow Attorney-General.

Mr Stanhope: I take a point of order. I do not think that this is a big issue, Mr Deputy Speaker.

MR DEPUTY SPEAKER: I do not think it is, either, Mr Stanhope.

Mr Stanhope: But I think you did give Ms MacDonald the call. Two members rose to their feet at the same time. I believe you called Ms MacDonald and then Mr Stefaniak spoke before Ms MacDonald.

MR DEPUTY SPEAKER: I looked towards Ms MacDonald.

Mr Stanhope: I believe you gave her the call.

MR DEPUTY SPEAKER: I might have at that. The question is:

That the resumption of the debate be made an order of the day for the next sitting.

We have agreed to the adjourning of the debate on this bill.

Question resolved in the affirmative.

Health Regulation (Maternal Health Information) Repeal Bill 2001

Mr Berry, pursuant to notice, presented the bill.

Title read by Clerk.

MR BERRY (10.44): I move:

That this bill be agreed to in principle.

Mr Deputy Speaker, the Health Regulation (Maternal Health Information) Repeal Bill is a bill to repeal the Health Regulation (Maternal Health Information) Act 1998. One has only to look to the preamble to that legislation to find glaring reasons for its repeal. The preamble to that act states:

1. The Legislative Assembly wishes to ensure that proper information is provided to a woman who is considering an abortion.
2. The Legislative Assembly also wishes to ensure that neither complying nor failing to comply with these requirements to provide information will affect whether or not an abortion or other act is lawful for the purposes of sections 40 to 45 (inclusive) of the Crimes Act 1900, which deal with abortion and related matters.

The first question that has to be addressed is: what is “proper information” in the context of a women who is considering an abortion?

In the course of the debate on this bill, some reliance was given to the 1992 decision of the High Court in *Rogers v Whitaker* as the rationale for the legislated provision of information in relation to abortion. The High Court decision which was referred to was in relation to a patient who had suffered an eye injury and the substance of the case was an appeal against the judgment of a lower court awarding damages as a result of the outcome of surgery. It was not about abortion at all; it was about the obligations on doctors to warn patients of risks associated with treatment.

12 December 2001

In fact, the proposition that the High Court case justified legislation in relation to a woman who is considering abortion falls well short of credibility unless the case was a precursor to the legislation of information for all sorts of medical procedures, and it was not. An important feature of the case was mention of the duty of doctors to warn patients being subject to what is described as the therapeutic privilege. In other words, it seems quite clear that the High Court was expressing a view in relation to the warning of patients of risks, but at the same time recognising that doctors will and must provide information on the basis of the actual condition of the individual patient with whom they are dealing.

It follows that it is impossible to legislate a set standard of information which will suit all patients. This was highlighted when the advisory panel set up under the legislation described the inclusion of pictures of foetuses as possibly counterproductive. That a minister of the former government would then move to include images of foetuses as a requirement under the legislation demonstrates that proper information was forgotten in the pursuit of providing information which would be, on the one hand, possibly counterproductive for women forced to view it and, on the other, without any particular regard to the individuality of the person considering an abortion.

The *Rogers v Whitaker* decision goes to the requirement of medical practitioners to provide information to patients. I quote from that decision, for the information of members:

The law should recognise that a doctor has a duty to warn a patient of a material risk inherent in the proposed treatment; a risk is material if, in the circumstances of the particular case, a reasonable person in the patient's position, if warned of the risk, would be likely to attach significance to it or if the medical practitioner is or should reasonably be aware that the particular patient, if warned of the risk, would be likely to attach significance to it. This duty is subject to therapeutic privilege.

The second paragraph of the preamble goes to the acknowledgment of the criminal provisions of the Crimes Act which deal with abortions and related matters.

I do not need to go into great deal about the Crimes Act as I have already dealt with that in my move earlier this morning to repeal those offensive provisions in relation to abortion. I need to say, however, that the particular reference to the Crimes Act provisions is one that I find quite disturbing in that it seeks to confirm the relevance of the criminal sanctions under the provisions of that act.

As the debate developed around community disquiet and anger after the introduction of the bill, government media managers and strategists got to work to create the impression that the legislation was about providing information to women who were considering an abortion. Those of us who were there know differently. We know that the original aim, the genesis if you like, was about preventing access to abortion in the ACT and turning back the clock to the time when women were forced in their hundreds to go interstate to access the services.

So rattled was the then government and the original proponents by the angry community response that the early legislation was camouflaged to achieve similar aims by a different device, a device which had as its fundamental driver the objective of loading guilt,

shame and humiliation on any woman who might find herself with an unwanted pregnancy.

It is also clear from the following sections of the Health Regulation (Maternal Health Information) Act that duplication of provisions found elsewhere was included unnecessarily, attempting to create the impression that no protections were provided elsewhere:

Part II—Procedure

6. Abortions must be performed by medical practitioners in approved facilities
7. Abortion must not be provided unless information has been provided
8. What information must be provided
9. Declaration that information has been provided
10. Abortion must not be performed without consent

Part III—Miscellaneous

11. Approval of facilities
12. No obligation on any person to act in relation to abortion
13. Privacy
14. Approval of information pamphlets
15. Quarterly reports from approved facilities
16. Regulations

These provisions are already largely covered by the Medical Practitioners Act 1930, which limits the performance of medical procedures to medical practitioners; the *Rogers v Whitaker* High Court decision, which requires that information be provided to anyone considering a medical procedure; consent requirements already in place for medical procedures; and inspection and approval requirements already in place for every doctor's surgery and health facility. It has been made clear by the medical community not only that this legislation was unnecessary but also, more importantly, that its implementation had negative effects, not the least being the requirement of the regulations for women to view pictures of unborn foetuses.

As I said earlier, the panel set up under the act was unanimous in recommending against the use of pictures. The committee wrote to the then health minister in May 1999 to advise him:

It is the unanimous view of the panel that the presentation of pictures or drawings of foetuses is irrelevant and in some cases could be counterproductive and cloud the issues. The panel noted that the New Zealand material, which includes pictures is being revised to take into account the perception that pictures may introduce emotional bias.

12 December 2001

I am happy that the Labor Chief Minister, Jon Stanhope, has made an early move to repeal these regulations. But that is not enough. Another health minister can just as easily re-create offensive regulations under the provisions of this act. That is why the only real solution is to repeal the entire act with all of its unnecessary provisions.

That will include the repeal of the equally offensive and insulting requirement for women to be subjected to a 72-hour waiting period before a termination can be carried out. This provision ignores what happens when a woman discovers she has an unwanted pregnancy and visits her general practitioner before referral to the provider. This provision is one of the most offensive in the act. It makes the utterly false presumption that women come to these important decisions in a vacuum. This is the mindset of the 1860s when women were treated as the property of men.

The provisions in the act question the practice by the ACT clinic and suggest that the information given to women seeking an abortion is somehow deficient. But that position was put forward in ignorance of the practices in place at the clinic. During the debate in 1998, the ACT clinic offered their protocols to members to demonstrate that women seeking an abortion were given full information.

The legislation that I seek to repeal today was, on its introduction, the beginning of a low point in the relationship between the last Assembly and the community. It exposed extremes of views on this emotional issue for everybody. I have a great deal of regret about the passage of this legislation, not only because of my personal commitment to a woman's right to choose, but also for the anxiety that it caused amongst so many members of the community who regard this legislation as bad law.

It is my view that the Assembly needs to restore its standing in the community in relation to women's issues and, as this legislation has been the subject of so much disquiet and anger, the only solution, as I and many others see it, is to repeal the act. I trust members will support me in this regard.

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

Postponement of notices

Motion (by **Ms Tucker**) agreed to:

That consideration of notices Nos 3 and 4 be postponed until after consideration of notice No 7.

Land (Planning and Environment) Legislation Amendment Bill 2001

Ms Tucker, pursuant to notice, presented the bill and its explanatory memorandum.

Title read by Clerk.

MS TUCKER (10.56): I move:

That this bill be agreed to in principle.

Mr Speaker, this bill is an updated version of a bill I introduced in the last Assembly that will restore third party appeal rights against development approvals of overly large houses and house extensions in existing suburbs.

Before 1997, third party appeals were allowed where a development application in relation to a single dwelling did not meet the performance measures in the residential design and siting guidelines in the Territory Plan. However, the former Liberal government removed this provision, thus creating a situation where there are currently no third party appeal rights against single dwellings, apart from houses in heritage areas.

That is quite significant, given the nature of the design and siting guidelines. These guidelines contain generalised performance objectives and criteria, as well as quantified performance measures or acceptable solutions such as specific setback and height controls that are considered to meet the performance objectives. However, a house that does not meet the performance measures can still be approved if PALM considers that the design meets the overall performance objectives. PALM officials are therefore given considerable discretionary power to approve dwellings that cannot be legally challenged by neighbours who might be directly affected by the development.

With the increasing level of housing redevelopment in inner Canberra, including the complete demolition and rebuilding of houses in established neighbourhoods, I have received many representations from constituents who are now living next to huge houses that overshadow their blocks and reduce their privacy, but about which they could do nothing. These people were able to put in objections to PALM on the development applications for these houses; but if they did not think that PALM adequately took their objections into account in approving the applications, they had no avenue of appeal. This system made the planners unaccountable for their decisions.

Appeals may be cumbersome and delay the development approval process, but they also perform a very valuable role in providing the necessary checks and balances to the planning bureaucrats and maintaining the integrity of the ACT's statutory planning system. I am sure that we would all agree on the need to encourage high-quality design in Canberra, but this should not come at the cost of a lack of accountability in the planning system.

In our current performance-based development approval system there is much more discretion in what can be approved. The need to maintain an easily accessible appeal process becomes even more important, so that planners are kept accountable for their decisions and existing residents have the chance to express their views about the appropriateness and impacts of proposed developments around them.

The bill is very short, but to understand how it will work in practice requires an understanding of how the land act regulations work. They are quite complicated. As a simple explanation, let me say that the regulations currently provide a range of exemptions to the requirements in the land act for public notification and third party appeal rights against development applications.

12 December 2001

In the case of development applications for single houses, many houses can be approved without any public notification, provided they comply with a number of conditions listed in schedule 4 of the regulations. For example, applications for houses in areas that have not been previously developed do not have any public notification requirements. For new houses in existing residential areas, if they have at least a six-metre setback from the front boundary, are three metres from the rear boundary and 1.5 metres from the side boundary, or are only of one storey, then they can be approved without any notification of neighbours.

However, if the house does not meet these conditions, the neighbours have to be notified and comments sought. But under schedule 7 of the regulations, appeal rights for any single houses are specifically excluded. My bill simply deletes this exclusion, with the result that those house applications that are notified to neighbours will be able to be appealed against. House applications that are currently not publicly notified will not be affected by this bill.

I have also included a transitional provision in my bill so that it will apply only to development applications lodged after the bill comes into effect.

The last time I presented this bill to the Assembly it was defeated by the then Liberal government and the Independents. However, the ALP supported my bill. I hope that Mr Corbell, now that he is the Planning Minister, will continue his support for the rights of existing residents in the older suburbs to have the opportunity to protect their suburb from new housing which is completely out of context and character and may impact on neighbours' amenity.

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

Crimes Amendment Bill 2001 (No 3)

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

Title read by Clerk.

MR STEFANIAK (11.02): I move:

That this bill be agreed to in principle.

Mr Speaker, on 11 September this year the world as we know it changed forever. The terrible consequences of the dreadful attacks on New York and the Pentagon building in Washington and of the hijacking of the fourth plane in which the passengers overcame the hijackers only to have the plane crash have resulted in much change to the environment in which we live. People are less trusting and sure, there is a certain nervousness around strangers and there definitely has been a downturn in tourist travel, particularly by air.

Mr Speaker, the terrorist attacks did not finish with the attacks on 11 September, however. There have been subsequent attacks using the highly contagious agent anthrax, and those attacks have not been just within the United States of America. We have had

contaminated mail being received in Africa and Europe as well. Even Australia, including the ACT, has not been totally immune. There was a spate of hoax events in early October of this year, culminating on election night in a delay in the counting of a booth because a white substance was found in a ballot box. I understand some white substances were sent to an embassy in the ACT as well.

These hoaxes, which took place in a variety of settings, resulted in severe economic loss and disruption. Police and emergency service workers were asked once again potentially to put their lives on the line to protect the lives and livelihoods of citizens. Police investigations are ongoing on these matters. We promised just before 20 October that, whatever the outcome of the election, we would increase the penalties for such attacks, whether hoaxes or real. We also promised that the new provisions would have as the date of effect the date of the announcement, which was made on 17 October 2001.

This bill does all of that, Mr Speaker. It has a commencement date of 17 October 2001. It provides for penalties of up to 10 years imprisonment and/or a \$100,000 fine for any person, whether in the ACT or outside our jurisdiction, who is found guilty of using or threatening to use a chemical or biological substance to cause economic loss or cause public alarm.

Mr Speaker, what happened in the USA in September and subsequently was despicable. What has occurred subsequently with attacks using biological agents is equally abhorrent. That there are people who would even contemplate copycat attacks in the ACT is appalling. This bill attempts to make perfectly clear that we will not tolerate that. We have provided firm deterrents to any further such actions. I make similar comments in relation to hoaxes. Whilst there may be no real danger as a result of a hoax, the emergency services men and women are put to a lot of angst and members of the public are put to a lot of angst. For example, CIT buildings were evacuated in October as a result of hoaxes. That causes angst to many members of the public. It also causes a lot of economic loss in terms of the money it costs for our emergency services to respond to hoaxes.

This bill is not out of line with similar provisions which already exist in legislation that deals with the contamination of or threat to contaminate foodstuffs and other consumables, such as pharmaceuticals. In those matters the penalties provide for imprisonment of up to 10 years. I have had a brief look at the government bill. This bill is basically what we said on 17 October we would do. I am pleased to see the government adopting a reasonably similar approach. I think it is important to act quickly. Certainly, this bill has been drafted on the basis that it can be dealt with this week. The numbering system for the sections is different from that of the government bill which, I understand from the manner of its presentation, is intended to be debated in February. That bill incorporates the numbering system which will apply from 7 January next year in terms of renumbering of the Crimes Act.

I would like to see this bill set down for debate and finalisation tomorrow. There is a fair bit in common between both bills but this bill, as we said prior to the election, would take effect from 17 October, so that if the police were successful in catching any of the culprits who committed those hoaxes—in a couple of instances, there may have been some substance to them as well—they could be brought to justice.

12 December 2001

Another salient feature is the provision of a \$100,000 fine as an option for a court. The courts are usually quite unlikely to impose a maximum fine, but with a fine such as that a person could be easily deterred and in some instances suitably punished by the court imposing a \$10,000 or \$20,000 fine, for example. That would probably have a much greater effect on such a person than a suspended sentence or some other non-custodial option. A custodial option is there, as it is in the government bill. In that respect both bills are the same—10 years. Both bills also are the same in relation to the provision for persons acting outside the Australian Capital Territory.

In conclusion, Mr Speaker, I commend the bill to the Assembly. I think it is sensible, because of the need to act promptly, that we deal with this matter tomorrow, if at all possible. Should that not be the wish of the Assembly, my bill would simply need a renumbering of the clauses. I commend the bill to the Assembly. I think it would be highly desirable for the Assembly to deal with this bill tomorrow because of the very grave dangers to and angst within the community in relation to these matters.

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

Supreme Court Amendment Bill 2001 (No 2)

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

Title read by Clerk.

MR STEFANIAK (11.09): I move:

That this bill be agreed to in principle.

Mr Speaker, the criminal justice system balances the rights and freedoms of an accused person against the broader interests of society in ensuring that justice is done and is seen to be done. This bill is not about tipping the scales against anyone. It is about achieving a balance which our community can fairly say is just. It recognises as well developments in the states. I will have more to say on that in a minute.

The basic part of the bill, proposed new section 37R, contains a right to review acquittals which arise from an error of law by a trial judge. Appeals against acquittals are already permitted in Tasmania and in Western Australia. For many years, the ACT has permitted “appeals”, in the form of applications for an order to review, from decisions by a magistrate to dismiss a charge or to discharge a defendant. The Canadian Supreme Court has determined that such appeals do not breach the long-standing prohibition on double jeopardy, that is, appeals from any court.

The new power for orders of review for Supreme Court acquittals furthers the interest of justice by allowing a defendant who is acquitted only because the court made a mistake to be retried in accordance with the law. The Court of Appeal, once it is established, will be able to set aside an acquittal and order a new trial where the trial judge wrongly directed the jury to acquit or where the trial judge, be it a judge sitting alone or a judge sitting with a jury, made an error of law in the course of the trial. The power to review an acquittal will not extend to disturbing a jury’s finding properly made.

Mr Speaker, in April 2000, the directors of public prosecutions of the Commonwealth, the states and the territories met in Brisbane and passed two resolutions of significance to the administration of the criminal law. These resolutions were adopted unanimously. The first resolution was that it be recommended to the respective attorneys that the Standing Committee of Attorneys-General should consider amending our laws to provide for prosecution appeals against verdicts of acquittal. I will not deal with the second one, which was about a completely separate matter.

The Standing Committee of Attorneys-General looked at this matter favourably and left it to each jurisdiction to see what it should do. Tasmania and Western Australia have already enacted legislation to give the Crown a limited right of appeal. All the ACT and the other states, apart from those two, have at present is what are called reference appeals whereby, if a judge makes a gross error of law that leads to an acquittal, for example, all that can occur at present is that it can go to the Federal Court and the Federal Court can look at the matter and say that the judge made a bad error of law there and that becomes a precedent, but it does not rectify the situation.

Tasmania and Western Australia have now moved, in accordance with the matters discussed by the Standing Committee of Attorneys-General and the unanimous recommendation of the directors of public prosecutions in April 2000 to rectify those types of situations. New Zealand and Canada also have similar provisions in their law.

Mr Speaker, comments have been made about double jeopardy. I would like to say a few words in relation to that. There is a long-standing principle in that regard. Indeed, it is stated in article 14 (7) of the International Covenant on Civil and Political Rights, which reads:

No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

The key words there, Mr Speaker, are “finally convicted or acquitted”. This bill is completely consistent with that in that what would occur would be a final conviction or a final acquittal because, if an error of law has been made, a new trial would be ordered—a new trial which, properly conducted, would then lead to either an acquittal or a conviction.

A fairly learned dissertation in relation to double jeopardy was given when this matter was before the previous Assembly. I understand that it came from the report of the scrutiny of bills committee. In *Kepner v United States* in 1904, Holmes J stated:

... logically and rationally a man cannot be said to be more than once in jeopardy in the same cause, however often he may be tried. The jeopardy is one continuing jeopardy from its beginning to the end of the cause. Everyone agrees that the principle in its origin was a law forbidding a trial in a new and independent case where a man already had been tried once. But there is no rule that a man may not be tried twice in the same case.

12 December 2001

The report of the committee goes on to say:

The powerful considerations which made it unfair and unjust that a man should be prosecuted twice for the same offence seem to lose some of their force when an appeal is sought to be equated with a second prosecution. A second prosecution for the same offence immediately raises the spectre of persecution. Although the pursuit of a Crown appeal might be carried to the point of persecution, the risk of that occurrence is more remote, if only because the accused would be protected by the courts against an appeal which was instituted mala fides or amounted to an abuse of process and, as already noted, the courts would not go behind a jury's verdict. Moreover, the Crown has a limited interest in securing a review of a trial, more particularly if it appears that the trial judge has made an erroneous ruling on a question of law or departed from correct procedures.

That is exactly what this is about—where the trial judge has made an erroneous ruling on a question of law or departed from correct procedures. Mr Speaker, the community has a right to be protected. Our justice system should be one that is respected in the community. Obviously, if glaring problems occur and an accused is wrongfully convicted or an accused is wrongly acquitted through errors of law, appeals should apply. Of course, in the case of an accused being wrongfully convicted, they apply well and truly in our justice system, and rightly so. This bill just seeks to strike some balance and act upon the unanimous decisions of the DPPs, together with the matters discussed by the Standing Committee of Attorneys-General. As I said, other states already have done so.

In terms of a test, the learned dissertation on page 16 of this report of the scrutiny of bills committee goes on to cite a paper on double jeopardy by the learned author ML Friedland, saying:

Friedland also raises an issue that, under section 37R, would be left to the Court of Appeal without guidance from the legislature. This is the issue of what standard should be applied by the court in granting a new trial. Friedland's answer is:

[T]he test proposed by Dixon CJ in an Australian case adopts the most desirable approach: a new trial should not be granted unless the error was "on the whole case a probable explanation of the verdict of the jury" (the quote is from *Vallance v The Queen* (1961) 35 ALJR 182 at 185).

Mr Speaker, there have been a number of instances where this idea of the right of appeal against acquittal has cropped up, most notably the Elliott case in Victoria, which caused great angst to the DPP down there, who had some very harsh words to say in relation to what was called a disastrous ruling brought down by a judge there in terms of wrongful acquittal.

In terms of the ACT, I am advised that there are not many cases where this occurs and there would be an appeal. I am advised that there are probably two or three occasions each year where an order to review should be contemplated and the Court of Appeal could be involved and look at whether the order to review should proceed. A number of cases spring to mind, Mr Speaker. Obviously, this is a serious matter and it would need to be a serious case. I can recall comments in relation to some errors being made and a reference appeal being made in relation to some rulings by a trial judge in the ACT in

relation to, I think, an attempted murder case several years ago. The reference appeal was successful, but that did not lead to the desired result.

There are instances where the Crown, in its discretion, might not bother taking an appeal. I could give you an example there, Mr Speaker. I had one such case back in the 1980s. The accused had left the territory for about three or four years, having gone overseas, and came back and surrendered himself to the police. He had a charge outstanding of breaking into a store in Civic. In all the circumstances, it was not a case where, even if he was convicted, a term of imprisonment would have been appropriate.

As it turned out, the record of a conversation he had with a police officer was thrown out as being improperly obtained. There was other evidence there which I argued should have been put to the jury. The learned judge at the time, who has since retired, indicated that he did not think that that was so and he took the case from the jury. Clearly, there was sufficient evidence for the case to be put to a jury. Even though I think the judge was wrong in law, that would have been a situation where, because of other circumstances, it probably would have been a waste of time and money to have an order to review on a matter like that .

But in terms of a more serious case, such as the one I mentioned of attempted murder, it is of great concern to our community to have errors of law leading to wrongful acquittals, just as it is of great concern to have errors which lead to a wrongful conviction, but our law covers that situation. It does not cover the situation of wrongful acquittals. This bill gets over that. It is about a limited right of appeal by the Crown for wrongful acquittals as a result of an error of law. I commend the bill to the Assembly.

Might I also say that this bill, if passed next year, will not be able to come into force until the federal parliament has enacted the changes it has to enact to enable our Court of Appeal to be fully operative. I do not see that as a problem in that, as I said earlier, the number of cases we are likely to have is very small indeed. I have been advised that the number is in the vicinity of two or three, so it is a mere handful. Nevertheless, these cases are serious for the integrity of the judicial system. To bring us into line with moves that are occurring around Australia, it is important for this Assembly, when it does debate this legislation, to pass it. I think that would send the right messages to the community and is something of which right thinking members of our community would be very supportive. I commend the bill to the Assembly.

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

Assembly—number of members

MS TUCKER (11.23): I move:

That this Assembly requests the Chief Minister to:

- (1) undertake discussions with the Commonwealth Minister for Territories on the possibility of amendments to the *Australian Capital Territory (Self Government) Act 1988* to devolve to the Assembly the power to determine the number of Members, with the aim of commencing any change to the Assembly at the election scheduled for 2004;

12 December 2001

- (2) undertake public consultation on:
 - (a) the desirability or otherwise of expanding the size of the Assembly; and
 - (b) the specific proposal to increase the Assembly to 21 Members, with 7 Members representing each of the 3 electorates;
- (3) report to the Assembly on the implementation of this motion by the end of June 2002.

Mr Speaker, this motion is very similar to a more detailed motion that I put up in November last year to initiate action on this important issue. That motion was amended and passed by the Assembly. I note, however, that the former government did not implement that motion, so I am putting up the motion again in the hope that the new ALP government is prepared to take this issue further.

This debate began with the Pettit review of government for the ACT, released in 1998. That review found that the territory was underrepresented relative to the other states. It pointed out that in 1996 the ratio of the ACT population to the number of representatives was about 1:14,500, whereas the average ratio in Australia was 1:2,250. So the ACT ratio was over six times higher than average.

More striking was the comparison with other small jurisdictions, where the ACT ratio is 10 times higher than the ratio in Tasmania, and over 50 times higher than that in the Northern Territory. Of course, having more politicians doesn't necessarily imply that the place is better governed, but there are some specific areas where the number of members is an issue.

A larger Assembly would allow a more diverse range of members to be elected, including members from currently underrepresented sectors of the community such as women, people from non-English speaking backgrounds and indigenous people, and thus there would be a greater scope for constitutions to find a member who may be able to assist them in a particular matter. There is likely to be a greater talent pool of members from the government side from which ministers could be selected. It would also provide a greater number of backbenchers and non-government members to participate in the Assembly committees, thus making them more effective and spreading the workload.

Unfortunately neither of the major parties seem prepared to tackle this issue, even though there is some recognition that the current size of the Assembly is generating problems. The major parties seem to want to treat this issue like a hot potato rather than looking seriously at the effectiveness of this Assembly in fulfilling all the demands that have been placed upon it by the ACT community.

I put up a motion on this issue in the last Assembly because I did not believe that this Assembly could continue indefinitely with its current number of 17 members—a number set before self-government in 1989—bearing in mind the population changes that have occurred in Canberra since that time and the growing experience of problems that have arisen in the Assembly due to the relatively small number of members. Members here need to bite the bullet and start to examine the issue of the appropriate size of the Assembly to ensure the good governance of the territory, even though this move may be unpopular with some people in the community who have a negative attitude towards politicians.

During the previous debate the major parties indicated that they wanted public consultation on this issue before they could reach a particular position. Well, I suggest we get on with it and progress this debate. I recall that Mr Humphries suggested at the time my motion was last debated that perhaps there could be a deliberative poll on this issue, and this would not be a bad idea. There certainly needs to be some background information or a discussion paper prepared for the public to explain the pros and cons of this issue, as I have noticed that there is very little knowledge in this community of what MLAs in this Assembly actually do on a day-to-day basis. All they hear in the media is that the Assembly or the government made this or that decision. But they never hear about all the lead-up work done by members in making these decisions. The extensive work of the community is also not widely known outside of those groups or individuals who participate in particular inquiries or through other means participate in the democratic process.

It is also the case that if members keep avoiding this issue and the Assembly becomes less and less effective in meeting the community's needs as Canberra's population grows, then the negative perceptions of politicians will increase anyway. I would much prefer to make this Assembly more effective by increasing the number of members and risk any short-term political backlash than let the work of this Assembly gradually decline in quality as we become overloaded with demands.

My motion attempts to move this debate forward by calling on the Chief Minister to work with the federal Minister for Territories to give the ACT the legislative scope to increase the number of members. Under the self-government legislation we need to get the approval of the federal minister before we can do anything to increase the number of MLAs. My motion calls for public consultation on expanding the size of the Assembly. It specifically calls for public consultation on the proposal which has been most commonly mentioned—to increase the size of the Assembly to 21 members by having three equal electorates of seven members rather than the current lopsided arrangement of one seven-member electorate and two five-member electorates.

Mr Speaker, you said that you wanted to reduce the amount of discussion when people were speaking in this Assembly. I would like Ms Dundas to be able to listen to what I am saying. Would you mind, Mr Humphries, waiting until I have finished?

MR SPEAKER: I think that is a fair point.

MS TUCKER: Thank you. The ACT people have previously entrenched the Hare-Clark electoral system by referendum. I believe we should respect this and work within the principles of that electoral system of multi-member electorates and make it work even better.

I have been told that an amendment is going to be moved to send this matter to a committee. I want to elaborate on why I am concerned about that. I have no problem with a committee looking at this issue, but not at this point in time. It is clear that there needs to be some kind of educative process, which I have mentioned in my speech, and a deliberative poll. A deliberative poll is an interesting suggestion because this gives people an opportunity to understand the issues. But there are other ways of doing that. You can have a discussion paper which raises issues, the pros and cons and so on, with the community. It would be totally fine for that to be referred to a committee and the

12 December 2001

committee could then deal with what comes after that. But it is not normally seen as the role of a committee to engage in the educative process. The committee process is usually about seeking views and input in determining a particular position that the Assembly is interested in.

My motion is saying that we need to have that preliminary work done. We have already had consultation to some degree with the Pettit inquiry. We need to put the case in some way but people might legitimately think it would be odd for a committee to do so. My proposal is that the government does take responsibility for putting out the case in some way and then we use the committee process to deal with that.

I would make another point. Some people seem to be under the impression that my motion is saying that this is just about three electorates of seven members. If you look at the wording of my motion you will see that it says "the desirability of". So obviously there is scope in that to look at other models. But we are focussing on that particular one. When you look at Pettit you can see that this is the logical combination. I think the work done by Pettit needs to be respected and carried over into this current discussions, and not treated as if it just did not occur at all. I hope that members are aware of this basic premise in the Pettit review. I would be happy to point it out to people who are not aware of it.

MR HARGREAVES (11.32): I move:

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

- (1) "requests the Chief Minister to undertake discussions with the Commonwealth Minister for Territories on the possibility of amendments to *the Australian Capital Territory (Self Government) Act 1988* to devolve to the Assembly the power to determine the number of members, with the aim of commencing any change to the Assembly at the election scheduled for 2004; and
- (2) refers to the Standing Committee on Legal Affairs for inquiry and report by the last sitting day in June 2002 the appropriateness of the size of the Legislative Assembly for the Australian Capital Territory and options for changing the number of members, electorates and any other related matter".

Mr Speaker, the issue of whether we have enough members has raged every since I have been in this place. It is an issue which has captivated the minds of media. Very few people out there in the electorates really worry about it, other than voice their abhorrence of politicians anyway. What we need to do is make sure that the people out there in the electorates are well informed about the truth in respect of the appropriate size of the Assembly.

It then boils down to a question of which is the best consultation process for that to occur within. The Pettit report was brought down. In the last Assembly a select committee into governance had another look at it. I think, Mr Speaker, that the most appropriate course of action would be for the Assembly to refer this matter to a standing committee. That standing committee would need to engage the community on the basis of true consultation. We would not be saying to the community, "This is our preferred option, what do you think?" We would be saying, "All right, it's your parliament. You elected us to provide governance for the ACT. What are the options and what do you have to say

about them?" Let us explore those options. Let us invite the community to tell us what they are.

Some options come to mind: we can stay where we are; we can have three seats of uneven size with 17 members; we can go to three electorates of seven; we can go to five electorates of five; or we can go to 25 single member electorates. Also, there are suggestions about that we could adopt the New Zealand model.

What I am saying, Mr Speaker, is that the community ought to be telling us what they think is the best way of providing governance in the ACT. There is plenty of reference material about and we have all seen it. We need to guard against any portrayal that politicians seem to feather their own nests and ensure their own re-election and the re-election of their own groups. I do not accept the argument that referral to a standing committee will provide some truth to that accusation. In fact, the constitution of the Standing Committee on Legal Affairs guarantees that it is about as representative as we are going to get.

The consultation process of the standing committees in this place had that very thing in mind—that the views of all groups are represented. I think that this time the composition of the Legal Affairs Committee is a nice mix of experience and skill. I pay tribute to the longevity in this place of Ms Tucker and Mr Stefaniak, and I think they are also very much in touch with the community. In particular, Ms Tucker is a legend in this town. By actually talking to people out there in the community she sets an example for us all, and we need to tap into that. I am concerned that if we were to go down the path of another consultation process and engage in yet another Professor Pettit-type exercise, what we would end up with is the thing we are trying to avoid, and that is a debate that will be led.

In my view there is obviously a temptation whenever one commissions a report to start with the answer and let the question work itself out during the consultation phase. I think if we have a genuine desire to tap into community feeling, to develop a report for this Assembly based on what the community feels is a good idea, and make sure that a consultation process is extensive, then we will end up with a good result.

Any exchange we had of arrows and blows across the chamber in the last Assembly was about the quality of community consultation. I think we are all committed to doing this particular one properly, because here is our chance to enhance the reputation of the Assembly, to enhance the reputation and integrity of its members. I think if all of the groups in this place are driving that process, then we can be sure that that will be the result.

I am not committed to any of the models that I mentioned earlier. Various people are but I am not. I have an open mind—and please do not to confuse that with an empty bucket, which is what we have accused other members of.

I would strongly recommend that the Assembly accept this amendment. The amendment picks up that part of Ms Tucker's motion which requests the Chief Minister to undertake discussions with the Commonwealth Minister for Territories. We support that. The deletion and re-insertion is merely a drafting mechanism to make sure that the

12 December 2001

imperatives of the Chief Minister or the Assembly to report back are not confusing, as was the case in my original amendment.

We believe that we need to have the recommendations concluded and provided to the Assembly by the end of June. If the Assembly accepts and decides to implement any recommendation for change, there needs to be a sufficient lead time for the Electoral Commissioner to re-determine boundaries. That is why I have asked that the standing committee report back by the end of June 2002.

It would be nice, of course, if the Chief Minister could report back to the Assembly within that same time frame. My only worry about that is that we have, in a sense, two requests running concurrently. My amendment only really addresses one time frame. However, I am pretty sure that if we ask the Chief Minister to enter into discussions, after a month or two he will be reminded by the other side of the house of that request. I would hope so. I would also hope that the reasons for any lag in doing so would be forthcoming in the report. I am sure that the newly crowned chairman of the Legal Affairs Committee would not let rest the fact that something had not been provided.

I recommend this amendment to members in the spirit of us moving forward. I am concerned that the workload on members and ministers is significant. I do know that one of the difficulties about Hare-Clark is that, although I have one-fifth of the 100,000 people, or 60,000 voters, in the Brindabella electorate, I don't know which 20,000 are mine. You have got a problem on your hands if you find that there is an imbalance in the work ethic of certain members. So we need to address that issue. Mr Speaker, I recommend to the Assembly that this amendment be passed.

MR HUMPHRIES (Leader of the Opposition) (11.41): I rise to indicate that the opposition will support the amendment moved by Mr Hargreaves to this motion. I would like to indicate as clearly as possible that the Liberal Party wish to avoid playing politics with this matter. For some time debate has ensued in the community about the way in which this Assembly is constructed, the way in which it works and the extent to which it might work better if there were a different configuration of the size of this place.

There are strong arguments for a larger Assembly, and I put that on record. I do not indicate that the Liberal Party has at this stage a fixed view about whether or to what extent the Assembly should grow, but it certainly has a view that there are a number of functions or a number of features of the present system which are only marginally workable, and one of the most significant of those is the size of the executive.

Mr Speaker, I make no bones about the fact that I found an executive of four members to be an extreme strain on members of the ministry. I have no doubt that members of that ministry would agree with me, and I have no doubt that members of the present ministry will soon agree with me, if they don't already. It is not conducive to good government to put the weight of the territory's affairs on the shoulders of just four people.

Mr Speaker, I acknowledge that in general circumstances it is also very difficult for parties who form a government to enlarge their ministry, bearing in mind the present size of the Assembly and, in consequence, the present size of the government party. I think there is a very powerful reason why the Assembly should consider a different format, a different size.

Having said that, the question now before us is how we achieve proper consideration of what the appropriate size of the Assembly should be. That question, I think, is best resolved by the process that we use customarily in this place to determine issues where an element of community consultation needs to occur, and that is through the process of referral of a matter to an Assembly committee.

Yesterday we approved the creation of a standing committee which has charge of matters relating to governance in the ACT. We gave it authority or jurisdiction over that sort of issue, and today it would be appropriate to refer such a matter to that committee. So we believe that an inquiry of this kind is appropriate. We believe the time frame that is talked about is appropriate, and we will support that amendment.

A motion was moved by Ms Tucker in the last Assembly to similar effect as paragraph (1) of the present motion—indeed, it was basically what is in Ms Tucker’s motion. I should indicate to the Assembly that there were discussions between the then ACT government and the Commonwealth government about the power to enlarge the Assembly being devolved to the ACT parliament, the ACT Assembly. My recollection of the response to those representations to the federal government was that they were not especially cooperative and sympathetic. But I have to say at the same time that I doubt they would oppose this Assembly having the power over its own composition and so on.

Certainly, Mr Speaker, I will indicate to the government at this point in time that the opposition is fully prepared to offer its support privately or publicly to the government in its endeavours to patriate to the ACT Assembly the power to determine the appropriate size and composition of the Assembly.

The second issue in the amendment is the question of referral to a committee. Mr Hargreaves made the point that a number of options could be explored. He mentioned, perhaps slightly mischievously, the idea of 25 single-member electorates. I simply note, Mr Speaker, that the decision that was made at the referendum in 1995 to entrench certain features of the electoral system means that it will not be possible for this Assembly by itself to have single-member electorates at all or to have multi-member electorates of, I think on recollection, fewer than five members.

So some options are not available to us, except through the process of a referendum. But I note that in passing, I think there are a number of issues that we need to explore, and the means of being able to do so is provided by the standing committee referenced in Mr Hargreaves’ amendment.

MS DUNDAS (11.47): I move the amendment circulated in my name to Mr Hargreaves’ amendment:

Omit paragraph (1).

The reason I have moved my amendment to omit paragraph (1) of Mr Hargreaves’ amendment—and this paragraph is the same as paragraph (1) of Ms Tucker’s motion—is not that I do believe there does not need to be discussion on this issue. I do believe that discussion is warranted and that education is warranted, and I would like to see further public involvement in the debate on the size of this Assembly. However, I am

12 December 2001

specifically concerned about the power to make up the numbers of the Assembly being devolved to this Assembly in its current form without there being a house of review or without having stop checks, stop measures, on what this Assembly may decide.

I am very wary of this because of problems that have occurred in other jurisdictions. Once you give a body its own power to make up its own numbers there is great scope for abuse of this power. I note that the motion referred to discussions and possibilities. However, I cannot in good conscience support paragraph (1). This is why I am putting on the record that I and the Australian Democrats are concerned. I think we should have a debate on the size of the Assembly, how we implement the institution of powers of review and how we can safeguard against the potential abuse of these powers.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.49): Mr Speaker, I am pleased that Ms Tucker has brought this motion forward today. The government is very happy to be engaged in a debate and to see a community debate on the issue of the appropriate size of the Assembly. It is an issue that there has been some discussion over for some time now. I think it is an issue that each of us in this place is aware of, has discussed and has views about.

I have expressed a view that the Assembly certainly does struggle from time to time to fulfil all of its functions as well as it may as a result of its current size. I think the pressure is felt most in the operations of the committee office. We would probably all agree that we would like to be able to develop a more efficient, better and more effective committee system. We have a good committee system as it is but I believe it could be improved quite significantly with an increase in the size of the membership of the Assembly.

There are, of course, in relation to all issues such as this, arguments for and arguments against. I think perhaps the argument against comes down as much to resources and costs as to anything else. Perhaps that is the only argument that I think might be mounted against a decision to increase the membership of the Assembly. It probably comes down to issues of resourcing and perhaps issues around the development of an appropriate model in terms of electorate sizes and the number of electorates, or even potentially the size that we might choose to increase to.

There is a debate that is worth having around these things. The government's view is that that can be best achieved through reference of this particular question to an Assembly committee. My colleague has proposed an amendment to Ms Tucker's motion that achieves that. I think all that the amendment does, in effect, to Ms Tucker's motion is formalise a process of consultation. I think it is much more rigorous and better that we indicate here how we would propose that consultation be carried out and carried forward.

This certainly provides a rigour to the consultation process. Suggestions that the Chief Minister or the government consult with the community is an approach and an attitude that we attempted to take earlier on a previous motion of Ms Tucker's, but I accept the difficulty sometimes of drawing the threads of that sort of motion together in a practical way.

I think the referral of this matter to the Legal Affairs Committee is a good way of ensuring a rigorous assessment of issues. It does allow consultation and it does allow for the provision of submissions around how we might proceed with a genuine debate and discussion about an appropriate size for the Assembly. And not just that. If we are to increase the numbers of members, it allows for consideration of the configuration that we might bring to bear.

I take the point that Mr Humphries made before, that the government is committed to Hare-Clark. There is no suggestion that we are not. An amendment such as this or our interest in seeing a debate on the numbers of members in no way detracts from our commitment to Hare-Clark as the system that has been adopted by the people of the ACT. We are very happy to work within the Hare-Clark system. I have always maintained that it is a difficult system, but we are getting used to it. I think we are getting better at it, and we are not suggesting that we walk away from that at all.

We want a debate about how many members of this place will deliver optimal government for the people of the territory. I am happy to be a part of that debate. I am happy to ensure, in relation to an inquiry of this nature, that the government will use its resources to provide detailed submissions to the committee on the issues around an increase in size, the configurations and the issues raised by Ms Tucker in her speech about this Assembly actually, if I might say, selling itself to the people of Canberra in perhaps a more vigorous way.

There is a range of issues around the standing and role of this particular institution in this community, and they are issues that I am quite keen to address. That is another debate, but perhaps there are things we can do just through this inquiry. It will have an educative and consciousness-raising effect and impact. There is a good reporting time. Plenty of time is given for the committee to report back to the Assembly, for the Assembly to debate the issues and for us to take whatever decision we may.

So I think this is a good initiative. I think an Assembly committee is the best way to go. We will support that. I think at this stage, though, I will need some convincing of the strength of Ms Dundas' amendment. But I support the amendment that my colleague has moved, and I urge its consideration by members of the Assembly.

MR CORNWELL (11.54): As a long-term supporter of an increase in the number of members of this Assembly, I certainly welcome the return of this motion to the Assembly. I think it would be fair to say that Ms Tucker and I might agree on the weather, and this is probably the other matter on which we share a common view.

Mr Corbell: I thought you had a few disagreements on the weather, actually.

MR CORNWELL: Mr Corbell, I will check the weather before I actually commit. Ms Tucker has listed the reasons why we need the extra members. We can go back to the Pettit review. It is not as if we are dealing with something that is unknown to this Assembly. I believe that the government of the day will rue the day we did not implement this increase in membership for this past election. But be that as it may. Let us hope that as this government experiences the stresses and strains with four ministers that Mr Humphries referred to, they will be converted to the idea, if they are not already, that we do need an increase in members.

12 December 2001

I think we have on occasions forgotten the problems associated with trying to conduct an Assembly in a democratic sense here in the ACT. Let me say that our concern in many cases about increasing the numbers from 17 to 21 is a concern of what the electorate may think. Might I remind the electorate that if they wish to have a democratic Assembly working here and good governance then they too should recognise that we must have the number of members to enable us to do so. We cannot, 12 years on from self-government, with an increase in population, expect the same number of members to continue to service and to assist our constituents.

I am not a person who believes that this is a negotiable matter. I am happy to have an inquiry, of course. I don't mind whether that inquiry is conducted by the Legal Affairs Committee or a select committee, but I am not a person who believes that this is ultimately negotiable. I believe that 21 members is essential. There are people out in the community who do not support this view. Equally, there are a dwindling number of people out there in the community who do not support self-government, and I believe that there are still some sitting waiting patiently for the government to come and cut their hedges, as it did back in the 1930s. We live in a democracy and all of those views can be tolerated, if not supported. The fact remains that if we are going to have good government in this territory then we need the tools to do it and those tools include, in my opinion, additional members to do the job properly.

I do not believe that Ms Dundas' amendment is supportable. Ms Dundas, as I understood, expressed concern about this Assembly making its own decisions on the number of members. We are a self-governing territory. We should not place ourselves in a situation where we are being dictated to by a federal government. I know there are occasions when federal governments step in and overrule decisions here. None of those moves are desirable, although on occasions they are understandable, and that power obviously resides in the federal government. Ms MacDonald looked at me askance when I said "desirable". I am talking about it from the point of the view of the federal government, not necessarily the Assembly.

However, the fact of the matter remains that we should have control over our decisions here in the ACT. We should not expect the federal government to be the sort of last court of appeal. The last court of appeal is the people of the ACT at the next election. If we do not perform well then we will not be back here in 2004, or whenever, Mr Speaker.

The other point I would make relates to concern about manipulation of the number of members, which I again understood Ms Dundas to infer. If the Assembly makes these decisions, the Assembly itself will control such manipulation. You would have to have collusion from all members here in order to allow that to occur. I do not believe that such collusion would take place because I have much greater faith in individual members of this Assembly that they would not permit that type of thing to go on. So I don't believe we should concern ourselves about that. Again, if such a unique occurrence took place, we still have the electorate to answer to at the next election. So, again, that is the check, that is the balance—not the federal government.

Other states and the Northern Territory make their own decisions in relation to these matters. There is absolutely no reason why we, the ACT Assembly, should not do so as well. I would be happy to support the government's amendment to Ms Tucker's motion.

MS TUCKER (12.01): I wish to speak to Ms Dundas' amendment. I do not think the amendment would serve a useful purpose because the reality is that we cannot do this at all without the federal government being involved. All I am saying is that we need to undertake discussions. It is critical that we do this if we want to seriously look at this issue.

Ms Dundas is concerned that somehow power could be devolved in a way that could be of concern. Of course, that is obviously what the discussion with the federal government would be about. There has always been the notion of entrenchment, and I have always suggested that that would be a way of dealing with that concern. The entrenchment notion obviously means that you just cannot have a majority of a parliament making such a decision.

There are other ways that the federal government can do this. The federal government itself can change the number just by regulation. So there are ways that it can be dealt with. But the reality is we cannot do it without having a discussion with the federal government. So in my view it is not sensible to remove that.

I certainly understand Ms Dundas' concerns, but I would like to reassure her that that is obviously part of the discussion. It is something that is raised whenever we have this discussion about increasing the number of members and how you ensure that this is not manipulated in some way to serve the political interests of a given group.

We have already had that discussion in the last Assembly where there was an attempt to change the election date through a loophole, which was basically manipulation for political purposes. So I certainly understand where Ms Dundas is coming from but I think she is incorrect at this juncture to think that the solution is to remove the paragraph, because it is fundamental.

MR SPEAKER: Mr Hargreaves, you will be speaking to Ms Dundas' amendment, won't you?

MR HARGREAVES (12.04): Got it in one, Mr Speaker. I just want to indicate to the Assembly that the government will not be supporting this amendment. We do have a lot of sympathy for the position that Ms Dundas has in terms of her fear that we will end up being able to do whatever we like in the future and that there will be no review mechanism.

I want to reiterate the assurance that Ms Tucker just gave that we are entering into this process with some sense of integrity. But there is a reality, and that is that at the moment we cannot do anything without being in conflict with the self-government act. For us to be contemplating changes without at least bringing the federal government into the loop of those considerations would be nothing short of silly.

I think it would be a terrible thing if, for example, we were to receive the views of the community, synthesise them, come to the conclusion that there was a community desire to increase the number of members in the Assembly and change the electoral boundaries, and somebody then said, "You've done all that work and you've told us what you want but that's bad luck because the feds are not going to do it." It sounds to me to be

12 December 2001

common sense that we have those conversations along the way and prepare the ground so that in the event of such a change being recommended by the community at large, the process at the conclusion of that will be merely mechanical. I think that is the issue here—it is just the mechanical part of the process. I do understand Ms Dundas' concern with this issue but, from where we stand, this is really just a mechanical mechanism.

MS DUNDAS: Mr Speaker, I seek leave to speak again.

Leave granted.

MS DUNDAS: I wish to briefly clarify my position. I take on board all the points that have been raised about my amendment. Under the Australian Capital Territory (Self-Government) Act, discussion needs to take place with the federal government about any changes to this Assembly. My concern is with the discussion around the devolution of power to this Assembly.

Repeatedly the major parties in the federal parliament do collude. We are always accountable to the electorate, but if we suddenly change the electorates then we would be changing the people we are accountable to. My concern at this stage is with the devolution to this 17-member single house Assembly of the power to make our own electorates.

I believe that discussion needs to be had. I believe that it is desirable to look at increasing the membership of this Assembly and the ways that this Assembly operates, and I am quite happy for those discussions to take place. I will support in the future the possibility of discussion of devolution of power to this Assembly. But at this stage I cannot support the devolution of power to a 17-member single house Assembly.

Perhaps it would have been better if my amendment sought to remove the words “to devolve to the Assembly the power to determine the number of members”, and I will take that on board for further debates. But I just wanted to clarify my position on this matter and thank you all for your time.

Ms Dundas' amendment negatived.

Mr Hargreaves' amendment agreed to.

MS TUCKER (12.08): Mr Speaker, in wrapping up this debate I will respond to one thing that Ms Dundas said about changing electorates. There is a requirement, as Mr Humphries said, for a referendum if you want to do anything too radical in that department. She obviously still stands by the other points that she made, and that is fine.

I did not hear anyone except Mr Stanhope address the key point of my motion and why I am against the matter being referred to a committee. I am concerned that the case, if you like, should be presented initially so that the community can think about the issues and then a committee process would be appropriate.

Mr Stanhope said that he thought the potential was there for the committee process itself to be educative, and that is true to an extent. I acknowledge that and, as someone who is on the Legal Affairs Committee, I would certainly be trying to encourage that. Education

will mainly be provided through media coverage. I hope that the committee will be interested in it, but it isn't usually the role of a committee to take on that role.

Speakers in this debate have focused on consultation. I would argue that the Pettit report, which Mr Hargreaves mentioned, was consultation. We also had a select committee, which I would argue was consultation. Mr Hargreaves said that the most appropriate thing to have is a committee because he thinks this will provide consultation.

I have said that, yes, there is the issue of consultation but there is also the issue of letting the community know what the case is for increasing the numbers, and that is an education thing and about presenting the case through a discussion paper or, as Mr Humphries suggested at one point, having a deliberative poll. So that really has not been addressed in this debate.

But having said that, obviously the numbers are with the notion of referring this matter to a committee. I will be on that committee and I hope that it is a useful process and that it does progress this matter. I am pleased to see that there is general support in the Assembly for getting movement on this anyway.

Motion, as amended, agreed to.

Gungahlin Drive extension

MS TUCKER (12.12): I move:

That this Assembly:

- (1) recognises the need for Gungahlin residents to have a range of options for travel between Gungahlin and the rest of Canberra rather than primarily relying on the Gungahlin Drive extension; and
- (2) calls on the Government to not proceed with constructing the Gungahlin Drive extension or duplicating Caswell Drive until the following actions have been completed to the satisfaction of the Assembly:
 - (a) abandon the zonal bus fare system that forces Gungahlin residents to pay double to travel to Civic;
 - (b) build bus-only lanes between Civic and Gungahlin to make bus travel faster and more attractive for Gungahlin residents;
 - (c) upgrade Majura Road and link it across to Gungahlin to provide an eastern bypass of North Canberra;
 - (d) upgrade Gundaroo and William Slim Drives to provide a better link from Gungahlin to Belconnen;
 - (e) encourage more employment in the Gungahlin town centre to reduce the numbers of people commuting elsewhere to work;
 - (f) investigation of a light rail system to link all the town centres, for which the transport corridors are already marked on the Territory Plan.

Mr Speaker, this motion is about a road that has been the subject of debate ever since the ACT was granted self-government. Unfortunately, this debate has to continue as I believe that new government still has not got it right.

12 December 2001

The Gungahlin External Travel Study, conducted by the former NCDC and released in 1989, initiated the planning of the Gungahlin Drive extension to meet the transport demands of Gungahlin that was just beginning to be developed. This study was then reviewed by the Commonwealth Joint Parliamentary Committee on the ACT in 1991. The recommendations of the JPC report were quite clearly that a range of non-road options be implemented to lessen the need for car-based travel by Gungahlin residents before—and I stress “before”—consideration was given to building more arterial roads through North Canberra.

Such measures included: providing bus services to the new Gungahlin suburbs as soon as they were built; limiting the level of employment growth in Civic; encouraging commercial development and jobs in Gungahlin, Mitchell and Belconnen; implementing a detailed commuter cycleway strategy; introducing measures to increase the number of passengers per vehicle; and to spread peak traffic loads.

The committee also wanted an investigation of the development of a rapid transit system between Civic and Gungahlin. The previous government’s response to this report was half-hearted at best, and at worst was quite contradictory. For example, the former government made no commitment to establish its own government offices in the Gungahlin town centre, but encouraged new employment outside of the town centres—for example Brindabella Business Park at the airport.

Under the previous government’s zonal bus fare system, Gungahlin commuters pay double fares to travel to Civic. The former government also abandoned the earlier attempts to examine feasibility of light rail or alternative land transit systems in Canberra.

The Gungahlin External Travel Study and the JPC report also recommended that consideration be given to upgrading the Majura Road to act as an eastern ring road from Gungahlin to central Canberra, with a connection to the Monaro Highway and the southern parts of Canberra. Nobody seems to be opposed to this road, but the former government refused to bring forward the expenditure necessary to upgrade it.

What I find most appalling is that over the last 10 years there has been a policy vacuum within governments about how to comprehensively address the transport demands of Gungahlin. In the meantime, Gungahlin has been getting bigger and bigger, and more and more cars have been travelling through North Canberra streets, thus making the GDE seem like the only solution available to meet the transport demands of Gungahlin residents. In fact, the timing of the GDE has been brought forward from original estimates because of the huge reliance among Gungahlin residents on private vehicles.

My motion today is about making sure that the government does not continue to put off doing all the other measures that have been previously identified as necessary to give Gungahlin residents more choice in their transport options and to reduce the reliance on the Gungahlin Drive.

Canberra is really at a crossroads regarding how it deals with the transport demands of its growing population. I am very concerned that the continuing debate on the route of the Gungahlin Drive extension is taking the focus off the need to implement these other measures as soon as possible.

I believe that Gungahlin residents are getting a raw deal by the focus on Gungahlin Drive. This freeway will not eliminate traffic congestion on North Canberra roads—it will just channel it into new locations. What we should be looking at is how to give Gungahlin residents greater transport choice, rather than just having to rely on using their cars all the time and having to face congested roads out of Gungahlin because of all the other Gungahlin residents having to use their cars. And, of course, this has an impact on all the other road users.

I have been trying to get the Assembly to examine these broader transport issues for some time, and I was proud to initiate the Planning and Urban Services Committee inquiry into the John Dedman extension—it was called the John Dedman Drive but is now the Gungahlin Drive extension—over two years ago, which had very broad terms of reference to look at alternative transport options. I was therefore very disappointed with the superficial report from the majority of members of the committee. To his credit, Mr Corbell put in a dissenting report, which acknowledged to a certain extent the need to consider broader transport options.

However, the ALP went into the election with a policy of wanting to build the road on the western alignment. With their election to government they must feel that they now have a mandate to proceed swiftly with the construction of the road. I am greatly worried, however, that the other measures identified in my motion will again be put off in the rush to build the road. I am just asking the government to wait a while and take time to properly implement these other measures to reduce the need for Gungahlin Drive.

Some of the measures in my motion can be done quickly, but some will require a bit of time to have an effect. I know that there is an argument that even if we do these things there will still be a need for this road. Well, let us see if this is true; let us see how big a road we need. If we don't try to reduce travel demand then we will never know, and we could be stuck with spending millions of dollars on a road that could have been avoided or minimised. So I am just asking the government for some time and for a commitment to implement these transport options before they rush ahead with this road.

The other point, of course, which is acknowledged by anyone who is interested in urban planning and transport research is that when you build roads you further facilitate car use. What we are doing by moving ahead at this point in time without actually offering workable, attractive, alternative options for transport is setting in place a greater reliance on cars and on private vehicles.

This is about changing the habits of the population of Canberra. This is about acknowledging that a significant cultural shift is required if we are to become a sustainable city. This is about understanding that we as a community like to drive our cars. Everyone here drives their car most of the time. I catch a bus occasionally—not that often because of the workload, but I could do it more often. I am not saying that I am totally pure on this. Nearly everyone else in this place uses a car all the time; everyone else in our community has the same tendency. As I said, I do catch a bus sometimes and I know that this is a damn difficult mode of transport if you work long days, bearing in mind the big gaps between bus services after 6 pm and the circuitous routes that are taken during the evening hours.

12 December 2001

If we are serious as a parliament about sustainability and reducing our contribution to greenhouse emissions, we have to acknowledge that our emissions in the ACT are increasing due to transport. Seriously changing the social habits of the community requires leadership and commitment from the parliament, and that is really what is at the basis of this motion. It is a totally contradictory position to say, “We want integrated transport” and “We’ll build a road now.”

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (12.20): Mr Speaker, this is an important issue. It is an important issue which previous Assemblies and indeed the broader Canberra community have been discussing for a considerable period of time.

I think at the outset it is important for members to understand the full context in which Ms Tucker has moved this motion today, and the context is that the Greens’ policy position is that they do not support the construction of the road. It is not about trying alternatives prior to constructing the road. The Greens’ position is that they do not support the construction of that road. They do not support that position. So that is what drives the position, and I have to stress that the government has a disagreement with Ms Tucker on that approach.

But there are many substantive items in the motion that Ms Tucker has moved today which the government does agree with. The fact is that this government does believe that the Gungahlin Drive extension is needed to meet the transport needs of the growing Gungahlin community. But we accept that it is only part of the solution—it is not the entire solution; it can never be the entire solution—and that moves towards more sustainable transport practice are required. But that said, we do need to identify the significant equity issue at stake here, and that is ensuring that there is an effective north/south link for our arterial transport infrastructure, and the link from Gungahlin to the Glenloch interchange is the missing link that needs to be addressed.

This government has been elected with a very clear mandate and a very clear position on the Gungahlin Drive extension. We intend to proceed with that commitment, which is to build the Gungahlin Drive extension, build it in accordance with the current capital works budget timetable, and build it on the western alignment. That is the commitment we took to the election; that is the commitment we will seek to implement.

To be fair, the debate about the Gungahlin Drive extension and whether or not it will proceed has already taken place. It has been decided in this Assembly by a majority of members for a considerable period of time, and it was decided more generally, I would argue, on October 20.

We believe that the Gungahlin Drive extension on an alignment to the west of the Australian Institute of Sport is needed as soon as practicable to provide adequate access to the growing Gungahlin area. To delay the construction of the Gungahlin Drive extension would seriously disadvantage Gungahlin residents, and that is not a step we are prepared to endorse.

The second part of Ms Tucker’s motion essentially confirms and outlines a number of measures which I am very proud to say are part of this government’s election commitments, and these include other transport options that should be developed in

parallel with the construction of the Gungahlin Drive extension in order to start to build the framework for a sustainable transport system for our city.

So in that respect, the government is in strong agreement with Ms Tucker. For example, Ms Tucker outlines in her motion that the zonal bus fare system should be reviewed so that Gungahlin residents are not forced to cross zonal boundaries and pay double the fare other residents of Canberra who live a similar distance from the city centre, from Civic, may pay.

It is the government's policy to abandon, to remove, the unfair and discriminatory zonal system—a situation which currently forces people who live in outer suburbs of Gungahlin to pay more to catch the bus to Civic than it costs to pay for parking in Civic. That is a grossly unfair and discriminatory situation, and a direct disincentive to catch the bus to get to work in Civic. That is why this government will move to put in place a single fare, time-based fare structure, and why we have already moved to ensure that school students are able to access a flat fare structure for their travel.

Ms Tucker has also outlined the proposal of building a bus-only lane between Gungahlin and the city to make bus travel faster and more attractive for Gungahlin residents. I agree, the government agrees, that improvements to the public transport system are needed and that dedicated bus lanes can achieve a significant improvement in travel times, and therefore this would be an incentive to catch a bus as compared to using your car to get to work. The government will be undertaking a public transport options study to examine best practice in sustainable transport planning, and this will include consideration of the introduction of new technologies such as light rail.

Again, this is Labor's election commitment. It is a policy we went to the election on, a policy we are determined to implement. In relation to the ACTION zonal fare structure and in relation to the dedicated bus lanes and light rail, I anticipate being able to make an announcement early in the new year.

Mr Speaker, in the interests of fairness, Ms Tucker raised a point earlier about listening to debates. I would be grateful if she listened also.

MR SPEAKER: Order! Ms Tucker, Mr Corbell has just reminded me that he would probably like you to listen to his speech.

MR CORBELL: Thank you, Mr Speaker.

MR SPEAKER: Touche.

MR CORBELL: Exactly, Mr Speaker. Major routes linking the town centres and Civic are key elements of the public transport system and have formed an integral part of Canberra's planning. The new Labor government is committed to sustainable transport planning, supported by an approach to urban development which concentrates on transport corridors and key centres around the city.

The new public transport options study will include a survey of travel behaviour and attitudes to public transport to determine the barriers to its use and the opportunities for strategic improvement. The new government will also assess possible future public

12 December 2001

transport technologies to determine the best solution to meet our city's needs. We will also investigate land use changes to improve public transport viability. This will obviously include consideration of improvements to the intertown public transport routes, particularly those parts of the intertown public transport that are yet to be developed.

We will also, of course, look at options for funding capital expenditure and operating costs; and also an implementation strategy which identifies the priorities and staging of public transport improvements. All of these things, Mr Speaker, will be done in the context of an overall transport plan for this city.

I am very pleased as the Minister for Planning to be bringing to this Assembly a commitment that this government will introduce an integrated transport plan for our city—the first time such a plan has been developed since self-government.

Mr Speaker, while improving public transport is important, the diversity of employment locations, retail centres, commercial centres, industrial areas and recreational facilities across our city means it is difficult to efficiently serve all of them through public transport, although considerable improvements can be made. There will still be a need to provide for private vehicle travel as well. My colleague Mr Wood will be outlining our proposals for arterial roads other than Gungahlin Drive that will progressively serve the residents of Gungahlin.

The new Labor government is concerned to ensure that there are equitable opportunities for people to obtain employment close to their homes. Again this is an issue that Ms Tucker has raised in her motion. The government is keen to see more employment opportunities within Gungahlin, so that Gungahlin residents do not have to travel so far to their places of work. To achieve this the government will be putting in place an incentives program to encourage Gungahlin as a centre for employment location. In addition, the government will strongly advocate the Gungahlin town centre as a location for future employment opportunity in any proposals that are brought to it. We are also, of course, pursuing other employment opportunities in Gungahlin by identifying and making available a range of sites to potential development proposals.

Ms Tucker has raised a range of other issues in her motion in relation to Majura Road and Gundaroo and William Slim Drives. These are matters I will leave to Mr Wood to address. What I want to stress, though, is that this government is interested in an approach that brings an integrated style of planning to transport for our city. We are working on a light rail. We have a commitment to fund a feasibility study into light rail and bus only lanes. A quarter of a million dollars is the government's commitment, and it is something we will be proceeding with. We are committed to an integrated transport plan. We will be moving to implement that. We are going to introduce a public transport option study to look at the opportunities for improving public transport. We are committed to an incentives program to encourage greater employment location in Gungahlin and a higher level of self-containment for that area.

We are taking all of these steps, but we also must recognise that the Gungahlin Drive extension is a part of the solution. It is not the only solution, it is not the end of the solution, but it is part of the solution. We will be proceeding as a government, in an open and transparent way, to build the Gungahlin Drive extension on the alignment we

indicated prior to the election we would build it. We will be removing the unfair zonal system, and we will be taking the other steps that I outlined earlier.

This government is bringing an integrated approach to planning in this city. It is bringing a strategic approach to addressing the issue of sustainable transport, and it is doing it in a way which is timely and responsive to the transport needs of the city overall, as well as for Gungahlin residents.

Mr Speaker, I have an amendment which reflects the points I have made in my speech. I move:

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

- (1) "recognises the need for Gungahlin residents to have a range of options for travel between Gungahlin and the rest of Canberra; and
- (2) calls on the Government to proceed with the development of an integrated transport plan for Canberra, as well as detailed consideration of the following matters;
 - (a) abandonment of the zonal bus fare system that forces Gungahlin residents to pay double just to travel to Civic;
 - (b) construction of bus-only lanes between Civic and Gungahlin to make bus travel faster and more attractive to Gungahlin residents;
 - (c) upgrading of Majura Road and its connection across to Gungahlin to provide an eastern bypass of North Canberra;
 - (d) upgrading of Gundaroo and William Slim Drives to provide a better link from Gungahlin to Belconnen;
 - (e) encouragement of more employment in the Gungahlin town centre to reduce the numbers of people commuting elsewhere to work;
 - (f) investigation of a light rail system to link all the town centres, for which the transport corridors are already marked on the Territory Plan."

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.

Sitting suspended from 12.32 pm to 2.30 pm.

Questions without notice

Education funding—inquiry

MR HUMPHRIES: My question is to the Treasurer. Mr Quinlan, the government has announced that it will conduct an inquiry into education funding in the ACT. On WIN news on 29 November it was reported that the inquiry would cost around \$1 million. I note that the second appropriation bill tabled yesterday by you does not contain a provision for a \$1 million inquiry. In fact, it contains no amount for an inquiry. Can you tell the Assembly how much the inquiry will cost and whether it will be funded from the education budget at large?

MR QUINLAN: Can I defer to my colleague the minister for education?

MR CORBELL: I will take the question as the minister responsible for this election commitment. The government has not yet indicated what the cost of the inquiry is, simply because it has not finalised the terms of reference or the context in which the

12 December 2001

inquiry will be conducted. Once the government has considered how the inquiry will be conducted—for instance, its governance and its terms of reference—we will be in a position to better ascertain its cost, and the government will be making an indication of the way that inquiry will progress early in the new year.

MR HUMPHRIES: I ask a supplementary question. I thank Mr Corbell for that answer. Can you guarantee, Mr Corbell, that the amount that will be spent, whatever it might be, on this inquiry will not be deducted from the \$27 million the government has promised will be spent inside the school gate?

MR CORBELL: The commitment in relation to the \$27 million is that it will be spent on education provision for schools, and that is the commitment we stand by.

Education

MR HARGREAVES: My question is also to the Minister for Education, Youth and Family Services, and along similar lines, in the interests of clarifying something that one of our fellow members from Brindabella raised yesterday. Is the government considering options to provide tax credits that would allow parents to cut out the government “middleman” and pay their money directly to schools? Further, does the government consider that there is a need to reduce the role of government in maintaining and enhancing our public education system in the ACT?

MR CORBELL: Thank you, Mr Hargreaves, for the question. Yes, I must say that I was concerned by the comments of the new shadow minister for education, Mr Pratt, in relation to cutting out the government middleman in the provision of education in the ACT. There are a couple of points I would like to make about that, and to outline the government’s point of view in relation to the issues you raise.

First, I am happy to inform the Assembly that, of course, taxation is the responsibility of the federal government, not of the ACT government; so, unlike Mr Pratt, the government does not believe that it has a role in income tax changes such as those proposed by Mr Pratt in relation to education.

Second, it is important to note that the ACT government is not in a position to implement such a suggestion. Of course, funding for ACT government and non-government schools comes primarily from the Commonwealth. That is the major component, at least, under the states grants primary and secondary assistance pact.

Also in his comments yesterday, Mr Pratt outlined the appropriateness of a voucher system. The ACT government is not considering a voucher system for the ACT school system. We do not believe that it is an appropriate system. Despite the fact, of course, that it is a responsibility of the federal government to pursue such a system if it so chose, we do not believe that the user choice methodology is appropriate to address equity and needs-based funding for schools in the ACT.

Indeed, the Commonwealth’s new user choice mechanisms, in so far as they have been implemented, actually disadvantage new non-government schools as well as, clearly, government schools. That is an issue of considerable concern. The real issues here, which the government is seeking to address, are those of equity and need in our school

system, particularly in the public education system, but also in the non-government school system. That is why we have committed to an inquiry into needs in the education system in the ACT and, as I indicated in my earlier answer, I intend to proceed with the implementation of that inquiry early in the new year.

As for the role of government, which Mr Hargreaves asked me about in his question, this government and I actually believe that the government has a significant role in maintaining and enhancing our public education system. Far from cutting out the government middleman, it is absolutely imperative that government play a strong, proactive role in addressing issues of need and in addressing the inequities that exist between different parts of our community.

I would encourage Mr Pratt to look at the different schools in the ACT and the different issues they face, because those issues very much relate to where schools are located and the circumstances faced by the parents and families who live in those areas. These are the issues that we should be focusing on, and they require developing a strong, proactive role for government, not taking government out of the equation.

Canberra Hospital

MR SMYTH: My question is to the Minister for Health, Mr Stanhope. Minister, yesterday in question time, as well as in your press release of 4 October, you claimed that you would increase funding for the Canberra Hospital by \$8.7 million. However, your own election costing promise clearly shows that you will cut this funding back by \$2.7 million in the third year—that is, from July 2003.

Do you acknowledge the substantial increases in hospital funding achieved by the previous government, and do you also acknowledge that your 2003 funding cut will be the first time that an ACT government will ever have reduced annual public funding for the hospital? Can you explain why you are planning this reduction and how you expect the hospital to cope with it?

MR STANHOPE: Members will recall that yesterday Mr Smyth asked whether the \$6 million we promised in the election campaign, and subsequently, is the same \$6 million we provided. The answer to that is yes, and I think it is relevant that I give some examples of the promises and commitments that the government has now made to the Canberra Hospital.

Firstly, as Mr Smyth has just indicated, the amount we are providing is greater in the first two years and then continues at \$6 million thereafter. That is precisely the position that we put forward in the election campaign. This is because the former government belatedly realised that it left a shortfall in funding for the hospital; so we have had to pick that up as well. The government did realise that; the \$2.7 million commitment it made in that last supplementary statement indicated that.

This government is committed to maintaining, improving and providing resources to secure a high-quality hospital system in the ACT. I am able to confirm—and this was revealed in the second appropriation bill presented by my colleague yesterday—that we are proceeding with our commitment to provide \$6 million in additional recurrent funding of the public hospital system for various projects and pressures.

12 December 2001

As Mr Smyth has just indicated, this is in addition to providing for a \$2.7 million shortfall in funding the hospital, identified by the previous government prior to the election—despite the fact that it bleated long and loud that it deliberately had not budgeted for a shortfall in funding the hospital. With this \$2.7 million injection it acknowledged that it in fact did provide for a shortfall.

A particularly pleasing element of the \$6 million appropriation that we are now entertaining is that we will be able to fund and attract an additional 60 nurses to provide the necessary support to the existing resources. This additional nursing staff will cost \$3.5 million in a full year. The increased nursing numbers will reduce the use of agency nurses and the hospital's need to rely on current staff to do double shifts and overtime to fill rosters. A feature of the previous government's administration was, of course, the introduction of so many double shifts, so much overtime and the need to engage agency nurses to do that work.

Nurses will also be able to be released for more annual and professional development leave. The result of having more permanently employed staff is that nurses will work their normal rosters and have the time off that they need to be supportive when they are at work. The crucial outcome is that nurses will be able to provide to patients care, with the energy and skills required to fulfil both their own and their patients' expectations of quality care.

We will also purchase additional throughput from the Canberra Hospital. It will provide a range of additional inpatient and outpatient services, such as more capacity for emergency admissions and new outpatient clinics. We propose that the new outpatient clinics will be for neurology and dermatology, an area of much unmet need. In a four-year period, these service improvements will total \$1.1 million.

It is particularly disappointing that we have had to find funds from this package to meet the increased cost of Comcare premiums. The ongoing additional amount for the premium increase for Comcare is \$1.4 million a year. This increase, only recently advised to the Canberra Hospital, cannot be absorbed by the hospital without reducing its capacity to treat patients. The hospital assures me that it will work to lower these costs in future years to improve health and safety strategies. As I say, it is particularly disappointing to me and to the government that we have been presented with an additional bill for \$1.4 million a year for Comcare costs.

This package of initiatives totals \$6 million in a full year: \$3.5 million for nurses, \$1.1 million for service improvements and \$1.4 million for the Comcare premium.

Coming to the matter Mr Smyth is interested in: in the first two years the government will take the opportunity to use the additional \$2.7 million—which was first identified by you in government and which we have committed to as well. We have now appropriated for \$8.7 million. We will use that money to purchase much-needed equipment, particularly in relation to radiation treatment.

Mr Smyth: Yes, but then you reduce it. You are the first government to reduce hospital funding.

MR STANHOPE: No, we are not. We are buying much-needed equipment for the first two years—equipment that you did not bother to buy. This is the neglect that you were guilty of: oncology equipment that is so run down that it has led to significant waiting times for radiation oncology. Currently that is an eight-week wait. Mr Humphries spoke yesterday about your legacy. We were bequeathed an eight-week waiting time. Imagine if you had been diagnosed with cancer and you presented at the Canberra Hospital for radiation oncology therapy and were told to come back in two months. That is your legacy because you neglected to purchase this much-needed equipment. We will not delay. We are purchasing it, and we will utilise it.

Mr Smyth: So, what are you reducing it to?

MR STANHOPE: We are purchasing equipment. We will purchase equipment in the first two years from the \$8.7 million. We maintain our commitment to an additional \$6 million of recurrent funding now and in the outyears. We will take the opportunity with the \$8.7 million, which was included in the appropriation bill that my colleague the Treasurer presented yesterday, to buy this urgently needed equipment—equipment you could not be bothered to purchase.

So we have an \$8.7 million immediate commitment. Money is there. It is in the bill. With your support it will pass tomorrow and we will be able to start the much-needed repair of this run-down public hospital system. We will repair the neglect. We will be able to deal with those very negative aspects of your legacy, which includes attacking that eight-week waiting time for radiation oncology at the Canberra Hospital.

MR SMYTH: Mr Speaker, I have a supplementary. I might make this simpler for the minister.

MR SPEAKER: Then you will kindly do that without a preamble.

MR SMYTH: In the year 2002-03 the funding is \$226.7 million; the following year it is \$226.2 million. Why is health funding going down under a Labor government?

MR SPEAKER: Order, Mr Smyth! Yesterday I warned you about preambles, and I do not want to keep doing this. The rules for supplementary questions are well known: pop up, ask the question and we will get an answer. But the preambles we can do without.

Mr Smyth: Mr Speaker, I am just following your example. I can go back through the *Hansard* and refresh your memory about how you behaved.

MR STANHOPE: In the election campaign the Labor Party promised to commit an immediate \$6 million of additional recurrent funding to the Canberra Hospital. We have more than met that commitment. We actually legislated. Yesterday we introduced an \$8.7 million appropriation bill to go immediately to the Canberra Hospital.

It is amazing to see the Liberal Party object—it is probably why they got flogged in the election—to a commitment made by this government about the health of the people of the ACT. They object to the fact that the major, the outstanding, the leading priorities this Labor government will work to meet are health and education. And here you are objecting to the fact that within four weeks of taking government we have moved to

12 December 2001

provide an additional \$8.7 million immediately to the Canberra Hospital—\$14 million in this appropriation bill for the Canberra Hospital.

Mr Smyth: Mr Speaker, on a point of order: the Chief Minister is asserting that I have said things that I have not said. My question is: why will he be the first health minister in the history of self-government to allow the health budget for the hospital to go down?

MR SPEAKER: Resume your answer, Chief Minister.

MR STANHOPE: I will conclude on this point: I wonder if the shadow minister for health might identify which parts of the \$18 million of additional funding we provided yesterday in the appropriation bill he does not support. Can he tell the people of Canberra whether he does not support the immediate purchase by the Canberra Hospital of the much-needed radiation oncology equipment? Can the shadow minister tell us whether he finds an eight-week waiting time acceptable? It was acceptable when he was in government. Does he find that it continues to be acceptable?

Mr Smyth: Mr Speaker, my question was not about the second appropriation and the amounts therein; it was about the amount they have foreshadowed for spending in the year 2003-04, where Mr Stanhope becomes the first health minister in the history of self-government to reduce spending on the hospital. Will he answer that question?

MR SPEAKER: Mr Smyth, if you are going to raise frivolous points, you are not going to get very far. If you think you are going to go through the *Hansard* and dig up every instance I spoke on a particular matter as leader of opposition business as a way of creating a precedent in this place, let me give you some early advice: don't waste your time. You have not raised a point of order; there is no point of order.

MR STANHOPE: I am proud of the fact that we have moved, within four weeks of taking government, to provide an additional \$14 million of funding for the Canberra Hospital. I am proud of the fact that we have moved within four weeks to provide an additional \$18 million to health service delivery in the ACT. I am proud of the fact that we have announced an inquiry into education funding. I am proud of the fact that we have begun on the long, hard road of undoing the neglect and incompetence which was, and always will be, the hallmark of your time in government.

Needle exchange program

MS DUNDAS: My question is also to the Minister for Health. Can the minister confirm that information on the ACT Community Care website indicates that there is no longer a 24-hour needle exchange outlet program operating in Canberra? Recognising the important role that needle exchange programs have in public health, is the minister considering alternative arrangements to restore 24-hour access to free needles in Canberra?

MR STANHOPE: I thank Ms Dundas for the question. I am very aware of Ms Dundas' interest in issues around the government's proposals and programs in relation to drugs. I must say that I am very pleased to have within the Assembly somebody on the crossbench who is prepared to take a genuine harm-minimisation and compassionate

approach to issues around drugs and drug law reform and the need for us to do something as a community to address this particularly important issue.

I have to say that we support the needle and syringe program. I think it is one of those things that we need to continue to concentrate on, particularly in the overall debate on harm minimisation and the programs that we need to implement. There is no doubt that the needle exchange program stands out, shines, as a beacon to what can be achieved when governments and communities are prepared to think laterally and show some courage; when governments are prepared to lead community debate on issues as vital as the need for us to care for ourselves as a community and to care for individuals within the community, particularly those who have a major health problem such as drug addiction.

The needle exchange program is something I support absolutely. I am not aware of the particular point that you make in relation to what the Community Care website says about whether or not we have 24-hour needle exchange. I thought we did. I thought needles were available on that basis. I will check the point that you make and I will be more than happy to respond to you directly. But I would like to assure you of this government's absolute commitment to the needle exchange program and our determination to continue to support it and to ensure that it provides an optimal service that meets the needs absolutely of all its clients.

MS DUNDAS: Mr Speaker, I ask a supplementary question. Mr Stanhope, can I get your confirmation that your commitment is to a 24-hour access program for free needles in Canberra?

MR STANHOPE: I must say, Ms Dundas—and I am prepared to check this; I will take advice on it—that I thought we had a situation where needles were available around the clock. I think it is important that they are. I will take advice on exactly what the current situation and circumstances are in relation to the availability of needles. I will also take more general advice on the operations of the needle and syringe program and I will report back to you on that.

Road signs

MRS CROSS: My question is to the Minister for Urban Services, Mr Wood. On 16 October the *Canberra Times* ran a article about road signs which were erected to notify the ACT community of major construction projects being undertaken throughout Canberra. Mr Berry expressed shock and amazement and described the signs as extravagant. Now that the Labor Party has formed government, when will these signs be removed?

MR WOOD: Not immediately, I would think. I do not think we would want to go to the extravagance of taking them down straightaway.

MRS CROSS: I have a supplementary question. Mr Wood, as you are aware, Mr Berry also suggested that the Liberal Party should pay for these signs. As the signs have not been removed, should the Labor Party now pick up the bill, or do you consider that would be an extravagance, given that you are now in government?

12 December 2001

MR WOOD: Nothing much has changed. We will leave the bill with you if you want to pay it.

ACTTAB

MS TUCKER: My question is directed to the Treasurer, Mr Quinlan, and relates to his responsibility for the operations of ACTTAB. As you know, ACTTAB has proposed to move its headquarters from Dickson to a purpose built building in Bruce. Before the election Mr Corbell told Bruce residents that he shared their concerns about the impact of this 24-hour facility on residential amenity. He also said it was ALP policy to relocate the ACTTAB headquarters to Gungahlin rather than Bruce, subject to meeting ACTTAB's operational requirements. However, in last week's *Chronicle* Mr Corbell was quoted as saying that the government would not force ACTTAB to move to Gungahlin.

As the minister responsible for ACTTAB, could you clarify for the Assembly what investigations are occurring on the feasibility of relocating ACTTAB to Gungahlin and how serious you are about overcoming any technical problems in moving to Gungahlin?

MR QUINLAN: Thanks for the question. I guess the direct answer is no, I cannot. There certainly has been some adverse reaction from the residents of Fern Hill to the location of the ACTTAB headquarters, and I understand that negotiations in relation to the lease of the site are unresolved. At this point there is nothing certain about the Bruce site. Gungahlin is our preferred location. We have to look at the additional costs that might be involved in that.

ACTTAB needs a 100 per cent redundancy in its electronic connections so that if there is a failure in the email or telephonic processes it can be immediately overcome. I have been given a rough estimate that there would be a requirement of an extra \$1 million in order to install that level of redundancy at Gungahlin. We have not reached the stage of evaluating that and being able to say that that is a worthwhile investment of taxpayers' funds versus all the other priorities. It remains up in the air, I am sorry.

MS TUCKER: I ask a supplementary question. Thank you for that answer. I think you alluded to the fact that you are also trying to understand the arrangements between Bruce—

MR SPEAKER: Ms Tucker—

MS TUCKER: No preamble, okay. Does any commercial agreement exist—I think you partially answered this—between ACTTAB and the owner of the block in Bruce, the Hindmarsh Group, that commits ACTTAB to taking up the building once it is constructed? If so, could you tell us the terms of this agreement and whether it can be broken?

MR QUINLAN: As I understand it, there is no absolute commitment, but I will have that checked so that I am not at risk of misleading you. Although a lot of people have spent a lot of money, there is no absolute or binding commitment on ACTTAB, as far as I know, but I will have that checked and I will let you know.

Break-ins at disability group homes

MR CORNWELL: My question is to Mr Stanhope as Minister for Health. I refer to the recent report of break-ins at 21 disability group homes. Can you advise the Assembly whether the government has investigated security at these group homes and why it took 21 break-ins to occur before an investigation into the security of these places was undertaken? It seems that there were a large number of break-ins before something happened.

MR STANHOPE: I thank Mr Cornwell for the question. I think it is a particularly important question. I was very disturbed on being advised early in the period of our government taking over that there was a significant and serious issue in relation to break-ins at a number of group homes. It was particularly distressing. All of us would be concerned that somebody is prepared to target the homes of the most vulnerable members of our community and to do so on what appears to be a deliberate and systematic basis.

Having regard to the fact that so many group homes have been burgled, broken into and violated, one is left with no option but to assume that there has been a quite deliberate campaign by somebody who, unfortunately, knew the address and location of those houses. I think that there were some similarities in the modus operandi of those engaged in the activity.

As you say, Mr Cornwell, there have been 22 burglaries within disability group homes since June. The burglaries actually commenced whilst you were in government. The majority of the burglaries, I understand, commenced in June and continued through that period. The majority of the offences have occurred in the Belconnen area and some of the houses have been burgled more than once. With one exception, the offences occurred whilst the houses were vacant. Entry generally was gained through windows that were broken. As I say, there is some concern at the similarity of the offences. In many instances, significant amounts of cash have been removed and there has been a real similarity, as I say, about the modus operandi.

The police were called in relation to each break-in. The disability program people took immediate steps. They have liaised constantly with the police. They have sought assurances from the police about the security arrangements, as you would expect. They have sought assurances from the police about the most appropriate way of ensuring and guaranteeing the security of these homes. The disability program director and the police have developed a program and strategy of seeking to ensure the greatest possible security. The range of issues that have been discussed and agreed between disability services and the police go to steps required to minimise the amount of money on the premises, maintaining normal diligence, assessing the adequacy of lighting, removing shrubbery which conceals entrances, and assessing the need for safes within the houses.

Chubb Security have been engaged to provide, in addition to enhanced police patrols, additional private security for each of the homes. The department has liaised with all parents and guardians around the issues. They have been involved and consulted at all times. Staff have been instructed to be aware of the issues and they have been asked to take appropriate and necessary steps as a result of what has been happening.

12 December 2001

As I say, it is particularly distressing that somebody, unfortunately, has decided to attack the most vulnerable within our community in this way. It is extremely distressing for the residents and extremely distressing for their parents and guardians. I believe that the department has acted appropriately at every stage. It has involved the police from the outset. The police have been advising the department on appropriate security. I have confidence in the steps that the department has taken. This is an extremely serious matter. It is being taken extremely seriously.

MR CORNWELL: Mr Speaker, I have a supplementary question. Mr Minister, have there been more break-ins than those reported in the media—namely, 21—since that information was made available? Secondly, could you arrange for the department to give me a private briefing on what steps are being taken in relation to security? Clearly, I do not want you to be telling the Assembly about that, although I am sure that the Assembly would be interested. I do not think that we should be telling the world, either.

MR STANHOPE: I would be more than happy to do that. My advice, as I say, is that there have been 22 such break-ins or burglaries. There have been multiple burglaries at some houses. I am advised that the first of the burglaries occurred in June, that the burglaries proceeded consistently between June and August, and that after 16 August there was a period in which there was a rash of such burglaries. On the last advice I obtained, there has not been a burglary for some time. It was around the period of August—I mentioned the date and the election was in October—that the greatest rash of burglaries occurred. I will ensure that Mr Cornwell is fully briefed on all aspects of the matter.

Dual occupancy

MRS DUNNE: My question is to the Minister for Planning, Mr Corbell, and I refer to the minister's announcement about limiting dual occupancy developments to 5 per cent. Is the minister aware that the government may be liable for compensation claims as a result of the imminent implementation of this policy? What advice has he received on this matter from his department, and would he table that advice for the information of members?

MR CORBELL: I thank Mrs Dunne for the question. I have not received any advice in relation to any legal issues such as those raised in the paper today by the Canberra Property Owners Association, nor have I seen a copy of the Canberra Property Owners Association's advice. I have only had one brief discussion with a representative of the Canberra Property Owners Association, which did not address these issues in any detail.

I am confident that the government's process is a fair and transparent one. We have put in place mechanisms to ensure that people with applications already in the system—or those in the pre-application phase—can have these matters addressed in a timely way. The date we have set for the commencement of the 5 per cent limit is 20 December this year. The reason we have set that date is to allow those people who have actively indicated an interest in completing a dual or triple occupancy to have an opportunity to have their applications assessed and a decision made.

MRS DUNNE: Is the minister aware of the case before the AAT known as the Evatt case, and is it a fact that this test case effectively means that it will be impossible for him to implement his policy in areas where there are pre-1975 leases?

MR CORBELL: Mr Speaker, I am not aware of that case, nor have I received any advice on it.

Impulse Airlines

MS MacDONALD: My question is to the minister for business. Minister, can you inform the house what action the government has taken to safeguard the ACT's investment in Impulse Airlines following its sale to Qantas?

MR QUINLAN: Thank you, Ms MacDonald. I would like to inform the house that I met with representatives of Qantas head office recently. That meeting followed one I had with local representatives. Both meetings were, in the ultimate, very constructive. I have been assured that Qantas will fulfil the obligations they have taken over from Impulse. They recognise that in taking over Impulse Airlines they have not only assumed control of the assets but also assumed responsibility for the liabilities and the commitments.

They intend to complete the heavy maintenance facility. They intend to extend their regional routes. We will have to negotiate on those. It is going to be difficult to differentiate between those regional routes that Qantas would have introduced anyway and those that Impulse had committed to. I inform the house that we have agreed to be a little flexible on which routes will be introduced. We certainly expect to draw the maximum out of the contract.

MS MacDONALD: I ask a supplementary question. Can the minister assure the house that the ACT will not be out of pocket as a result of the sale of Impulse to Qantas?

MR QUINLAN: Possibly based on experience, at the outset of the negotiations I got the distinct impression of being a little patronised. Some propositions put forward seemed to be based on the assumption of ready acquiescence. I think we were able to convince Qantas that the ACT government were no longer wood ducks, as the saying goes. I assure the house that we will have to work very hard in negotiating with Qantas. They are an international company. They do not mess around when they send someone down on this deal. There is still some ground to be made up not only in delineating that which will be totally incremental to the ACT but also in our business relationship, which I think we have gone a long way to improving.

Police numbers

MR STEFANIAK: Mr Speaker, my question is to Mr Quinlan in his capacity as minister for police. In August, Mr Stanhope and Mr Hargreaves promised to boost police numbers to the national average, which meant an increase of 82 officers by the end of the term. In October, that was revised down to increasing police numbers in this term by 20 officers, while saying that an increase of 80 officers was a longer term objective. Minister, what is the present establishment for police numbers in Canberra? Can you advise the Assembly what has been done to date to increase numbers and what the deadline will be to increase police numbers by 80 officers?

12 December 2001

MR QUINLAN: I will have to fudge a little while I get the actual precise numbers. Let me start with the second question first. There has been now a conscious program instituted within the police force to recruit, and to recruit within the ACT.

Mr Smyth: Yes, we started it.

MR QUINLAN: Well, that was not in my briefings. How quickly they forget you, Mr Smyth. There has been a conscious program to recruit locally to ensure that we build into our force people who are happy to stay within the AFP ACT for a reasonable amount of time.

As you will be aware, Mr Stefaniak, the AFP is a large force. There are career opportunities within that force which are very attractive to recruits. Recruits brought into the ACT from elsewhere are more likely in fact to wish to move into the greater force, where they see wider opportunities. There are some conscious efforts being made to try to get recruits into the force that would be happy to stay in the ACT for some time. I have to say that during the reign of the previous government it took some considerable time to settle the arrangement between the ACT and the AFP generally, which in fact created a hiatus in recruitment for police—a hiatus which they are now addressing.

I have a few numbers to give to the Assembly: 19 new recruits are scheduled to graduate in December this year—I think I will be going to that ceremony in the next week or so—and an additional 22 recruits entered the college on 26 November. The number of recruits scheduled to commence training at the college next year for deployment in the ACT is currently unavailable, as the selection process is still under way. The target is to have 60 recruits commence training in January 2002 and to have 60 to 80 recruits commence training in July 2002. Please note that this target and the actual numbers may differ because what we are trying to do is get to a situation where we are recruiting ahead of the attrition rate. Otherwise, we will always be chasing our tail. So it is anticipated that future recruitment campaigns will be conducted at six-monthly intervals in January and July of each year.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Minister, you have not answered the question about the deadline to increase police numbers by 80 officers. Meeting a long-term target of the national average also depends on recruitment of police officers in other states and territories as well as what you are doing here with our local police. Are you taking that into account when setting your long-term target?

MR QUINLAN: Mr Speaker, I think I made it fairly clear before the election what the numbers were. Let me say that this was during an election campaign period in which we had a government trying to suppress the bottom line. The government was saying, “We’ve spent all the money. How are you going to fund your initiatives?” What we did on the way to government was act in a very responsible manner. We actually told you how many police we were going to increase the force by over the next three years.

Mr Stefaniak: What is the deadline for the 80?

MR QUINLAN: On election day, unless there were others under your rock at the time, most people knew exactly how many police we intended to increase the force by, which was 30 over three years.

Namadgi National Park

MS GALLAGHER: My question is to the Minister for Urban Services. I refer to recent media reports and public concern about more environmental damage in Namadgi caused by Transgrid. What is the extent of the latest environmental damage?

MR WOOD: Mr Speaker, I expect members saw the publicity in the media about that damage. A week ago Environment ACT staff discovered an area near Piccadilly Circus in Namadgi National Park that was disturbed by a bulldozer. The disturbed area was about 200 metres long. Right in front of that area is a sign that says:

Revegetation area
Keep off.

It is a bit hard to see how that damage could have occurred. The incident was particularly disturbing following that earlier damage half way through the year.

Initial investigations indicate that Transgrid, that is, the New South Wales government-owned corporation, were removing log barriers on access roads along sections of the easement, as part of their easement management. The work was not approved by Environment ACT.

Environment ACT and investigators from the ACT Government Solicitor's Office are investigating the latest incident, along with the broader investigation into Transgrid's activities on the easement that I was talking about earlier. It is also the case that the New South Wales parliament is examining the matter.

MS GALLAGHER: You may have answered my supplementary. What action is the government taking concerning this and the previous very serious incident?

MR WOOD: Mr Speaker, following that earlier very, very significant incident, on 8 May a show-cause letter was sent to Transgrid and on 21 May an environment protection order was issued to Transgrid which required it to take immediate steps to prevent any further damage caused by the clearing. Transgrid was also required to prepare a plan for the repair of the damage already caused and to develop a plan to prevent future occurrences. That would seem to be urgently needed.

Currently, a heavy investigation is continuing by Environment ACT and by the ACT Government Solicitor's Office into the circumstances, to determine whether Transgrid should be prosecuted. Offences may have been committed under the Environment Protection Act, the Nature Conservation Act and the Land (Planning and Environment) Act. There is also an investigation in New South Wales.

Following that investigation, the evidence will be presented to the DPP, who will decide whether to prosecute. That inquiry will extend into this latest incident as well.

12 December 2001

Members staff

MR PRATT: My question is to Mr Corbell as the Minister for Industrial Relations. Mr Corbell, in your response to my question yesterday, you claimed that some people working in the Assembly were paid 20 per cent more than others doing exactly the same job under the contract system. Can you assure us that no member of staff in this Assembly will be worse off as a result of abolishing AWAs?

MR CORBELL: I think Mr Pratt misrepresents what I said yesterday. If I recall correctly—and I will check the *Hansard*—I was using a hypothetical example of the prospect of inequity that can occur through individual common law contracts. It was in that context that I drew that example. I am not aware of individual arrangements between members and their staff, nor should I be, but I am aware that the prospect is there for inequities to exist for people who are doing effectively the same work.

Mr Pratt also asked for a commitment that no employee will be worse off. The government's response on that issue is that we will want put in place a framework that accords an appropriate level of pay for the work done.

MR PRATT: I ask a supplementary question. Mr Corbell, will you please guarantee that the new system on Assembly budgets will not affect members staff allocations?

MR CORBELL: Members staff allocations are a matter for the Chief Minister. He is responsible for that act. I think the key issue here is that the government is seeking to put in place an industrial relations framework that ensures that people are paid for the level of work they do and that what they are paid is not based on some personal relationship with the member, although any employee/employer relationship is always important. We are seeking to make sure that people are paid for the level of work they do and that if people in different offices are doing the same work at the same level of responsibility they are paid a fair and equal level of remuneration. That is the approach we are trying to adopt.

I am surprised that the first and foremost concern of the shadow minister for industrial relations in both questions he has asked to date relates to the employment conditions of members of staff of the Assembly, when I am sure there are many other employees in the territory who have issues of far greater concern that perhaps need more urgent attention.

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

Auditor-General's Report No 11 of 2001 Paper

Mr Speaker presented the following paper:

Auditor-General Act—Auditor-General's Report No 11 of 2001—Financial Audits with Years Ending 30 June 2001/

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

That the Assembly authorises the publication of Auditor-General's Report No 11 of 2001.

Indigenous affairs Ministerial statement

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.25): I ask for leave of the Assembly to make a ministerial statement concerning indigenous affairs.

Leave granted.

MR STANHOPE: Mr Speaker, this government was elected on a platform for Aboriginal and Torres Strait Islander Affairs that acknowledges the right to self-determination and the importance of working in partnership. Our platform will ensure that policies and programs reflect the needs of the community.

There are a number of specific areas on which my government will focus in working to improve the opportunities of Aboriginal and Torres Strait Islander members of our community and to redress their current relative disadvantage. These include and will cover reconciliation; consultation; whole of government approaches; native title; human rights and justice; health; family violence; education; housing; and business and employment.

Mr Speaker, unlike many other communities in Australia, the ACT has become the focus of many Aboriginal and Torres Strait Islander people not traditionally connected with the land on which they now live. First, as a regional centre, the ACT attracts many Aboriginal people from the surrounding country who look for work and the services available here. Second, as the national capital, Aboriginal and Torres Strait Islander people are engaged to work here in federal government agencies and other nationally focused bodies.

There is, for instance, a thriving and vibrant Torres Strait Islander community here as well as people from many different Aboriginal nations—from Cape York, the Kimberley, the Central Desert; indeed, from all over Australia. And, very importantly, the ACT is still occupied by the people whose forebears traditionally lived in this part of Australia—the Ngunnawal and Ngarigo people. My government strongly values the contributions these communities make to our society and is committed to working to better provide for them.

Mr Speaker, we respect the inherent indigenous rights of Aboriginal and Torres Strait Islander people as the first Australians. The government acknowledges the history of Aboriginal and Torres Strait Islander Australia, the continuing consequences of colonisation and the current disadvantaged circumstances of Aboriginal and Torres Strait Islander people. Shelley Reys, co-chair of Reconciliation Australia, tells us:

12 December 2001

This unfinished business [of reconciliation] is the business of all Australians, as with every element of Australia's journey toward true reconciliation it lies in the hands of the people—and of all governments, peak bodies and community organisations which represent them and are responsible to them. It's a challenge for all of us because getting it right is vital to our future together and to our nation's sense of identity, purpose and pride.

The government agrees with that statement.

My government has a strong commitment to reconciliation and will work with the whole community on strategies to further its progress in the ACT. As a first step, I expect to launch Reconciliation ACR, the Reconciliation Council for the Australian Capital Region, in February 2002. I am advised that Reconciliation ACR has developed a new vision and charter that will guide its work into 2002 and beyond. I can assure the Assembly and the co-chairs of Reconciliation ACR that my government will offer ongoing support to maximise the success of this important and newly reinvigorated body.

Beyond important bodies like Reconciliation ACR, my government will also facilitate an informal reconciliation process by supporting reconciliation community meetings as a forum for discussion by all ACT citizens of issues relating to reconciliation and of policies to be adopted by the government to promote reconciliation. I have asked that progress be made in ensuring proper acknowledgment of the traditional Aboriginal people within the ACT through ceremonial arrangements and practical actions. If we do not acknowledge the consequences of our shared history, we will not be able to unite in a journey to the future.

Mr Speaker, I have highlighted that the government respects the right of Aboriginal and Torres Strait Islander people to self-determination; that is, the government respects the rights of Aboriginal and Torres Strait Islander people to decide within the broad context of Australian society the priorities and the directions of their own lives and the freedom to determine their own affairs.

The government respects the rights of Aboriginal and Torres Strait Islander people to be represented in a manner they see as appropriate. We will be strengthening the involvement of Aboriginal and Torres Strait Islander people in developing and implementing government programs and services through a range of consultation mechanisms, including the Aboriginal Justice Advisory Committee, the Aboriginal and Torres Strait Islander Health Forum, the Indigenous Education Consultative Body, and the Aboriginal and Torres Strait Islander Consultative Council.

It is not enough, however, to persist with limited and constricted forms of consultation. The government will embark on consultation mechanisms that enable a wider canvassing of views in the community. We will consult in ways that are accessible and most appropriate to the needs of the different sectors of the community. It is no longer sufficient just to call community meetings. We must strive to find better ways of finding out what the community wants and needs. We are committed to better engagement with all parts of the community.

One of my major concerns is the overrepresentation of Aboriginal and Torres Strait Islander people in the ACT's criminal justice system. It is essential to involve the community in developing policies and programs to address this issue and, as both

minister responsible for Aboriginal and Torres Strait Islander affairs and Attorney-General, I will ensure that they are involved.

We will support the Aboriginal Justice Advisory Committee in developing its Aboriginal justice strategic plan, due for completion by the middle of next year, and we have agreed to a request for an indigenous consultant to help complete the plan. The government is determined that Aboriginal and Torres Strait Islander people will have the opportunity to tell us of the priorities and the directions they choose for their own lives.

The government recognises that a strategic whole-of-government approach to addressing community needs will deliver the best outcomes for the ACT Aboriginal and Torres Strait Islander community. The government has a comprehensive plan to improve the lives of indigenous people and my ministerial colleagues will be discussing their priorities over the coming months. My priorities are to make real progress in the areas of health, the justice system and creating life opportunities for Aboriginal and Torres Strait Islander people.

Understanding the needs of the community extends beyond consultation. To help gain a deeper understanding of the circumstances and the consequent needs of the community, a comprehensive demographic profile of the community in the ACT will be undertaken. For example, it is our commitment that all existing and proposed measures for reducing incarceration levels are rigorously evaluated. ACT Corrective Services is developing a database that will use court statistics to measure recidivism and the effectiveness of rehabilitation programs. This data will be made available across government to assist the development of policy that addresses indigenous arrest and custody issues.

The government will also develop reports each quarter on the current state and effectiveness of services delivered to the Aboriginal and Torres Strait Islander communities in the ACT. This will ensure that at regular intervals assessments can be made on achieving policy and program objectives. The first of these reports will be published by March next year.

As part of our commitment to reconciliation, the government has acknowledged the Aboriginal and Torres Strait Islander people as the original occupants of this land, and that the land and its waters were settled as colonies without treaty or consent. My government will work with the traditional owners of the ACT to ensure that they are appropriately acknowledged.

In the context of resolving outstanding disputes between various groups of traditional owners, the government recognises the importance of land connectedness to the Aboriginal people of this area and will not interfere with the processes of the community to resolve its own issues about its traditional lands.

This notwithstanding, my government is most strongly committed to making an acknowledgment of our shared history and of the consequences of European settlement and will consult with the traditional owners to properly and appropriately acknowledge them. Further, protection of cultural heritage will be maintained in a reinvigorated consultation process with traditional owners and the interim board of the Aboriginal and Torres Strait Islander Cultural Centre.

12 December 2001

The government will address the disadvantage of Aboriginal and Torres Strait Islander people by delivering their rights as ACT citizens. While the welfare approach of previous governments had limited success in addressing indigenous people's health and living standards, my government understands the importance and necessity of specific programs, where appropriate, to help alleviate disadvantage.

The government recognises that the Aboriginal and Torres Strait Islander people of the ACT are overrepresented in the judicial system. While Aboriginal and Torres Strait Islander people can use the South East Australian Legal Service, the service is only available two days a week. In partnership with the Aboriginal Justice Advisory Committee, the government will work to establish whether current legal aid services for the Aboriginal and Torres Strait Islander community are adequate and meet their needs.

The ACT police have continued to work with AJAC to address issues and develop better relations with the community. The Aboriginal interview friends roster system will continue to operate and provide valuable support to Aboriginal and Torres Strait Islander people taken into police custody. The continual feedback provided by these two initiatives is an example of different consultation methods.

My government recognises the importance of the work undertaken and the recommendations of the Royal Commission into Aboriginal Deaths in Custody and the *Bringing them home* report. In supporting the ACT AJAC, this government will receive advice from that committee on the implementation of the recommendations. The process of quarterly reporting will also provide regular feedback on the progress and maintenance of programs responding to the recommendations. In addition, the government will continue to support the work of community-based organisations, such as the Journey of Healing, in their role as independent monitors of the *Bringing them home* recommendations.

We will maintain our commitment to implementing the recommendations of these reports. However, it is important that we look forward and set new agendas that will result in a reduction of the relative disadvantage that Aboriginal and Torres Strait Islander people experience in our community.

Mr Speaker, the government places high priority on the health and community support needs of frail, aged or disabled Aboriginal and Torres Strait Islander people. Those needs will be better met by initiatives we will take, such as the opening in the coming month of case management services to clients by the Ngunnawal ACT and Districts Aboriginal and Torres Strait Islander Peoples Aboriginal Corporation. In addition, funding has been allocated to provide support in the home.

Up to March 2002, the Department of Health and Community Care will work with the Commonwealth government and Winnunga Nimmityjah Aboriginal Health Service to commence a strategic planning process. This will ensure a clearer focus on the health needs of the indigenous community. By mid-2002, two Aboriginal and Torres Strait Islander outreach workers will be employed at Winnunga Nimmityjah and Gugan Gulwan Aboriginal Youth Service to assist Aboriginal and Torres Strait Islander clients with mental health or drug and alcohol problems.

We will work to address violence in the Aboriginal and Torres Strait Islander families, and expect to have identified projects to allocate \$60,000 to support families by this Christmas. In the early part of next year, we will develop a comprehensive cross-portfolio domestic violence strategy, in consultation with the Aboriginal and Torres Strait Islander community.

Mr Speaker, my government will put a greater emphasis on prevention, education and training initiatives to help indigenous people overcome their disadvantage. We will deliver, through the reinvestment of the \$27 million free bus scheme into education, enhanced education and training initiatives for Aboriginal and Torres Strait Islander people. We will develop strategies to improve retention rates for children in the education system, and ensure that education and training programs are linked to real job opportunities for Aboriginal and Torres Strait Islander job seekers.

Over a long time there has been a paucity of housing for Aboriginal and Torres Strait Islander people in the ACT. The government will investigate and establish culturally appropriate housing options for Aboriginal and Torres Strait Islander people. In the first instance, we will finalise with the Commonwealth government and ATSIC a trilateral housing agreement for the ACT that provides a framework to achieve this goal. A key component of this process will be to undertake a viability study starting immediately into the potential for the expansion of indigenous community housing in the ACT.

Mr Speaker, the government will facilitate the development of partnerships between Aboriginal and Torres Strait Islander business groups and individuals to help nurture business and employment opportunities for indigenous people in the ACT. We support the work that has been undertaken in developing a mentoring program for Aboriginal and Torres Strait Islander people in industries and will continue to support this initiative.

In terms of the ACT public service, the government will further consult with the community with a view to strengthening the Aboriginal and Torres Strait Islander employment and career development framework for the ACT public service. I expect all ACT public service chief executives to participate in cross-cultural awareness training in 2002 to provide leadership and to set an example across the ACT public service in developing a better understanding between the cultures of the first Australians and those who subsequently arrived here. A mentoring program to support Aboriginal and Torres Strait Islander people and their work units will be developed and promotion of vacancies within the service to the indigenous community will be enhanced within the next six months.

Over \$300,000 is available to employ 20 Aboriginal and Torres Strait Islander people in permanent positions and to support 10 Aboriginal and Torres Strait Islander cadets. This funding complements initiatives from the framework. I am pleased to say that by the end of January 2002 it is anticipated that 10 positions in the ACT government will have been filled as a part of this process.

In conclusion, Mr Speaker, I have outlined some key areas on which my government will focus in Aboriginal and Torres Strait Islander affairs. The relationship between indigenous and non-indigenous people is a critical one. The relative circumstances of Aboriginal and Torres Strait Islander people must improve as a part of that process. My

12 December 2001

government is committed to working towards that. We will move to address the consequences of our shared history.

I present the following paper:

Indigenous affairs—Ministerial Statement, 12 December 2001.

I move:

That the Assembly takes note of the paper.

MR HUMPHRIES (Leader of the Opposition) (3.38): I indicate at the outset my broad support and that of the Liberal Party for the direction suggested in the statement that the minister has made. He suggests areas of current relative disadvantage faced by the indigenous community of the ACT. He mentions areas such as health, family violence, education, housing and the resolution of native title claims. In all those areas, I would agree and the Liberal Party would agree that there is a need for action to be pursued.

I might say that the agreement that we offer to the agenda put forward is somewhat easier to give on the basis that a large number of the things that are mentioned in this statement are matters which are already in train as a result of the actions of the former Liberal government. I note, for example, that there is reference to undertaking a comprehensive demographic profile of the Aboriginal and Torres Strait Islander community in the ACT, a very worthwhile project, one funded in the budget brought down for this financial year by the former government.

The development by ACT Corrective Services of a database to use court statistics to measure recidivism and the effectiveness of rehabilitation programs is also, I believe, under a program funded by the former government. Mental health programs came from the former government. The programs for outreach workers employed at Winnunga Nimmityjah and Gugan Gulwan, again, are programs that were funded under the previous Liberal government.

Mr Speaker, that means, obviously, that we have great sympathy for the programs being undertaken here. While it would have been nice to have more acknowledgment of the involvement of the former government in developing these programs, nonetheless I indicate that, obviously, we support the continuation of the things that we put in train. I do hope, though, that there will be some more flesh put on these bones in due course.

There is much in this statement which is supported, if only because of its generality. Mr Stanhope says that his government will offer ongoing support to maximise the success of the Reconciliation Council for the Australian Capital Region. He has asked that progress be made in ensuring proper acknowledgment of the traditional Aboriginal people. He said that he will embark on consultation mechanisms to enable a wider canvassing of the views of the community and that the government is committed to better engagement with all parts of the community. That is agreed with and supported. We agree with the support for the Aboriginal Justice Advisory Committee in developing its Aboriginal justice strategic plan, et cetera.

Mr Speaker, the many expressions of support and statements of principle in this paper are laudable but, I believe, need to be fleshed out with positive strategies flowing from the expressions of support. Under the heading “Whole-of-government approach”, Mr Stanhope says that the government has a comprehensive plan to improve the lives of indigenous people. I assume that this statement is not that plan. I would be interested in seeing that plan; perhaps I could ask Mr Stanhope to table that plan in due course. He mentions it on page five of his statement and I would be interested in seeing it if it is available for members of the Assembly to peruse.

Mr Speaker, I would hope that we will have a bipartisan approach towards Aboriginal affairs and I would hope that we will have an opportunity to advance those issues mentioned by Mr Stanhope which, we agree, are areas where further action needs to be taken. We would hope that the words used in this statement as expressions of a desire to see things happen will be translated into further positive work in the coming years. We certainly acknowledge that such work needs to occur and ought to have the support of the members of this place.

Question resolved in the affirmative.

Future directions of departments under the jurisdiction of the Deputy Chief Minister

Ministerial statement

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (3.43): I ask for leave of the Assembly to make a ministerial statement concerning future directions of departments under my jurisdiction.

Leave granted.

MR QUINLAN: Mr Speaker, it is, or at least should be, axiomatic for every government that the bedrock of good government is the capacity to provide sound, sustainable financial management. Little can be effectively achieved unless the books are in order. Our objective is good government incorporating the elements of inclusiveness, equity, justice and compassion. Sound financial management is a major parameter, not the ultimate objective in itself. Nevertheless, it is an absolute requirement.

As difficult as it is for a treasurer to say so, economics isn't everything. There are other ways to measure how well we are doing as a society. A key measure of a flourishing economy is the extent to which all of its residents can enjoy the opportunity to engage in meaningful and rewarding work. Other key measures relate to the ability to participate in all dimensions of a complex and diverse community. As an example, I am serious about ensuring that the importance of sport and recreation is acknowledged throughout the government and the community. We are taking a much closer look at our sporting programs to build a better system for a healthier Canberra.

However, none of these things can be considered true achievements unless the community feels secure in the city they live in and the safety of our community is high on the priority of this government. To the credit of its officers, we have seen considerable achievements from the Australian Federal Police, such as Operation

12 December 2001

Anchorage, which constituted the most sustained attack on crime in the history of the ACT. We must continue to strive for a community where the favourable statistics resulting from operations like Anchorage are no longer the target, but the base from which new achievements and further reductions in crime can be made.

We are committed to working closely with our police and often underrecognised emergency services personnel from day one to make sure that we continue to provide a level of comfort to the community that their families and households are protected. But more than that, Mr Speaker, we want to create and maintain an atmosphere of real safety so that people can enjoy the city that is theirs to enjoy without fear. It is as much about a state of mind as a measurable reduction in crime statistics.

Mr Speaker, I will turn firstly to specifics of the Treasury portfolio. You have heard the Chief Minister refer to the government's core values of honesty, openness, fairness and responsibility. Let me assure the people of Canberra that these principles extend to the way that this government will manage the territory's finances. Our commitment to these values will ensure that we balance the need to reduce inequality with the need to promote economic growth. We will also entrench the idea that these need not be competing interests.

I am somewhat preoccupied with how we might develop our first budget. Mr Speaker, it is important that we understand the economic climate in which we are currently operating. In 1999-2000, the ACT economy grew by 4 per cent. Last year, it grew by 3.4 per cent. Treasury predicts the growth rate will fall to 3.1 per cent this year, but this will be influenced by the fallout from global economic conditions and the spending priorities of the federal government.

Approximately one-third of the ACT's \$2 billion-plus in annual revenues is sourced from taxes, fees and fines. The remainder relates to federal funding, user fees and charges, and investment revenue. Stamp duties tend to be our most volatile source of revenue, with conveyance duties particularly influenced by activity in the housing and commercial properties market. The short-term outlook for Canberra's housing market is positive, due to the low interest rate environment and continued influence of the first home owners grant scheme. Nevertheless, a downturn in market activity would have a detrimental impact on these revenues and we should remember that the impact of the first home owners grant scheme cannot last forever.

The outlook for the global and national economies has implications for investment revenue, particularly the funds invested on behalf of the superannuation provision account. Due to the volatility of financial markets, the one-off shock of the terrorist attack on the US and the downturn in the global economy, investments to the end of October returned a negative \$23 million.

While improvements in the value of our investments may reduce the impact on the end-of-year position, it is forecast that the impact on the ACT's bottom line will be a sizeable end-of-year operating deficit. That is, Mr Speaker, the last government has almost certainly passed on a projected end-of-year operating deficit, and this is something we have inherited against a background of a more difficult economic outlook.

This is a particularly disappointing situation, given the comments of the shadow Treasurer, Mr Humphries, that he believed that there was no reason why the ACT should ever find itself in deficit again. Given that Mr Humphries was, I presume, briefed up until the new government was sworn in, I can only assume that he did not understand the information that was presented to him.

In any case, the immediate implication is obvious. The inevitable trade-off between offering further service delivery versus fiscal positioning will become more difficult. The government stands ready to honour its commitments. The point being made is that this government will not experience the degree of revenue strength that the previous administration used to fund discretionary expenditure.

Mr Speaker, over the next few weeks, the government will study the extent and nature of the territory's projected deficit. To assist in this task, I intend to establish a commission of audit. Detailed terms of reference are being drafted and two broad areas are being considered.

The first is the state of the territory's finances prior to the October election. The following will be reviewed: the financial results and position as at the end of October 2001; the most likely full year financial results and position for 2001-02; and coverage in the forward estimates of known and probable significant events likely to impact on the budget, for example, wage increases for nurses and the social and community services award flow-on.

Also requiring review is the degree of exposure of the territory to any significant financial risks from the operation of its business entities; in particular, the business outlook for Actew and ActewAGL, with particular regard to the likely rate of return for Actew's investment in TransACT.

Mr Speaker, the need for a commission of audit, with a wide-ranging charter, would have been considerably lessened, or possibly put aside, if the previous government had insisted upon clearer and consistent standards for financial reporting. This government in its term will introduce a charter of financial integrity in order to strengthen its accountability requirements to both the Legislative Assembly and the ACT community.

The charter's purpose will be to improve financial policy outcomes. It will require the government to base its financial strategy on principles of sound financial management and to facilitate public scrutiny of financial policy and performance. The charter will also strengthen and consolidate the ACT's current financial framework and improve transparency and accountability mechanisms.

The government will formalise the charter with the introduction of amendments to the Financial Management Act. These will be supported by a broad policy document that outlines the guiding principle of the charter and the government's reporting requirements.

The government has now introduced a second appropriation bill during this sitting period. A bill would have been introduced by the previous government to obtain spending approval for commitments made over the past few months. As we did agree

12 December 2001

with those commitments, this government intends to honour those commitments through the appropriation bill.

In addition, the government will seek passage of the bill to provide essential funding for areas of much needed service deficiencies, particularly the Canberra Hospital. We will look at introducing a third appropriation bill early next year which will provide an opportunity for the government to implement its policies after an appropriate period of consideration over the next couple of months.

Mr Speaker, the sustainability of the budgeted operating surplus across the forward estimates is in question. The surpluses are so small that a number of events could push the estimates back into deficit. Against a background of probably inheriting a projected operating deficit for the year, the government will begin the difficult task of determining its key budget parameters over the next three months.

While it is preferable to have a budget passed before the new financial year, this may be difficult. Several factors are leading the government towards a more realistic plan of introducing the 2002-03 budget late in June. I will make a further statement on that tomorrow. The overriding principle in determining the timing of the budget will be to build a schedule that allows for maximum community and Assembly consultation. A comprehensive budget process also needs to review taxation revenues. The current system of taxing needs to be reviewed to ascertain its equity, efficiency and effectiveness.

Concurrent with budget considerations, the government will be considering all aspects of introducing a new rating system for the ACT. The major element of the proposed system is to limit increases in rates across the ACT to CPI. Many residents of the ACT have copped extreme increases in their rates bill from year to year. Labor believes that these increases are unfair and unjust and our policy of capping increases to CPI will provide certainty and fairness to Canberra residents.

Labor will also end the unfair application of CPI to rate increases used by the previous government. Under the Liberals, the forecast CPI was used to multiply rate increases. The forecast figure invariably turned out to be higher than the actual figure for that year, and the government pocketed the difference. Labor will not use the forecast figure. We will apply the more accurate CPI multiplier to general rates. Again, Labor will introduce fairness into government.

For Labor, fairness will not end with the application of the CPI. We will also review our rating system to remove the inequities that currently exist, and we will ensure that long-term residents in the inner Canberra suburbs, many of whom are elderly, are not forced out of their homes as a result of rate increases overtaking their ability to pay for them. The government's aim is to progressively implement these reforms from 2002-03.

During the election the government made a commitment that, in consultation with business, industry and professional organisations, it would update the red tape task force report and review its implementation. Following the establishment of Business Canberra, a comprehensive study will commence of the detailed implementation of the task force report and identify any further government actions that are necessary to improve the ACT's regulatory environment. The review will report to government in June 2002,

following which any necessary legislative action will be pursued in the spring 2002 sittings of the Assembly.

Mr Speaker, I will now talk about our priorities in relation to economic development, business and tourism. In the lead-up to the election, Labor committed to pursuing policies that encourage maximum private sector economic and employment growth in the ACT and the surrounding capital region, especially the growth of small business. The Labor government will deliver on its commitment to improving Canberra's business base.

A knowledge-based economy board will be established early next year. It will provide advice directly to government on the development of knowledge-based industries, an area of natural advantage for the ACT. The board will be made up of representatives of ACT universities and other research institutions, business, industry and professional organisations, the community sector, the venture capital industry and government.

Some of the board's priority tasks will be to develop proposals for the establishment of a knowledge bank to mobilise the private sector and matching government funds for investment in and support of knowledge-based companies in the ACT; to develop proposals to meet the government's commitment to provide funding in one-for-one matching grants for the strengthening management of high-tech start-up programs; and to develop proposals to commercialise government and public institution intellectual property.

Business Canberra will be established to provide strategic advice to government on business and industry development policy, including budget priorities and trade and export policy. A small and micro business advisory council will also be established to advise on priorities of small, micro, and home-based business sectors. In conjunction with Business Canberra, the council will, as a priority, identify impediments to small business growth as a result of government costs, red tape and duplication.

The council will also identify the special needs of the home-based business sector and how the sector can be most effectively assisted, examine the means of piloting an online interactive small business advisory service, and develop proposals to meet the government's commitment to providing funding under the ACT small business employment ready program.

Mr Speaker, Labor has made a commitment to concentrate on maximising the employment and growth benefits from those industries in which the ACT has a competitive, strategic or natural advantage. A number of activities are under way that will contribute to the achievement of this commitment. A review of the R&D grants scheme will be completed by the end of the year as a first step in meeting the government's commitment to address the gap for seed funding for high-tech and other knowledge-based industries.

A review of the existing small business program will soon commence to ensure the needs of the small and home-based business community are being met. Individual businesses and peak industry groups will be consulted in that review. The bid for the proposed information and communications technology centre of excellence will be completed in

12 December 2001

early January 2002. The government will work with Canberra's world-leading bioscience organisations to finalise a bid for the national biotechnology centre of excellence.

There is a real need to establish coordination in the area of labour market programs so that they best service those they are intended to reach—the unemployed. To that end, Labor will establish a central labour market unit which will operate as a single point of access for those seeking employment. One of the key tasks of the new labour market unit will be to convene quarterly an ACT jobs and economy forum, involving all stakeholders and aimed at identifying emerging labour market issues in the ACT. We will also spend half a million dollars on enhancing existing programs like Skill 500 and Restart and establishing new programs that will have a significant impact in reducing the numbers of our unemployed.

Mr Speaker, the government is proceeding with the arrangement to host Focus on Business from 10 to 12 March 2002. Focus on Business is the ACT's opportunity to showcase itself to Australia and the world. At its completion, we will review its impact to determine how it may evolve to stay relevant in changing times.

We also made a specific commitment to recognise the central role of business incubators. Reflecting this priority, a discussion paper on incubators and technology parks will soon be released for community comment.

Ansett's fall and the knock-on effect for Kendell and Hazelton airlines cost hundreds of jobs and probably 18,000 seats a week through the Canberra Airport. It may be fewer if Qantas keeps introducing more flights from February. During the past fortnight this government has been working closely with relevant industry bodies and private sector groups to minimise the immediate and long-term effects on the territory's economy as a result of the Ansett collapse. The government will continue to work with the Canberra International Airport to encourage airline operators to increase capacity and choice for passengers.

In the face of significant challenges in the industry, we must ensure that our tourism dollar is being well spent. Labor announced that it would undertake a full review of the operations and legislation of the Canberra Tourism and Events Corporation within the context of a full examination of the tourism industry in the ACT. This will be done in consultation with the tourism industry with a view to ensuring that our tourism body has appropriate resources and the full confidence of the community and all of the tourism operators.

Mr Speaker, the health of our population is one of the most important areas in which a government can effect change. It is not just about hospitals, however. The contribution of sport and recreation programs is essential in preventing ill-health. I would like now to highlight the government's immediate priorities for sport and recreation.

The highest priority needs to be the promotion of physical activity. While the ACT can claim the highest overall rate of participation in physical activity in the nation, at 65 per cent, a focus urgently needs to be given to the participation levels of females—7 per cent lower than males—and older persons. As part of the ongoing community-wide promotion program, stronger links will be forged between community sports clubs and senior and aged care facilities to encourage continued participation in physical activity.

Funding will also be made available through the sport and recreation grants program for the development of community programs for women and older persons from the 2003 funding round.

It is obvious that our sport and recreation industry needs much closer analysis. As a burgeoning local industry of the ACT, a comprehensive examination of industry needs, including future facility requirements, is necessary to assist in long-term planning for community sport and recreation provision. This survey process, through profiling, is examining the demographics of the 90 sport and recreation organisations, their management structures, programs, key issues, and future needs. With regard to facility provision, the sports facility plan will be presented to the government by mid-2002 following further industry consultation.

A preliminary assessment and feasibility study, including development costs, for a motor sport facility is due for completion in January 2002. Deliberation on the proposal will commence from that time.

Commercial support for women's sport does not go anywhere near the support provided for men's sport. We made a commitment to act to help redress the great inequality that exists. Our proposed system of tax credits to be provided to licensed clubs that contribute to women's sport in the ACT is an innovative response to this longstanding concern.

Mr Speaker, there have been some recent dramatic successes in improving the responsiveness of our police force to the concerns of the Canberra community. At the same time, our ambulance and fire services are regarded as amongst the best in the country. We want to build on those successes.

The government has a strong commitment to ensuring that Canberrans continue to have confidence in the capability of their police force. We will ensure that the AFP has appropriate resources to effectively implement crime prevention strategies that safeguard personal safety and security. The government also acknowledges the excellent record of service to the community provided by the Australian Federal Police.

We will work with the AFP and its officers to ensure that the government's objectives for a safer community are achieved. To this end, major priorities will include maintaining a high visibility of police presence and the involvement of the broader community in the development and implementation of a range of initiatives aimed at effective crime prevention.

The government recognises the excellent reputation and contribution of the ACT's fire, ambulance, bushfire, and volunteer personnel who comprise our emergency services. We will ensure that the necessary support arrangements exist to maintain the responsiveness and effectiveness of these services to the ACT community.

The government recognises that an assessment of the longer-term needs for correctional facilities in the ACT has to be considered thoroughly. We will look closely at the ACT's correctional needs and make a decision on the prison project once this review of needs is completed. Pending a decision on the prison and in recognition of the current stress on the existing Belconnen Remand Centre, we will seek to advance a capital works program to upgrade facilities at the Periodic Detention Centre for dual purpose uses as a periodic

12 December 2001

detention and a temporary remand centre. This will enable the delivery of remand services in the ACT commensurate with the growth rates currently being experienced.

In conclusion, Mr Speaker, when I made the decision to enter politics nearly five years ago, it was done with a clear set of objectives and principles in mind. While time and circumstance have an effect at the edges of those objectives and principles, the core remains. That core is a strong sense that, above all, government needs to be responsible and accountable and that these principles apply daily, not just every three years when we go to the polls.

It is also a belief that the economy is there to provide for the people and that we should always guard against going down the path of people becoming subservient to the economy. It is a view of society that is automatically and instinctively inclusive, where the environment exists for every person to participate and grow as an individual and as a member of society and that the community and government encourage this as a matter of course. These are core values. They are Labor's core values and they will guide our approach in our term of office.

John F Kennedy once bemoaned his political opponents by describing them as having the "comfort of opinion without the discomfort of thought". Mr Speaker, in the context of President Kennedy's words, I conclude by saying to members: with your help, we can achieve much for Canberra and I look forward to sharing the discomfort of thought with you all.

I present the following paper:

Future Directions—Ministerial Statement, December 2001.

I move:

That the Assembly takes note of the paper.

MR HUMPHRIES (Leader of the Opposition) (4.07): I would like to speak to a couple of aspects of this paper. I welcome the outline of what the government proposes to do in the areas of responsibility that Mr Quinlan covers. It is pleasing to see that set out. Some would say that it is a reiteration of what was put forward in the election campaign, but it is pleasing to see a little more flesh added to the bones.

Mr Speaker, the first issue that I want to address is the question of the operating result for the present financial year. I have had a quick perusal of the Auditor-General's financial audits for the year ending 30 June 2001 and they seem to confirm my earlier preliminary view that the operating position was very strong, very sound, as far as last financial year is concerned. There was a \$100 million operating result for the last financial year. That may refer to the whole of the territory, rather than the general government sector; I have not been able to determine that. Whatever it refers to, it sounds pretty good and I am very happy to adopt that figure, as you might well imagine, Mr Speaker. No doubt, the result from last year is very strong. Of course, that money is sitting in the government's accounts, ready for use on other things in the future.

Mr Speaker, the question of what will happen this financial year is a matter of some dispute. The Treasurer suggests that the last government has almost certainly passed on a projected end-of-year operating deficit. We will have to see what comes out of that, to see what the end-of-year result actually will be. I am sure that whichever of us is correct in our hypothesising of what might occur will be putting out a release and gloating about that outcome.

I will say that, as far as I am concerned, the figures published yesterday confirming a projected operating result of \$38.8 million for the present financial year vindicate the wisdom of us making similar assertions prior to the last election. Mr Quinlan said at the time of those figures being published by ACT Treasury that it was irresponsible to make such assumptions or assertions with the aftermath of the fallout in international share prices not being properly factored in, but apparently the statement that we made at that time was good enough for him to repeat yesterday, so I believe that that figure is reliable.

I also think that it demonstrates extremely clearly that, if there is any deterioration in the ACT's financial position, it will not result from any decisions made by the former government. Mr Speaker, those figures demonstrate an extremely good outcome for this year—a budget estimate originally of \$12.3 million, inflated now to a projected end-of-year result of \$38.8 million. What is not factored into that, according to Mr Quinlan, is the effect of the September 11 attacks and other impacts on the territory's share portfolio overseas, but I think it would take a great deal of imagination to ascribe any deterioration in our position in that respect to the former government.

Mr Wood: Actew would have been a safer investment.

MR HUMPHRIES: That may be the case, but the fact is—

Mr Quinlan: You have sold half of it.

MR SPEAKER: Mr Humphries, you can avoid all this if you just direct your response to me.

MR HUMPHRIES: If I had not had any interjections, I would not have had to worry about addressing my comments to you, Mr Speaker.

MR SPEAKER: Do not provoke them too much.

MR HUMPHRIES: Mr Speaker, I am very confident that these figures are sound and sustainable and that the ACT will see its legacy from the former government being one of sustained surpluses, if that is what the government wants to continue. It is also worth noting that any end-of-year result has to be tempered by the result of the second appropriation bill already before the house and the third appropriation bill foreshadowed in the statement by the Treasurer. If they are spending a great deal of money, that also needs to be put into the equation and their decisions to increase spending should not be attributed to us.

Mr Speaker, I am somewhat disturbed or wary, at least, of the following comments on page 10 of Mr Quinlan's statement:

12 December 2001

A comprehensive budget process also needs to review taxation revenues. The current system of taxes needs to be reviewed to ascertain its equity, efficiency and effectiveness.

Mr Speaker, perhaps I am overly cynical, having been in this place for so long, but it sounds to me like we are being warned here that there could be taxation increases, or even new taxes being imposed by the incoming government. In reading these words, I am reminded of the fact that somewhat carelessly—there is no-one in the press gallery at the moment—no member of the media in my hearing asked the then shadow Treasurer whether he would guarantee that there would be no increases in taxation under a new Labor government. Somewhat fortuitously, he was never asked that question and they did not have to give an answer to it. The suggestion on page 10 seems to me to be fairly clear that new taxation or increased taxation levels are being considered. I have to say, Mr Speaker, that that is a matter of some concern, particularly because it was not clearly foreshadowed before the last election.

Mr Quinlan has confirmed that there will be a new rating system. That is, broadly speaking, what he said before the last election and I welcome his dedication to the agenda outlined before the election. That is something that we believe ought to be pursued because of its being put before the people so clearly. But I do note one significant variation to what was proposed during the election campaign. Mr Quinlan said during the lead-up to the election that Labor would base the rates projection in a particular year on the previous year's CPI, that is, that the actual increase in costs in the previous year would be the basis for the following year's increase in rates. That has changed. On page 11 of Mr Quinlan's statement, that now becomes "a more accurate CPI multiplier to general rates".

That is not what was said before the election. I do not know what it means, I do not know what that figure would be; but, as I forecast at the time, it will not be, clearly, the previous year's CPI because the previous year's CPI is not known until well after the end of the financial year. So you cannot put out your rates notices or calculate your rates income in a budget brought down in, say, June as you will not know what the CPI is going to be for that present financial year in which you bring it down for the following year.

Mr Speaker, I welcome the audit which is being conducted. I am confident that it will demonstrate that the previous government's accounts systems were open. I also welcome the charter of financial integrity. We look forward to contributing to debate in this place on that charter and maybe even to adding to that charter to ensure that it will be comprehensive in the accountability that it will build into financial processes in this place in the future.

MR SMYTH (4.16): Mr Speaker, there is much in the statement that could be welcomed. There are some initiatives to support small business that are worth while. There are moves to support the unemployed in their quest to seek jobs, which is always worth while.

Working slowly through the paper delivered by the minister, he got to Operation Anchorage fairly early in the piece and said:

To the credit of its officers, we have seen considerable achievements from the Australian Federal Police, such as Operation Anchorage, which constituted the most sustained attack on crime in the history of the ACT.

If my memory serves me correctly, the minister said at the time that it was a statistical inevitability that those numbers would come down and was almost disparaging of the efforts of those officers. Another member of the then Labor opposition, Mr Hargreaves, said words to the effect “only if the figures can be believed”. Clearly, now that they are in government, they are going to take some of the shine, the reflected glory, from those figures.

Mr Humphries: Apparently, they can be believed now.

MR SMYTH: As Mr Humphries says, apparently the figures can be believed now; they are not statistical inevitabilities. Some of the shine which now reflects on the current government was certainly achieved by the hard work of the AFP. I am grateful for that and it is appropriate to recognise it.

Mr Humphries has already addressed the points made about financial management and the state of the budget, but it strikes me from what we have heard in the days since the Labor Party came to office that the Labor government is a government that is looking for a deficit, is almost wishing that we will have a deficit, so that it can get out of the promises which it knows that it cannot keep. We saw that today with the Chief Minister and Minister for Health. I think he has now spent the \$6 million that was promised three times. It is now going to help cover cancer equipment and Comcare premiums, which is interesting. I guess that this is where we will get back to the \$344 million operating loss that was left to the previous government.

The issues already covered by Mr Humphries are important and I sound a warning to the Canberra community that this government is a government looking for a deficit to weasel out of its promises, because it realises now that some of the costings done in the Gerritsen report were inaccurate, as we pointed out. Mrs Dunne pointed yesterday to the \$75 million a year missing for land management. We now know that the Chief Minister is going to be the first health minister in the history of the ACT since self-government to fund the hospital less in a given year. I think we will see more of that rather than less. We will see more of it rather than less because Labor disregarded the advice of Mr Humphries as Treasurer that a buffer must be left and decided that they could spend the money. Mr Quinlan was quite confident then that there would be enough money to cover his promises, but he is now looking for excuses.

The speech moves on to regulatory reform and talks about the red tape task force, a task force set up by the Liberal government to free business from the burden of bowing to the government and allow business to get on with its activities. It is pleasing that the red tape task force will continue to do the work that we set it up to do.

Turning to the next paragraph, I have some regret about the establishment of Business Canberra. It is pleasing that there will be a business body that will advise the government on how business feels. The great shame is that we have never heard why CanTrade must go. I think we all know in our hearts why it must go. CanTrade has had a huge amount of success in the six years that it has been in operation. It has been innovative on things

12 December 2001

such as Youth 500, which became Youth 1000. It actually created and found jobs and made sure that our young people had an opportunity for employment.

The honorary ambassadors program comes to mind. We charged Canberrans who love their city and who travel widely around the country and around the world with selling as honorary ambassadors the good message about Canberra, doing so all the way through to the work that is being done, for instance, in China, Japan and South Africa to make sure that we give business the opportunity to establish new links, new friendships and new markets. It will be interesting to see how much is cosmetic and how much is real in the establishment of Business Canberra.

The minister went on to talk about the region. It is great to see that the commitment to the region that was established, particularly through the regional leaders forum, will continue. Environmental considerations, the needs of people, business opportunities or whatever do not stop at the point where a border is shown on a map, so that commitment is very important. I am pleased that the Labor government will build on the commitment that we commenced.

Turning to the establishment of a knowledge-based economy board, I am sure that when this proposal was put forward the government did not understand that we already had an Information Industries Development Board, IIDB, because the statement reads:

It will provide advice directly to government on the development of knowledge-based industries, an area of natural advantage for the ACT. The board will be made up of representatives of ACT universities and other research institutions, business, industry and professional organisations ...

Mr Speaker, it sounds pretty much like the IIDB. I sincerely hope that it will do better than the IIDB has done, because it has done very well. If the knowledge-based economy board can build on that and go one step further, it will be good for the ACT. But, let us be honest, these are not new initiatives; they are about things that are already in place.

The minister said that Business Canberra will be established to provide strategic advice. I believe that this proposal is simply cosmetic. It is an attempt to remove some people from one board and replace them with other people, but we live in hope that Business Canberra will do even better than CanTrade has done. CanTrade has done exceedingly well and I would acknowledge the efforts of all the members of the board, particularly Jim Murphy, who has been the chairman. An interesting thing about CanTrade which is worth putting on the record—maybe we should talk further about it in the future—is that that work was all voluntary. Thousands of hours of unpaid work was done for the benefit of the community and the members of that board are to be congratulated on that.

I was pleased to see the reference to the establishment of a small and micro business advisory council. Any assistance to business is welcome, because business creates jobs, wealth and assets which flow back into the community and add to the prosperity of the community which, through taxation, allows the government to carry out its social agenda, which is very important.

Mr Speaker, the speech goes on to refer to an industry strategy. Much of it was a reiteration of what the previous government put in place. We were, of course, preparing bids for the information and communication technology centre of excellence on biotechnology through Epicorp, which is now working at the CSIRO headquarters near Black Mountain. That was our commitment and we were very successful with that bid. I hope that the next bid will be just as successful.

I certainly welcome the reference to the ACT jobs and economy forum, but it is curious that the statement goes on to say that we will spend an extra half a million dollars on enhancing existing programs like Skills 500 and Restart. My memory is that they were much pilloried by the then opposition and described as tired, ineffective and old. I think it is good that we are going to put some extra money into keeping them going and enhancing them, but that is an acknowledgment that they did work and that the previous government's commitment to helping the unemployed helped achieve the record low level of unemployment we have of 4.6 per cent.

The minister went on to speak about a focus on business. I am pleased that they will keep this Liberal government initiative because, for the reasons I outlined previously, it is very important to get the country to focus on the assets that Canberra has in its business community. It is important to make sure that we do create jobs and that we do create wealth that flows back into the community, because that is of great assistance to all of us. The business policy talks about incubators, of which the previous government was incredibly supportive.

Tourism was the next item covered by the minister. Tourism is very important. Some say that it is our first \$1 billion industry. It is important that we bolster tourism. I notice that, apart from talking about the Ansett/Kendell collapse and talking with the industry, there is no mention of some of the vital infrastructure that we were undertaking discussions about before the change of government. I would hope that there will be a commitment to making sure that convention facilities in the ACT do receive the assistance that the industry needs to get, because they are the drawcard that allows the hotels, the restaurants and the other entertainment facilities to prosper and thrive and, therefore, provide jobs for Canberrans.

It is pleasing to see Mr Quinlan's support for sport and recreation and the reference to the effect that it has on our health. I think that the Health Minister thinks that he is the minister for hospitals. Perhaps Mr Quinlan will take up the cudgel for the rest of the health portfolio, because prevention is just as important as cure and treatment. I would remind the minister that we are a healthy city under the world health program and sport and recreation, which are a part of his portfolio, play an incredibly important part in that and all the portfolios must work together there.

Mr Speaker, we welcome the statement, but, as I have stated, so much of it is a reiteration of what the previous government was doing or a redressing of it as new initiatives. We will keep a very close watch on what they do in these very important areas of portfolio responsibility.

Question resolved in the affirmative.

12 December 2001

Personal explanations

MR PRATT: Mr Speaker, under standing order 46, I seek to clarify a personal matter.

MR SPEAKER: Yes, Mr Pratt.

MR PRATT: I wish to point out that on radio 2CC this morning the Chief Minister, Mr Stanhope, erroneously suggested I was not supportive of the Assembly's acknowledgment of the traditional owners of this place. This is patently untrue, as you yourself, Mr Speaker will attest, since last Friday at around 4.30 pm, along with Mrs Dunne, Mrs Cross and others, I was given your framework for the exercise to acknowledge the true owners of this land, to which I gave my unequivocal and immediate support. On these issues, my record speaks for itself. I therefore wish, for the record, for the truth of this matter to be acknowledged by the Chief Minister and by the house.

MRS DUNNE: Mr Speaker I seek leave to make a brief statement to clarify something I said in question time today.

Leave granted.

MRS DUNNE: In a supplementary question to Mr Corbell I asked him about the case of Evatt before the AAT. I am sorry. I got my Belconnen suburbs mixed up. It was in fact Spence. I apologise for any confusion that may have caused.

Gungahlin drive extension

Debate resumed.

MS DUNDAS (4.28): Mr Speaker, I seek leave to move the two amendments circulated in my name together.

Leave granted.

MS DUNDAS: I move the following amendments to Mr Corbell's amendments:

Insert after "Canberra" in paragraph (2)—

"as a matter of urgency and concurrent with any development of major arterial roads"

Add the following new subparagraphs after (2) (f)—

"(g) development of a Territory-wide Integrated Transport Strategy, including light rail, buses, cycling, pedestrians and telecommuting in addition to private vehicles, using a genuine and open process of community consultation;

(h) approaching the National Capital Authority to request the removal of Monash Drive from the Territory Plan;

(i) removal of the proposed Monash Drive from the Territory Plan."

I am concerned, as are others in this Assembly and in the community, that since self-government debates have gone back and forth, and there has been a lack of long-term leadership regarding transport in the ACT. The issue of Gungahlin Drive and transport

for residents of Gungahlin in particular has been dragging on throughout the history of self-government.

While the ACT desperately needs some forward thinking and planning on public transport infrastructure, it is inequitable to foist this on Gungahlin alone. Gungahlin residents deserve viable and sustainable transport links on a par with other Canberra town centres. However, Mr Speaker, roads alone will not solve the transport problems in Gungahlin and throughout the ACT. The construction of a new road must be accompanied by a serious attempt to plan to increase non-car transport modes as well.

I agree with Ms Tucker's request to improve the emphasis on non-car transport and encourage alternative transport routes to Gungahlin but believe we should integrate those approaches with construction of a new road rather than requiring a rigid and linear time line for introduction.

Mr Speaker, I would also like to draw special attention to the investigation of a light rail system, an idea the Australian Democrats have supported for many years. A light rail network would present an attractive opportunity for providing the people of the ACT with high-quality, cost-effective transport. However, we would urge caution in simply using the present public transport corridors marked on the Territory Plan, as we believe they currently run through the O'Connor bushland.

This whole issue of the Gungahlin Drive extension is a good example of why the ACT needs an integrated transport strategy. We cannot go on continuously making ad hoc decisions regarding the transport infrastructure of our city. We need to look beyond roads as a quick fix solution to transport and traffic problems. We need to integrate road planning with all other transport planning initiatives to find solutions to travel within the ACT, not just more bandaid measures.

The Australian Democrats call for a territory-wide, long-term, integrated transport strategy. The people of Canberra have suffered for far too long from poor transport planning and ineffective allocation of funds. This transport scheme must include all forms of urban transport, including cycling, walking, a light rail network, bussing and telecommuting. We need to develop a scheme that will focus on the transport needs of the ACT for the next few decades, not just for the next few years.

As part of this re-examination of transport planning in Canberra, I believe that if the Gungahlin Drive extension is constructed the proposed Monash Drive will become redundant. The planned Monash Drive will run through the bushland surrounding Mount Ainslie and will have a devastating environmental impact on the bush capital. If the Gungahlin Drive extension is to be built, we do not need yet another road and should remove Monash Drive from the Territory Plan and instead focus on other road use.

My amendments to Mr Corbell's amendment reflect the points I have just made. An integrated transport plan is a matter of urgency. I, and I hope the rest of this Assembly, will be working to ensure that the development of such a plan becomes a reality in the life of this Assembly.

12 December 2001

MS TUCKER (4.32): I will not be supporting Ms Dundas' amendments. Her amendments and Mr Corbell's amendment totally change the intent of my motion. Clearly, the key point of my motion is to say that before we engage in major capital works around a freeway we should provide other transport options for Gungahlin.

Ms Dundas said that Gungahlin needs viable and sustainable transport means. I totally agree with that. The whole of Canberra needs viable and sustainable transport means. While it may seem attractive for the short term to build another freeway, it is clearly unsustainable. It will not relieve the traffic congestion being experienced now. It will just move the bottlenecks to different places.

Ms Dundas also said that she thought it was important to remove Monash Drive from the Territory Plan, because if we are going to have Gungahlin Drive we should not have another road as well. The Maunsell report showed that when Gungahlin reaches its projected population, if we continue current patterns of car use, we will need Gungahlin Drive, Monash Drive, Majura Road and three extra lanes on existing roads. That is the traffic jam future.

We have an opportunity to show leadership and move into alternative, attractive ways of dealing with the transport problem. We need to do that before we spend public money on a freeway that is not going to solve the problem and is clearly not a sustainable solution to transport in terms of social equity or the environment.

Mr Corbell, in his response to this motion, misled the Assembly in a way, because he suggested that we have implied that our position is no road ever. What we said clearly through the election campaign was: "Not this road at this point in time." We have said that we need to do this work first. There may be a need for a road in the future. It may not need to be a four-lane freeway. I do not think it would need to be if there was a serious cultural shift in transport in the ACT.

The key point of this motion is to get those other initiatives in place before we make a decision about a freeway. Both Mr Corbell and Ms Dundas are saying they support the development of an integrated transport plan, something I have been raising in this place for six or seven years. It was raised before that in the community and the environment groups which I was part of.

It is a contradiction in terms to say you support the development of an integrated transport plan but meanwhile we will build a freeway. It is totally pre-emptive. I cannot support Ms Dundas' amendments. Because Mr Corbell's amendment is in a similar vein and has the same intent, I will not be able to support it either.

MS GALLAGHER (4.36): Transport solutions for the Gungahlin community are a critical issue for the electorate of Molonglo. The subject was constantly raised with me throughout the election campaign, and I imagine it was with most other Molonglo candidates.

Anyone who has had to sit in traffic whilst trying to get out of Gungahlin or get around it would have to acknowledge the difficulties faced by Gungahlin residents every single day as they try to get to work, school or other parts of Canberra. ACT Labor has worked closely with the communities who may benefit from a new road and those who may be

affected by the road being built. Our commitment was to proceed with the road and to see the road built by 2004 and along the western route. This commitment was reached after extensive consultations with the community, and it was endorsed by the election result.

As previous speakers in this debate have said, ACT Labor supports a comprehensive transport plan. In fact, during the campaign we announced that such a plan would be prepared to serve the ACT. We agree that the Gungahlin Drive extension is not the complete solution to the transport difficulties faced by people in Gungahlin or around Canberra. The solution will be reached only if we look at transport options in a strategic and planned way. It is obvious that there is a need for various options to be analysed and implemented.

Whilst we went to the election with a commitment for a transport strategy, that transport strategy will look at a five-year medium-term strategy and a 10-year long-term one. These strategies will include looking at ways to restrain growth in private motor vehicles and to increase non-motor vehicle options. It will also look at how to address some of the cycling issues and how to promote cycling, which is certainly an area of interest for me. Already we have announced some of the ways we are going to deal with cycling and promote safe cycling in the ACT community.

Whilst Labor will look at different transport options and encourage people to use transport methods other than private motor vehicles, the reality is that for many families private motor cars remain the most efficient transport method at the moment. This is partly due to the deficiencies in the public transport system and transport options, but it is also due to the differing needs of Canberra residents and Canberra families. For instance, a family in Gungahlin needing to transport children to various locations every morning before getting to work themselves rely on a car to meet those various commitments.

To delay the building of the Gungahlin Drive extension would greatly disadvantage the Gungahlin community, who have been waiting for this road for many years. We need to proceed with the Gungahlin Drive extension whilst acknowledging the need for other solutions to meet Canberra's growing transport needs.

The latest newsletter by the Gungahlin Community Council has on its first page a comment on the Gungahlin road. It says:

Now would be a good time to write to members of the ACT Legislative Assembly to remind them that Gungahlin residents need a road sooner rather than later.

Mr Speaker, we are happy to support the amendments Ms Dundas has put forward.

MRS CROSS (4.40): Even though some of Ms Tucker's suggestions are laudable, the fact is that for some time Gungahlin residents have needed a road desperately. The majority of Gungahlin residents use cars as their choice of transport. During my campaign I was inundated with requests by Gungahlin residents to build a road as a matter of urgency.

12 December 2001

The concern I have is that if we truly are to represent the people of Canberra and of our electorates then we should be doing what is best for the majority of those people. In excess of 80 per cent of Gungahlin residents use cars as their preferred mode of transport. It concerns me is that we are delaying the building of a road because one group wants the western option. The eastern option is the fastest one. And now the transport issue has come out of left field.

As I said, I applaud Ms Tucker for some of her suggestions. However, I would like to do what is best for Gungahlin residents, and that is to build a road and build it as soon as possible. Let us not waste any more time.

MR WOOD (Minister for Urban Services and Minister for the Arts) (4.41): Mr Corbell's amendment, I believe, should be supported with Ms Dundas' amendments to it. The electors of the ACT have clearly indicated that the government should proceed to construct the Gungahlin Drive extension on an alignment to the west of the Australian Institute Sport as soon as practicable. We must provide adequate access to the growing Gungahlin district. Delay of the construction of the Gungahlin Drive extension will seriously disadvantage Gungahlin residents. This major road forms part of Canberra's peripheral arterial road network which takes traffic around the towns, reducing traffic volumes on suburban roads.

Only this morning I made a first-hand examination of Gungahlin's traffic. It was different from my usual route down the Monaro Highway. It made the point that the road is needed. I had to go to Gungahlin because a family member had a car that is out of operation for a time, and the bus network for that family, with its commitments, simply does not provide an option. That is the case with so many people. I understand that.

The inevitability of a road through this area was laid down nearly 40 years ago. That was when it was decided that Canberra would be a dispersed city with various town centres linked by road. This was in the period before we heard about greenhouse and before the oil crisis. Planners agreed then to an expanded city. That is when this road network was first put on the maps. This was to be a city for cars and for roads.

We might do it differently today, and we are now struggling as best we can to overcome the problems that that design and planning have brought upon us. I think we all commit to having to do certain things but, given the nature of the city, it is no easy task. I agree with Ms Tucker that we must try the best we can to overcome the problems that were created then.

The residential areas have followed that planning, and the roads must come with it. I remember the fuss, which still continues today, when as planning minister I tried to slow down that development and tried to get a bit more urban consolidation. That was not popular in every area, I well recall.

We know the community's interest and their concern about the environmental impact of any new road. I am the environment minister, and I will see that environmental interests are protected. To assess the environmental effects of the future Gungahlin Drive extension on an alignment west of the AIS, there will be a separate evaluation by an external organisation. While some of the broad environmental effects were included in the John Dedman Parkway preliminary assessment, the more detailed work in that

document included parts of the now-discarded eastern alignment, which was then the preferred option. The environmental evaluation will proceed in parallel with, and inform, the engineering design studies now under way for the western route.

The government recognised the community concern about the effects an eastern alignment would have on the O'Connor hills and Bruce Ridge sections of Canberra Nature Park. We were elected on a policy that supports an alignment west of the AIS. We will ensure that the environmental effects associated with the western alignment are adequately addressed so that the amenity of people living in Kaleen and Bruce is also protected.

We know only too well that the community places a very high value on Black Mountain and Canberra Nature Park. Engineering and environmental studies will see to it that the final route of this road does not compromise the conservation value of these areas. We need to protect those, just as we protected O'Connor and Bruce ridges.

Regarding the Horse Park Drive/Majura Road link, which will provide an eastern bypass of north Canberra and Civic, the government is committed to the construction of the first stage of Horse Park Drive from Gundaroo Drive to the Federal Highway. This is of course the program put in place by the former government. This will provide an alternative route for Gungahlin residents to access Civic, Russell, Barton and Parkes as well as providing more direct access to Canberra Airport, the Kings Highway, the Monaro Highway and Fyshwick.

This route will also provide a more direct route for heavy vehicles bringing building materials and other goods into Gungahlin from the east and south. This route will primarily benefit suburbs such as Amaroo and the future Forde as well as Gungahlin town centre. However, it does not provide an attractive alternative for travel demand from the established suburbs of Palmerston, Nicholls and Ngunnawal which the Gungahlin drive extension will serve.

The government will also progress the necessary work to allow the future construction of the Majura parkway. Recent feasibility and environmental studies have identified preferred alignments for the parkway and connections to Fairbairn Avenue. Our preliminary assessment and draft variation of the Territory Plan to reserve the road alignment will commence in early 2002.

Upgrading Gundaroo Drive and Sir William Slim Drive, mentioned in Ms Tucker's motion, is not required in the short term. I think Mr Corbell has made this point. These roads will need upgrading to dual carriageways in the future as Gungahlin grows. The need for this will be kept under review. This route does not, however, provide an adequate alternative to the Gungahlin Drive extension and, in its absence, could lead to additional traffic routing through Belconnen suburbs.

I am sure you will see that we are working quickly to address all the issues raised by the motion. There are important and time critical steps in the planning process. Support for the government's proposed course of action will enable urgent community needs to be met.

12 December 2001

MRS DUNNE (4.49): I would like to speak principally on the motion put by Ms Tucker and touch on some of the amendments. The motion put by Ms Tucker takes us back to about 1997 and one of many attempts to forestall the building of this road. I think it is time members in this place and the community at large came to the realisation that this road must be built.

The Gungahlin Drive extension is an important infrastructure project within the ACT. It is significant not just because it is a road but also because it will have definite impacts on the social and material wellbeing of the people of Gungahlin. One of the things people treasure about Canberra is the fact that you do not have to spend vast amounts of time commuting. The time you spend commuting is time you do not spend with your family, at your leisure activities or at your work. The time you spend commuting is for most people dead time. A lot of people move to Canberra to get away from commuting.

As someone who lives on the periphery of Gungahlin and uses the Barton Highway on a regular basis, I count my lucky stars that I do not have to get out of Gungahlin of a morning. During the campaign, when I was door knocking in places like Nicholls, the people in Ibis Street, Candlebark Close and Rosella Street said that they could not even get out of their own street, let alone get on to Gundaroo Drive. This has an important impact on people's lives. You spend so much more at the front end of your day just getting to where you need to go.

I acknowledge the point made by Ms Gallagher that people in Gungahlin need to use their cars if they are going to take more than themselves to work. If you going to take your kids to child care and drop somebody off at school and perhaps drop a spouse or a partner off on the way, you need your car. You cannot do it in Gungahlin or anywhere else on public transport. We must be realistic. The people who go to work from Gungahlin need a road system. This is a pressing need. This Assembly should think very carefully before it does anything that impacts on the timetable already given to the people of Gungahlin.

On that note, I would like to refer to the government's preferred western route. With the best intentions in the world, I cannot see that the minister can do all the things he promises he will do in the time available. We know about the best laid plans of mice and men—and we are talking planning here. You have to remember that the western route will have significant impacts on areas outside Gungahlin, particularly on people in Kaleen and on the AIS.

When I was doorknocking in places like Shannon Circuit, Pambula Street, Delegate Street and Skardon Street, the people of Kaleen said to me that they do not want the western route, because it comes right up to their back door. This is something that has not been taken on board by the government. You have not talked to the people out there, Simon. They do not want a road on their back doorstep.

In summary, we must build the road, and we must build it as soon as possible. We cannot afford the delays proposed in Ms Tucker's motion. That is why we on this side will be opposing the motion. We must ensure that the route is one that meets the needs of all people—people in Gungahlin and people in areas of Belconnen.

MR STEFANIAK (4.53): My comments follow on from matters Mrs Dunne touched on in relation to the AIS. I remind new members what was said in debate on this matter in the Fourth Assembly. The AIS have very grave reservations about the western route. There is a very real risk that AIS might leave this territory if that route goes in as planned. I do not have the map here in front of me. That was a huge concern to the AIS. As a former sports minister, I can say that a lot of other places in Australia would like the AIS to come to them. It is a very significant employer in our community, and I think great care needs to be taken by this government with the route.

The western route goes very close to the Bruce CIT. Again, that is something that needs to be looked at very carefully. That is why, amongst other reasons, the opposition, when in government, favoured the eastern route. That has the least possible impact on all the affected persons.

It is obvious that the government has the numbers, but if the western route does go ahead inappropriately we run the very great risk of losing the Institute of Sport. Apart from that, I reiterate comments made by other speakers. The people of Gungahlin need this facility, and as quickly as possible.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.55): Of all the issues that were part and parcel of the election campaign, there was one which was stark and clear: the Labor Party's position in relation to Gungahlin Drive. We were unequivocal in our comments about it, particularly my colleague Mr Corbell. We said to the electorate, "If you elect a Labor government, we will proceed to construct a road along the western route." A Labor government was elected.

If there is one issue in relation to which the Labor Party can say they have a clear mandate, it is to do precisely what Mr Corbell has outlined we are going to do in relation to Gungahlin Drive. The mandate is unequivocal. We stood up and said, "A vote for Labor is a vote for the western route." We got a very clear signal from the electorate on this issue. I think this Assembly needs to accept the clarity of that mandate.

I thank Mrs Dunne for her very direct campaigning in Kaleen on this issue during the election campaign. Mrs Dunne letterboxed the entire suburb, including my home, with a leaflet directed personally at me: "Dear Resident of Kaleen, you should be aware that your neighbour, Jon Stanhope, doesn't care about you. He supports the western alignment." It went on and on about a whole range of things relating to my lack of care for my neighbours in Kaleen.

It would be of interest to members participating in this debate to know that I received 31 per cent of the vote in Kaleen, after having been subjected to a personal letterbox drop of all residents of Kaleen by Mrs Dunne. My personal vote in Kaleen was 31 per cent. I did not check the Kaleen booth, but I happened to be flicking through the numbers for the south Kaleen booth one day. Any prizes for guessing how many votes Mrs Dunne got? She got none—not a single vote from south Kaleen.

That is a reflection of a couple of things: the thanks I owe Mrs Dunne for the personal attack on me in the campaign, the lessons to be learned in relation to Hare-Clarke and personal campaigning, and what the residents of Kaleen think generally about this issue.

12 December 2001

Ms Dundas' amendments agreed to.

Question put:

That **Mr Corbell's** amendment, as amended, be agreed to.

The bells having been rung—

Mr Humphries: Mr Speaker, is it possible to have a vote conducted seriatim on the paragraphs?

MR SPEAKER: I think it is a bit late now, Mr Humphries. The vote has been called, and I do not think we can do that now.

The Assembly voted—

Ayes 9		Noes 8	
Mr Berry	Ms MacDonald	Mr Cornwell	Mr Smyth
Mr Corbell	Mr Quinlan	Mrs Cross	Mr Stefaniak
Ms Dundas	Mr Stanhope	Mrs Dunne	Ms Tucker
Ms Gallagher	Mr Wood	Mr Humphries	
Mr Hargreaves		Mr Pratt	

Question so resolved in the affirmative.

MS TUCKER (4.59): I want to respond to some of the points raised in the motion. The motion is about is whether or not we look at providing options for residents of Gungahlin.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS TUCKER: The point of the motion is not to argue about whether or not we abandon the zonal bus fare system, build bus only lanes or upgrade Majura Road. Clearly, the Greens have a strong position on all those measures. This is about the timing of investigating the feasibility and sustainability of building another freeway and whether that should occur, with an integrated transport plan rather than as occurred before. As I have already said, it is a serious contradiction to say you are going to develop an integrated transport plan but at the same time build a major freeway which, on any reading of the matter, will not address the needs of the population into the future.

Members have made much of the difficulties people living at Gungahlin are experiencing with transport. I do not disagree with that. I totally support that position. As I have explained many times in this place, that is the result of the negligence of both Labor and Liberal governments in the past. We do not need to make further bad decisions now, in the pressure and the heat of the moment, which will still not serve the people of

Gungahlin or the people of Canberra as a whole and which cannot deal with the problem at all. It will not do it even in the current situation. As I have explained, it is only moving bottlenecks.

Members have said that they think people in Gungahlin prefer to use cars. Of course people are using cars. It is more expensive to catch a bus than to use a car. It is easier to use a car, because it is so difficult to do anything else. That is why people are using cars. As Mrs Cross said, the fact that 80 per cent of people use cars is not an argument for more roads. When the zonal bus system was introduced, many people were saying, "We have to buy a second car, thanks to the Liberal government's new approach to the bus zones." I know that there are people who did not want to make that choice.

Members are saying that people like to use cars. If so many people use cars, it must be because they want to. I stress again that the choice of using a car is highly dependent on whether you can do without one. There was a very interesting article in the *Australian Financial Review* this year about what it means for a low-income family to have a car. It said:

Getting rid of one car a household could cut 13 years from your mortgage repayments, allow you to retire 10 years earlier or give you an extra \$750,000 in superannuation.

As increasingly crowded inner-city streets around Australia continue to fuel the urban planning debate over car-parking allowances, Herron Todd White urban economist Mr Blair Warman says the car is also helping create and maintain a new class of suburban poor.

... one of [the] biggest household budget expenses was now car-related costs, which in some cases took up to 25 per cent of the household income ...

According to Australian Bureau of Statistics household expenditure survey for 1998-99, Australians spend about 16 per cent of their total budget running motor vehicles. This is the same amount of money used for either housing or food.

"Unfortunately, it is the lower-income households which generally have the greatest dependency upon private car transport due to their need to reside in less expensive outer suburban areas ...

Based on the weekly cost of owning and operating a medium-sized car, as estimated by the Royal Automobile Club of Victoria, Mr Warman said if an average household got rid of one car it could accumulate an extra \$750,000 in superannuation over a working life; retire at 55 years instead of 65 years and accumulate an extra \$370,000 in super; afford to borrow an extra \$80,000 on the household mortgage; and pay off an average Melbourne home over 12 years instead of 25 years.

It is a serious cost burden on people on low incomes. If that is a new thing for members, I am interested to know that it is. We know that people on medium and low incomes are struggling to manage to live in this society. The working poor are increasing at a rate that is of great concern to anyone interested in poverty and equity in our society.

12 December 2001

Members of this Assembly are saying that cars are good and that people must like them because they have them. It is quite clear that there is pretty well no alternative at the moment. I am not suggesting that it is not difficult for people in Gungahlin to travel. I have already made that quite clear. It is obvious to anybody who looks. But the point of this motion is to say that if you had a bus only lane, a reasonable bus fare system and an attractive bus service, and if other existing roads were upgraded and made more efficient, it would be a good start in offering alternatives. The longer term goals of employment in Gungahlin also have to be investigated.

For me, this is a question of balance between the unsustainable course of responding to the immediate pressure which has resulted from very poor management by governments of both persuasions and taking a long-term view of the problem. That is what this motion is about.

I referred to the environmental issues around greenhouse and local pollution. I am assuming members are familiar with the seriousness of the problem of greenhouse, although I wonder when I see decisions like this made. Similar decisions have been taken in many parliaments in developed and developing countries. People all over the world are saying what you are saying—that people want to drive cars, so we have to facilitate that. That is happening all over the world.

Insurance companies around the world are now agreeing that global warming will cause a massive increase in weather-related disasters such as hurricanes in coming decades. Big insurers and banks like Swiss Re, Munich Re and UBS told delegates at a United Nations climate change conference that they had already seen a huge increase in the numbers of floods and hurricanes. The UN's top scientists have warned that such extreme weather events could become more common because of global warming. The number of really big weather disasters has increased fourfold if we compare the last decade to the 1960s. The economic losses have leaped sevenfold and the insured losses are 11 times greater.

This parliament is a member of the Commonwealth. There are many small island states in the Commonwealth. I go to conferences and I hear people like you say to delegates, "We care about greenhouse. We care about climatic changes. We care about sea rise." What do you do in this parliament today? You do what people are doing in parliaments all over the developed world. You say that people want to drive their cars, so you are going to let them. There is a total lack of leadership.

The more immediate environmental impacts also have not been mentioned.

Mr Wood: Not everybody can live in the centre of town.

MS TUCKER: Mr Speaker, I would like silence, if you wouldn't mind.

MR SPEAKER: Mr Wood! Ms Tucker, you have the floor.

MS TUCKER: Thank you. The Labor Party has taken the view—the Democrats have done this too—that because they have chosen to go west they are very clued up on the environment. We know that the western route will still have an environmental impact on Bruce Ridge. (*Extension of time granted.*) Maybe new members are not aware, so I will

refer to some of the impacts on Bruce Ridge of Labor's and the Democrats' option. There is a very significant submission from a group of people who were prepared to do the work and tap into the expertise on the impact on bird life.

The submission contains a table of bird species which would not normally be found in gardens and depend on the ridge for nesting sites, seasonal passage and refuge. These birds include the common bronzewing, the black-shouldered kite, the superb parrot, Horsefield's bronze cuckoo, the shining bronze-cuckoo, the scarlet robin, the red-capped robin, the eastern yellow robin, the western gerygone, the speckled warbler, the superb fairy-wren, the mistletoebird, the spotted pardalote, the double-barred finch and the red-browed firetail.

This submission was put together in 1997, but since then Freudenberger and the CSIRO have carried out a study of habitat values around Canberra and the impact of fragmentation. In this project O'Connor Ridge was assessed. Bruce Ridge is part of the area that is important because of the fragmentation aspect. In this project, this area was assessed very highly as a habitat for birds, including species vulnerable across New South Wales, such as the speckled warbler.

Motion, as amended, agreed to.

Emergency housing

MS DUNDAS (5.15): I move:

That this Assembly:

recognises that access to emergency housing is an important element of services to support young people.

believes that young people should not have to be separated from their support networks and educational activities to access emergency housing.

finds it distressing that the provision of youth emergency housing in Canberra and, in particular, in the Belconnen area, is inadequate.

calls for the Government to address the inadequate provision of youth emergency housing in Belconnen and Gungahlin as a matter of high priority.

Mr Speaker, I have lived in the electorate of Ginninderra, in the Belconnen area, all my life. Unlike many other young people in the area, I have been fortunate enough to have never needed crisis accommodation. However, I am appalled that there is no youth specific crisis accommodation in the Belconnen or Gungahlin areas. While I am especially concerned with the situation in this area, I am aware that the problem is Canberra wide.

The inadequate provision of these services means that young people in crisis in the Belconnen area have to travel to the other side of Civic to access crisis accommodation. In doing so they must leave behind their local support networks and many of their friends.

12 December 2001

Furthermore, for these young people to access the kind of safe environment provided by this specific crisis accommodation often comes at the cost of attendance at school? In these circumstances, the inadequate provision of youth emergency housing places additional barriers before young people who are already in crisis. When a young person—indeed, any person—experiences a crisis, such as having to escape domestic violence or suddenly losing their accommodation, the last thing they need is to be isolated from many of the other relationships, activities and support networks that could help sustain them through such a crisis. This Assembly should be deeply concerned about a state of affairs that makes it so difficult for young people in distress to be able to attend school.

Young people's lives, like all our lives, are comprised of various elements, all of which have the capacity to harm or to help development and happiness. Shelter and accommodation at a time of crisis are surely among the most fundamental of services that the ACT government can hope to provide. This government should aspire to provide the service in a way that does not compromise young people's engagement in the other aspects of their lives.

In attempting to understand young people's lives, it is important that this Assembly views them in a holistic way. The needs of young people cannot be neatly divided into education, housing, socialising, and so on. All these aspects of young people's lives are interconnected, as they are for all of us. For young people it is especially important to not disrupt the mutual development of these various aspects of their lives. For young people in crisis it is crucial. In light of these very important considerations I ask the Assembly to support my motion, and through it the young people of the ACT.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.18): Ms Dundas raises a very important issue today, as it affects young people in their need for safe, secure and affordable housing. Indeed, the general issue of affordable housing is one that we consider a priority. As in many other cities around Australia, housing in the ACT is becoming increasingly inaccessible for an increasing number of people because of its cost and the broader issues of emergency and crisis accommodation as well. The issues of young people and the particular problems they face with accommodation is a priority for me, as the Minister for Education, Youth and Family Services, and for the new Labor government. Housing is a key social justice issue. The capacity of people to participate in society as effective citizens has been shown to be directly linked to their security of tenure and stability of housing choice.

So it is in that context that I agree with the sentiments of Ms Dundas' motion that emergency crisis accommodation is an important service to young people. I also agree that young people should have emergency crisis accommodation near their support networks wherever possible. It is incumbent on all governments, and it is certainly incumbent on the new government, to respond to this very important concern. Significant territory and Commonwealth funds are already being spent in the ACT to address these needs. For example, in my portfolio the most significant program for crisis support and accommodation for young people is the youth supported accommodation assistance program, which totals \$2.2 million.

Ms Dundas has particularly asked about the areas of Belconnen and Gungahlin, although I note she acknowledges this is an issue across the city. In relation to Belconnen and Gungahlin, there are a number of programs already funded. These include the Canberra Youth Refuge, which receives \$328,000 per annum. It is located in Downer and accommodates up to eight young people over the age of 16 who are in need of accommodation crisis services. There is also Castlereagh House, which receives funding of just over \$132,000 per annum. This is located in Macquarie and accommodates up to four young people who have medium to long-term accommodation needs.

The Department of Education and Community Services and the Department of Urban Services, in its housing capacity, jointly fund four youth housing outreach workers at a cost of \$200,000 per year across the city to address issues such as accommodation support for young people in the north Canberra area.

The Department of Education and Community Services also funds Canberra Community Housing for Young People, at a cost of \$208,000 per year, and the Barnardo's transition program, with funding of \$333,000 per year to provide medium to long-term accommodation for young people. These provide housing services in northern Canberra including Gungahlin and Belconnen.

The majority of Canberra Community Housing for Young People and Barnardo's residences are in the northern Canberra area, and these services also provide case management support for young people with accommodation issues. That said, this is clearly an area of priority where there is a significant level of need. My colleague Mr Wood would acknowledge that issue. Family Services, within the department of education, also have a number of programs to meet the needs of young people at risk. These include substitute care services—the Pat Marlow Cottage located in Kaleen. For members who are not aware, Marlow provides crisis accommodation for high-needs youth.

There are a range of issues that need to be addressed that relate to emergency or crisis accommodation for young people and, clearly, more work needs to be done. This was recently identified through a study of the supported assistance accommodation program, which identified a number of the needs for youth accommodation in Canberra. The geographic distribution and composition of young people's accommodation services in Canberra did identify Belconnen and Gungahlin as regions which need particular attention, and I have asked my department to look closely at this.

The recommendations of this program review have identified three main issues of concern and need for attention. The first is in relation to coordinated case management as well as the development of protocols between the youth supported assistance accommodation program and Family Services accommodation programs, as well as greater coordination with outreach services.

As a result of this review my department has contracted ACTCOSS to undertake a needs analysis of total supported assistance accommodation program needs in the Canberra region. This will obviously focus very strongly on the issues facing young people of crisis or emergency accommodation. The supported assistance accommodation program needs analysis report is due in February next year, and this will provide a timely

12 December 2001

opportunity for the government to respond to the issue that Ms Dundas raises in her motion.

In addition my department is undertaking a review of intensive youth support needs. This study is being undertaken in a collaborative way with funded services and is considering the most appropriate service models for young people with intensive needs.

I am also particularly keen to ensure that the financial commitment of the Labor government is effective in meeting the identified needs of young people, and I can assure members, Ms Dundas in particular, that I will be looking closely at the supported assistance accommodation program needs analysis, once it is completed, to ensure that reserves of funds are well targeted to meet the needs of young people in Canberra.

MS TUCKER (5.25): I seek leave to move the amendment circulated in my name, with “revised” written on the top.

Leave granted.

MS TUCKER: I move:

Omit from point (3) the words “and, in particular, in the Belconnen area”.

Omit from point (4) the words “in Belconnen and Gungahlin”, substitute “with attention to locational need”

Add point (5)

“Recognising that the provision of adequate affordable, secure, appropriate long-term accommodation is an essential part of relieving pressure on emergency accommodation services calls for the Government to—

(i) produce a review of progress towards improving youth crisis accommodation services, in particular, Government responses to, the activities of and linkages between the Youth Housing Task Force, the Youth Supported Accommodation Assistance Program & its Reviews, relevant recommendations of the third and fourth Assemblies, and the Youth Servicing Strategy;

(ii) report to the Assembly on the above Review by the last sitting day in May 2002 including in the report implementation strategies and agreed timelines; and

(iii) include in relevant Annual Reports progress reports on the above implementation strategy”.

As members know, I have had a strong interest in issues of housing and accommodation and in the crisis accommodation sector for young people, so I welcome the debate on these needs.

However, I also want government to be done in a considered way. While I acknowledge the gap in crisis accommodation in Gungahlin and Belconnen, I understand that the government is already working on it with the community sector. Further, I am aware that there are important problems in service availability across Canberra, so I hope that my amendment reflects some of the focus in this motion on the locational issue. Although I recognise that the locational issue is valid in Belconnen and Gungahlin, my amendment obviously broadens it.

The amendment also reflects my belief that it is best to build on the work already done and my distress with the all too frequent lack of follow-up to committee and other community partnership work. So I have included in my amendment a request for a review of a number of reports and processes and the linkages between the different approaches, so that the government takes stock of services. This will build on the work already under way, checking for other gaps.

Crisis accommodation is one essential link in the range of services to help young people in difficulties. As the New South Wales Federation of Housing Associations put it, to help in understanding who needs crisis accommodation:

For those with acute or chronic problems the housing difficulties—

caused by low income, dependent children, unemployment or studying needs—

are overshadowed by personal difficulties. This is the group who are most likely to have faced family trauma or abuse and/or have health or drug problems. They are likely to be homeless and either living on the streets or with friends.

That is from the *Youth Housing Task Force Report*, page 13.

In addition to the issue of the location of emergency accommodation services and their fundamental job of providing shelter, there is a need to link in with medium and long-term accommodation and with services and support to deal with their other difficulties. I would like to emphasise that it is not simply personal difficulties; problems can only be personalised so far. We are dealing with social and structural problems, and blaming the victim is no solution.

In a crisis people, particularly young people, should not need to travel long distances or have any other barriers to getting help. While Canberra has a relatively small population, the city sprawls over a large distance. Marlow Cottage, run by the Richmond Fellowship, provides crisis accommodation in Kaleen for young people and has some specialisation in young people released from imprisonment and some young people escaping family abuse.

A long, and probably complicated, journey for people in crisis from Belconnen or Gungahlin to the inner north means that that service is not effectively available even when there are places there. Beyond the crisis, I know that some young people from Belconnen may end up in medium-term accommodation in Wanniasa, which is an even longer journey and disruptive.

However, the Tuggeranong Youth Service can also have problems finding crisis emergency accommodation close to home. Often refuges are full and there is a lack of space to stay for one or two nights. The locational gap is significant in Belconnen and Gungahlin, but I understand the department has been looking at ways to fill that gap.

Meanwhile, there are several other important reviews which would significantly lead to improved access to emergency accommodation across Canberra. The 1999-2000 youth housing task force working group on crisis to medium-term accommodation identified the continual demand, lack of transitional accommodation and long-term housing. They

12 December 2001

identified a clear need for a centralised information system to provide contact and information about other service providers—to increase accessibility and coordination of crisis services.

I have included a reference to the longer-term accommodation of youth because this is one of the recurring themes of the crisis sector—for all ages. If there is nowhere else for people to go, nowhere to move onto, then those places will not be available for the next people in crisis. Dr Jane Stanley estimated in 1999 that there was a need for around 1,250 bed spaces for young people in crisis but noted that this would be reduced if adequate medium to long-term accommodation were supplied.

For young people the government is the greatest provider of accommodation, partly due to barriers to private rental: prejudice against young people and their lack of rental history or access to an upfront bond, and so on. Therefore, while actually providing enough beds is an issue, the government also has responsibility for increasing “exit options” and preventing the bed issue by providing the right kind of public housing in the right locations.

I am looking forward to seeing this government reverse the previous government’s trend away from a public housing system towards a system that caters only for the most needy of the needy. That will help too. Young people should not have to be actually homeless to find their way into housing.

The youth housing task force reported in April 2000—a comprehensive effort to coordinate action. What has happened since? The new boarding house, currently being refurbished in Ainslie, fulfils one of the recommendations of the task group. There are the youth housing outreach workers in Centrelink and three new community development workers. The youth housing task group met to continue to oversee action, and a number of the recommendations have been carried out. I understand that the task group has met a few times earlier this year but not much recently.

Also, within the last 12 months or so, there has been a review of youth SAAP services, which has led to a series of meetings between providers and associated services. I understand another report on YSAAP is under way, by the sector and consultants, which will lead to an updated needs analysis.

More broadly, I understand that there will soon be consultation on a youth servicing strategy—what services are needed and where, where the gaps are and what the forward projection is for need. These processes are all essential, and it would be very useful at the start of this new term of the Assembly to check how they are all going and to ensure that the government is aware of the linkages between these different processes. So my amendment basically says: lets look at the issues quickly—May is a fairly short reporting time frame, given that we are about to go into the Christmas period—and let’s address the needs. But let’s do that by following up on the work that is already under way or completed, which indicates priorities and strategies for action according to the people in the youth services sector.

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.31): Mr Speaker, I have been asked to curtail my remarks to fit the timetable of other people. I will do that and hold something back that I was going to raise during the adjournment debate.

The government does not resist the points raised in the motion or the words expressed by Ms Dundas. Her motion refers specifically to emergency housing—generally housing provided under SAAP—and specifically to Belconnen. Ms Tucker, as is her wont, has significantly extended the motion to cover a range of wider housing issues and look towards process.

This motion will go through as Ms Dundas wants, but I think it is a bit unnecessary to take out the reference to Belconnen. It has been identified that there is a shortage of this sort of accommodation in Belconnen, so it seems to me a fairly proper thing for Ms Dundas to be arguing for it. Gungahlin, along with Belconnen, has also been identified as having shortages.

Let me indicate what is on the list of where we may find emergency housing: Downer, Downer, Hackett, Downer, Macquarie, Waramanga, Waramanga, Kambah, Kambah, Wanniasa. Tuggeranong is well represented; Gungahlin and Belconnen are not. So there is great validity in what Ms Dundas was proposing. Mr Corbell and I will take the motion as it is going to be amended, and we will do as required of that motion. We all want to improve housing outcomes. It has been a rhetoric of all of us over a long period, and we would hope to be able to do that.

MR STEFANIAK (5.33): Mr Speaker, I will be brief too, and I am actually very happy to hear the comments made by members. I agree with Mr Wood, and indeed Ms Dundas, and I am glad Mr Wood read out that list because Belconnen and Gungahlin do need additional assistance. It is very pleasing to see Mr Wood read out that list and acknowledge that. Nevertheless, I understand Ms Dundas is quite comfortable with Ms Tucker's amendment, as is the government, and we certainly would have had no dramas there.

My recollection is that the youth housing task force has some money. Some of its recommendations led to some money being allocated in the current budget. So, Mr Wood, in the housing budget there is in fact money for this, and that is very pleasing. So this unmet need can actually be met, and that is a very positive outcome.

I am very heartened to hear the bipartisan support in this Assembly. Mr Smyth and I were both involved several years ago with the youth housing task force. It was a very productive meeting in terms of looking at the areas of unmet needs, looking at the legitimate concerns of young people and starting some improvements there, which I am delighted are going to be continued.

The opposition is certainly happy to support the motion. Indeed, if the mover is happy to have it amended, we are happy to go along with that, too.

Amendment agreed to.

MS DUNDAS (5.34): In closing, I would like to say that it would be nice if the minister could inform us of the existing programs. I believe he recognises the significant level of unmet need in the Belconnen and Gungahlin areas and across the ACT, as has been noted in the debate. I am looking forward to the report, and I hope that it, along with all the other reports that are being done, will not be dismissed out of hand but are taken in

12 December 2001

the context in which they are written and used to bring about a better form of living for people in the ACT.

I would also like to say that I do accept the spirit of Ms Tucker's amendment but reiterate my concern that, even though there is medium and long-term space for those over 16 in the Belconnen and Gungahlin areas, there is a major gap affecting young people accessing crisis accommodation in that area. I hope that this motion will serve to bring about a greater focus on the needs of young people in crisis. Thank you.

Motion, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Mrs Vicki Dunne—votes received at south Kaleen polling booth

MR SMYTH (5.37): Mr Speaker, in the previous debate on Gungahlin Drive the Chief Minister came down to point out that he thought he had read somewhere that Mrs Dunne got zero votes at the Kaleen south booth. I am sure he did not intend to mislead the house, but it is just not true. The results at the ACT election web site prove that Mrs Dunne came ninth out of the 26 candidates in the south Kaleen booth. She picked up something like 55 votes, beat some of your Labor colleagues and certainly did not receive zero. Perhaps the Chief Minister would like to apologise for incorrectly informing us of that count.

Death of Mrs Betty Wakefield

MS MacDONALD (5.38): I would like to speak about a wonderful woman: Betty Wakefield. Betty Wakefield passed away on Monday of this week. Betty had been a member of the Australian Labor Party for over 40 years. Indeed, Betty had actually received her life membership at the ACT branch conference in 1999. I was fortunate enough to first meet Betty at the Australian Labor Party's status of women policy committee several years ago. This was one of her many passions, but she had many.

Betty was always a lively contributor to discussion on this committee, and I saw her argue strongly for the reintroduction of rank-and-file pre-selection into the ACT branch. I believe that has been of great importance to the Labor Party in the ACT since then.

Betty was a teacher. She was the science mistress of Ginninderra High and before that Telopea Park. She was renowned for nurturing young teachers. Betty was also a fairly high-up unionist at council level, and she was also renowned for strongly believing in women's rights. She was a strong environmentalist and an active member of the Retired Teachers Association.

As a teacher, Betty was known for being passionate about education. In that we shared a common interest. She was also known by many people throughout the ACT, and I suspect that at her funeral tomorrow there will be a very big turn-out.

She had very strong views. She was one of the members of the Commonwealth Teaching Service—she put an emphasis on service. She was also renowned for being very good with students who were difficult to deal with. While I was never actually taught by Betty Wakefield, being from a lesser state, but having met Betty and known her briefly, I am sure that her classes would have been a great pleasure to attend and highly educational. There are many people in both the Labor Party and the education movement who will miss Betty's very lively presence.

I extend my condolences to her husband, Len. I believe it would be appropriate to say to Betty, "Well done thou good and faithful servant." I remember her well.

Question resolved in the affirmative.

The Assembly adjourned at 5.41 pm.