



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

9 April 2002

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

Address to Her Majesty Queen Elizabeth II

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, pursuant to standing order 268, I move:

That an address to Her Majesty Queen Elizabeth II in the following terms be agreed to:

YOUR MAJESTY:

We, the Speaker and Members of the Legislative Assembly for the Australian Capital Territory wish to express our sorrow at the sad news of the death of Her Majesty Queen Elizabeth, the Queen Mother. On behalf of the people of the Australian Capital Territory we convey our deepest sympathy to Your Majesty and the Royal Family in your bereavement.

Mr Speaker, as with most Australians, it was with sadness that I learned of the death of Her Majesty Queen Elizabeth, the Queen Mother. Aged 101, she finally succumbed to ill health and died on 30 March 2002.

Born Lady Elizabeth Bowes-Lyon on 4 August 1900, in 1923 she married Albert, Duke of York, the future King of Great Britain. In doing so, she would go on to become the matriarch of the British royal family and be loved by many throughout the world. She is especially remembered with great affection by the people of Great Britain and Australia for her support, solidity and resolve during one of the most tumultuous centuries that this world has seen—a century that saw the occurrence of two world wars.

During the First World War, before her marriage to Prince Albert, she assisted in the treatment of Australian casualties who had been given shelter in her own home in Scotland. But it was during the Second World War that she most endeared herself to many people. At a time when her home and country were being bombed, she felt the pain of her people. Throughout the war, she tirelessly worked for the common good and was revered for her visits to the victims of the German bombing campaign, inspiring the victims with the hope of ultimate victory.

She was also a symbol for a generation of Australians. During the first half of the 20th century, when many Australians looked to Great Britain as their mother country, she was for a 15-year period the Queen of Australia. During the second half of the 20th century, the Queen Mother was a constant source of inspiration to the royal family and continued to endear herself to a great many Australians.

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We also remember the special relationship of the Queen Mother with Canberra. In 1927, she and her husband, the then Duke of York, attended the opening of the Old Parliament House. I am always reminded of that visit, interestingly enough, by the large bunya pine tree at the head of Kings Avenue which was planted by her and the Duke of York. Over the century of her life, she was to visit Canberra several times. In 1958, she once again won the hearts of Canberrans, as she did in 1966 when visiting with Prince Charles, who was at school in Australia.

I know that all members will join with me in expressing sympathy to all members of the royal family, especially her daughter, Her Majesty Queen Elizabeth II. It is with respect and affection that we remember Her Majesty Queen Elizabeth, the Queen Mother.

MR HUMPHRIES (Leader of the Opposition): Mr Speaker, on behalf of the opposition, I support this expression of sympathy on the death of Her Majesty Queen Elizabeth, the Queen Mother. As members have heard, the Queen Mother died peacefully in her sleep late last month at Windsor. She was a much loved member of the royal family. Her life, spanning over a century, was devoted to the service of her country, the fulfilment of her royal duties and support for her family.

Mr Speaker, she was the ninth of 10 children of the Earl and Countess of Strathmore and Kinghorne. The story of her involvement, through marriage, with the royal family and the transition she made to become matriarch of the royal family has been put on the table of this place already by the Chief Minister. It is true to say, however, that at 101 years of age, she has been described as a symbol of courage and dignity during a tumultuous century of war, social upheaval and royal scandal. She was in many ways the backbone of the royal family, the rock that held the House of Windsor together.

Whether one is a republican or a monarchist, the Queen Mother undoubtedly had a strong following in Australia, and drew large crowds during her visits here in 1927 when, as we have heard, she opened with her husband, the Duke of York, the federal parliament to meet for the first time in Canberra, and in 1958 and 1966.

Mr Speaker, it is a matter of special acknowledgment in this place today, in the moving of this motion, that the Queen Mother was the last of the significant figures who featured on the historic day almost 75 years ago when the event occurred which firmly set the future course of the growth of the city of Canberra, that is, the opening of the first federal parliament here and the beginning of a gradual process of growth and change that led to the national capital which we see around us today. All of the other key figures in that special event have long since died. The Queen Mother was the last of those. I think a special affection might be felt towards her and a special sorrow at her passing in noting that that link with the beginnings of the city of Canberra has disappeared.

Hundreds have lined up at Government House in Australia to sign the condolence book for the Queen Mother, or logged onto the Governor-General's website where expressions of sympathy can be left. Many will remember her for her strength, her dignity and her common touch. Some see life as a royal as a round of dinner parties, fancy clothes and wealth, but the trials and tribulations that the Queen Mother experienced through her long life demonstrate that there is a less glittering side of that lifestyle. She was

courageous in times of grief, she was distinguished when in the public eye and she was always charismatic.

A particular event that illustrates that point was the moment during the dark days of the Second World War when Britain, London in particular, were under siege and the Queen Mother made the decision, together with her husband, George VI, to stay in London during the Nazi bombing. A particularly illustrative moment was when, after some days of bombing, a bomb landed on Buckingham Palace and damaged that building. There was dismay in some quarters and there were calls on the part of some in the government for the Queen and King to be evacuated to somewhere safer, maybe even to overseas. The Queen Mother, however, had a quite different view about it. She said, "I'm glad. Now we can look the East End in the eye."

Mr Speaker, looking the world in the eye was what she did a great deal of over those 101 years of her life. She was a figure that moved over a large part of the world's surface, meeting government leaders, meeting representatives of communities, meeting a huge cross-section of the world's humanity. There would be few people today in public life anywhere, perhaps even her daughter included, who could claim such a vast array of experience with the key decision-makers and community leaders of the last century, but the Queen Mother is one such person.

She was active in a number of other areas. She was associated with more than 300 organisations and was patron or president of many of those. She had a very human side, enjoying the countryside and sport, particularly horse racing. She was a keen fisherwoman and enjoyed steeple chasing as well.

Mr Speaker, she will be remembered particularly in Australian eyes, and I hope particularly in the eyes of Canberrans, as a person who played a key role on that very important day in May 1927 when, in effect, Canberra's fate as the national capital of Australia was sealed by the opening of the federal parliament. It is therefore with much sadness that this motion has been moved today to draw down the curtain on over a century of public service.

I am sure that I speak for many Australians, whether they are republicans or monarchists, when I say that she as a figure epitomised all that we would hope of figures in the royal family and we can but hope that others who follow her in a variety of roles will demonstrate the same level of service and dedication to the duties that fall on their shoulders.

MS DUNDAS: I rise today to add the condolences of the Australian Democrats on the passing of the Queen Mother. She was an extraordinary woman, universally adored, and she was a woman of strength and grace. The public outpouring of grief by way of the signing of condolence books in Australia and the people in Britain spending hours in queues to pay their respects to the Queen Mum is indicative of how she has touched the lives of many.

She brought to the monarchy fun, a sense of humour, a sense of enjoyment and an added charm which were quite out of the ordinary and she was always seen as going directly to the people. The Queen Mother's mettle, often hidden beneath a triple string of pearls,

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a pastel outfit and a cheeky smile, was shown during World War II when the royal standard flew steadfastly over Buckingham Palace in defiance of persistent air raids.

I think that Australians took her into their hearts because we all know someone like her. Many families have a grandmother that sometimes gets a bit tiddly but enjoys a bet on the horses, and the Queen Mum was that royal grandmother to us all. The Queen Mum exemplified compassion in public life that spanned a century and she will be missed by many.

MRS DUNNE: Mr Speaker, it has been said many times when someone has died that that was the end of an era. Condolences, reflections and obituaries often lend themselves to maudlin sentiment and a certain amount of hyperbole; but, in the case of the Queen Mother, an era most certainly has ended. She has been for all of us here, for our entire nation, a seemingly permanent landmark. She has been more than that: she has been the smiling face of royalty, the twinkle in the eye beneath the heavy formality.

She was, of course, a product of a different world and lived to see the world change profoundly. Throughout her long life she stood in the eye of the hurricane of some of the greatest events of the history of Britain, the Empire, and the world. It was, however, not by choice. Her royal status was very much one of those accidents of history, coming to the throne as she did only after the seismic shocks of the abdication in 1936 that shook the very foundations of the monarchy.

Elizabeth Angela Marguerite Bowes-Lyon was born on 4 August 1900. Her life at its early stages was unremarkable. She was educated at home and spent her days in her family's estates in Hertfordshire and Scotland. She came from privilege but was a commoner, a country girl. On the day she turned 14, World War I began. Her family home in Scotland, Glamis Castle, was turned into a hospice for sick and injured soldiers, and her adolescence was spent as a volunteer helping to look after the victims of the war. In her 20s, she met Prince Albert, "Bertie", and they married.

Elizabeth was unknown to the public, but her popularity was established at speed. She was a great novelty—a member of the royal family who smiled in public. The wedding, on 26 April 1923, was the first marriage of a king's son since 1382 to be held outside a royal chapel. She had been reluctant to marry royalty—as she put it so forthrightly, "afraid never, never again to be free to think, speak and act as I feel I really ought to". Suddenly, he was the King and she was the Queen. Then the horrors of World War II broke out and London itself was subjected to German bombing.

Suggestions made that she should take her royal daughters, Elizabeth and Margaret Rose, to Canada for safety were met with a typical, straightforward response, "The girls will not go without me, I won't leave without the King and, of course, the King will never leave." That was a decision that would be forever remembered and held up decades later as a shining example of loyalty, commitment and service.

Elizabeth spent her days boosting morale. She visited factories and hospitals, toured camps, visited the troops and took time to visit the East End of London after it was damaged by constant German bombing. Amid the fears that England would be invaded, she asked for and received pistol lessons. When Buckingham Palace itself was bombed,

she was able to say, as the Leader of the Opposition has already said, “I can now look the East End in the eye.”

When the King died in 1952 and her daughter became Queen, the Queen Mother was there to help, and help she did, throwing herself into public life with both dedication and enthusiasm. Even in her 80s, she was still carrying out a punishing workload. In 1982, for example, the Queen Mother made 63 official visits in Britain, attended 29 receptions, presided over two Privy Council meetings, attended 15 audiences to diplomats and visited two overseas countries. An opinion poll found that she still rated the best member of the royal family for public duties. Even by her 90th birthday, the tempo of her engagements had, according to the palace, not slowed down at all.

But it was her common touch that endeared her to the people. Behind those sparkling eyes was—dare one say it—a rather raffish sense of humour. That was best exemplified in an account of the late Larry Adler, the celebrated harmonica player, who was surprised after a performance to be asked whether he would like to meet the Queen Mother. He said that he would and, to his delight, she was brought backstage. The Queen Mother duly arrived and they chatted and shared a pot of tea. Seeing a harmonica on the table, the Queen Mother asked whether she could have a closer look at it and he handed it to her. “Now,” she said with a grin, “I will be able to go back to the palace and say that I have touched Larry Adler’s organ.”

She was a gracious lady and she set an unswerving standard for all of us in public life to aspire to. She would have seen as her own most important message the advice she gave to students as chancellor of London University and on innumerable other platforms: “Do not, in today’s tumult, lose sight of the ancient virtues of service, truth and vision.” She taught that message best to herself. As her biographer, Dorothy Laird, said, she managed to bring private affection into public life.

MR PRATT: I wish to express my deep sadness at the passing of a great lady, Queen Elizabeth, the Queen Mother, who, members may remember, visited Canberra as a young woman, the wife of the then Duke of York, the future George VI. Let us remember her as the young Queen and mother of two young daughters who refused to leave her home despite the best—or worst—efforts of the German bombers. Let us remember that she stubbornly remained there in an expression of solidarity with eastern Londoners facing the wrath of the bombing.

I remember the Queen Mum as belonging to that very inspirational generation—one represented right across the Commonwealth—from which we continue today, and should always, to draw great lessons. She was a woman of steel-edged strength and courage, charm and compassion who cared greatly for her community.

Today, Australia will be represented not only by the Prime Minister, Mr Howard, but also by members of the Australian Army Medical Corps, who will be part of the funeral cortege for the Queen Mother. This, quite rightly, expresses the warm traditional links that this country still holds with the royal family. The Queen Mother epitomised the much loved national figure who sits separately from the political institutions of a country. We will never forget her.

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MR STEFANIAK: Mr Speaker, I join with other members in expressing condolence to Her Majesty the Queen and other members of the royal family on the death of the Queen Mother, a truly remarkable individual and a steadfast rock who held the monarchy together for over a century.

Mr Speaker, members have touched on her wit, her charm, and that sparkle in her eye. Rather than going over what other members have said in relation to her life, I think it is worth while to dwell on her common touch, her wit, her quick one-liners and the joy she brought to people's lives.

I shall quote some classic comments she made, as reported in the *Daily Telegraph* of Saturday, 6 April. The royal wave, which has become something of an absolute institution, was perfected by Her Majesty the Queen Mother. She gave a very simple description of how it should be done by saying, "It's like unscrewing a lid of a large jar of sweets." Once, on hearing the national anthem being played on television, she said to someone watching with her, "Do turn it off. So embarrassing unless one is there. Like hearing the Lord's Prayer when playing canasta."

On another occasion, on being told that the kitchen staff, some of whom were gay, were arguing whilst preparing a meal, she said, "My compliments to the old queens down there, but this old queen is hungry and wants her dinner."

She was thrown in very much at the deep end with her late husband, King George VI, who did not expect and probably did not want to be king. They were a magnificent couple and he was bolstered just so much by her strength, her dedication and her support for him through incredibly trying times, starting with the abdication of Edward VIII. It is certainly true that she always had a number of problems with the Duchess of Windsor. Once, in defending the Duke of Windsor against the charge of being a playboy, she stated, "It was just unfortunate he fell in love with Mrs Simpson." After the episode with Edward VIII, King George VI settled in as King of Britain and the Empire, and the very dark days of World War II have been mentioned by previous speakers.

The Queen Mother was an absolute rock of strength there for both the King and the whole country and an inspiration to the world. Her most famous quote, which has been mentioned already, was the one she made in 1940, following the suggestion that she should move to Canada, when she stated, "The children won't leave without me, I won't leave without the King, and the King will never leave." I remember seeing as an 8 or 9-year-old pictures of the Queen Mother and the King visiting the blitzed areas of London and reading about the strength and support she gave to the families there and, indeed, to the whole free world at the time.

Coming back to some more classic quotes, after the war there was an assassination attempt on the Princess Royal in the Mall, in response to which the Queen Mother said, "That man didn't know what he was taking on." She was a Scotswoman, first and foremost, something lots of people perhaps forget. When an Afrikaner told her that he could never forgive the British for the Boer War, she stated, "I understand. We feel very much the same in Scotland."

Mr Speaker, I also pass on my condolences on this sad day. A magnificent, remarkable, gracious lady has left the scene after contributing so much in terms of public service not only to Britain, not only to the former British Empire and the British Commonwealth, including Australia, but also to the world as a whole, and the world is very much sadder for her passing.

Question resolved in the affirmative, members standing in their places.

Death of Brigadier Alf Garland

Motion of condolence

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I move:

That the Assembly expresses its deep regret at the death of Brigadier Alf Garland, former Returned and Services League President who worked tirelessly to improve conditions for veterans, widows and their families and had been passionate about conditions in the Australian Defence Force, and tenders its profound sympathy to his family and friends in their bereavement.

Mr Speaker, it was with sadness that I learned of the death of Brigadier Alf Garland on Saturday, 9 March 2002 at the age of 69. Brigadier Garland served the Australian community both abroad and at home. He had a great history of service with the Army for some 35 years and then as, firstly, the ACT president and then the national president of the Returned and Services League.

Alf Garland was born in Sydney in 1932. It is not surprising that he joined the military as he came from a family with a strong service background. Both his father, Major William Garland, and his eldest stepbrother, Colonel Ron Garland, had a record of distinguished service in the military.

Brigadier Garland was a graduate of the Royal Military College, Duntroon, where he graduated at the end of 1953. He served in Korea, Borneo and Vietnam. In February 1965, in response to British requests, Australia agreed to send one squadron of the Special Air Service Regiment to Borneo. Major Garland led the deployment, which made him the first Australian to lead an SAS company overseas.

In 1967 he served as second-in-command of the 7th Battalion Royal Australian Regiment in Vietnam, where he was mentioned in dispatches for skill and bravery. Back in Australia, Alf Garland filled a number of staff posts at Army headquarters and did the Joint Services Staff College course before joining the Joint Intelligence Organisation as a colonel in 1974. In early 1980, he was promoted to brigadier and became Chief of Staff at Training Command. He was also awarded an AM in 1980.

In 1984, after 35 years of distinguished service, Brigadier Garland retired from the Army. In his later years, increasingly beset with motor neurone disease, he became prominent in the Australian Federation of Totally and Permanently Incapacitated Ex-Servicemen and Women, initially as ACT president and then as national vice-president and president.

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He has been described as dedicated, effective and single minded. It is said that his men shared this view and considered him extremely fair, believing that he did not like any of them equally. He profoundly confirmed this when asked in later years.

Brigadier Garland's ability to speak his mind made him a strong player in the monarchy movement in the ACT. In 1993 he was elected to the ACT Council of Australians for Constitutional Monarchy. He is survived by his wife, Barbara, two sons and two daughters and a number of grandchildren. I am sure all members join with me in acknowledging the great contribution Brigadier Alf Garland made to Australia and to Canberra and in expressing our sympathy to his family. He will certainly be missed.

MR STEFANIAK: Mr Speaker, I wish to speak on behalf of the opposition. Brigadier Alf Barrett Garland had a most distinguished military career. As the Chief Minister, Mr Stanhope, has said, he graduated from RMC in 1953 and had a number of postings. He passed away only weeks before his 70th birthday from a debilitating illness, motor neurone disease. It is a disease of which few Australians are aware.

A branch of the Motor Neurone Association was formed in the ACT in 1994, and I have the honour of being one of the patrons of the association. Despite having the disease for a number of years, Alf soldiered on until it became too debilitating for him even to do that. That he continued to be such a dedicated worker and individual for so many causes was testimony to his strength of character and his considerable physical strength.

Alf Garland came from a warrior family and he was very proud of that. He was a controversial figure. He spoke his mind very freely indeed. He has been described as a man who gave a lifetime of service to Australia in both war and peace. He was a great Australian patriot. As the Chief Minister has alluded to, he was a prominent and dynamic monarchist. As has been indicated, in 1993 he was elected national chairman of the Australian Monarchist League. Phillip Benwell, the then chair, said that Alf was never afraid of speaking his mind and was an ardent critic of republicans, particularly of those who, having taken the oath of allegiance to the Queen, worked assiduously to remove the crown.

Alf Garland was honoured in Australia for his service to the military and also received a number of awards overseas for his service to the veteran community and for his service around the world. He served not only in Australia but also in Malaysia, Korea and Japan and had various staff, regimental and instructional appointments in Australia. In 1980 he was made a member of the Military Division of the Order of Australia. He was made Chevalier, Military Hospitaller Order of Saint Lazarus of Jerusalem in 1985 and Companion of the Chivalry Cross of the Order of Polonia Restituta in 1987.

In 1982 he was elected vice-president of the ACT branch of the RSL and in 1985 he was elected president of the branch. He stood down five years after that due to ill health. In 1982 he became a fellow of the Australian Institute of Management, ACT branch. In 1993 he was elected a vice-president of the Bungendore PA and H Society and to the ACT Council of Australians for Constitutional Monarchy.

During his time as national president, he received many international awards for his distinguished service to veterans, including awards from veterans organisations in France, Poland, China, Europe and Indonesia. He was an honorary life member of the Royal British Legion and the Royal New Zealand Returned Services Association.

It is particularly poignant that he was honoured by Indonesia in 1992 in recognition of the fact that he was such an excellent human being and such a respected enemy and then good friend. At his funeral, one of his former colleagues told a great story about the Indonesian Chief of Staff, General Benny Moerdani, who, whilst in operations in hinterland Sarawak in 1965, was swimming and Alf, who was then with the SAS, had the general in his sights. He met the general at some time in the future and told him that he had not pulled the trigger because he was afraid of killing or hurting one of the undressed women who were also in the river. It was said at his funeral that perhaps he had lost his concentration.

Alf Garland was a man who would never give in if he believed that a cause was right. One issue was the wrongful dismissal of Air Vice Marshall Jim Fleming as director of the Australian War Memorial committee. Alf fought a great battle there. It was a battle that was lost, but it was a battle that he fought right to the end. He gave a lifetime of service to Australia, both in war and peace.

I met him on a number of occasions and had the honour of serving with him on a committee in 1985 when there were issues around the peace movement, unilateral nuclear disarmament, and a group was formed in Canberra with representatives of various bodies on it. He represented the RSL, and I represented a group called the Coalition for the Western Alliance. We did not win many battles with that group, which seemed to be more interested in unilateral disarmament and had much more of a peace bent in that way, but I came to have great respect for Alf Garland for his very strong views, logic, the force with which he would put his views and the great depth of experience of life that he brought to any situation in which he found himself.

He is survived by his wife, Barbara, four children and seven grandchildren. He continued till his death to serve the RSL and the veterans community in a range of executive positions and he was also an RSL national trustee from 1995. He continued with that commitment throughout his illness until his passing. I join with the Chief Minister in expressing condolences to his family and mourning a great Australian.

MR PRATT: Mr Speaker, I join with the Chief Minister in expressing condolences on the passing of Brigadier Alf Garland, who had a singularly distinguished military career and exercised great service for the nation in terms of our veterans and their families.

Brigadier Garland graduated from the Royal Military College at Duntroon in 1953 and went on to serve in Korea, Japan and various staff, regimental and instructional appointments in Australia. As a commander of the 1st Special Air Service squadron in Borneo in 1965, he cut his teeth and really made his mark in terms of his professionalism. He was to go on later to be second in command of the 7th Battalion Royal Australian Regiment in South Vietnam and a liaison officer for the commander, Australian Forces Vietnam, to the United States Army corps in Vietnam during 1967 and 1968. From 1968 to 1984, he served in various staff and training appointments, including Chief of Staff of Training Command and Deputy Chief of Personnel (Army).

Mr Speaker, as one of his infantry students, I remember him as inspirational. We used to refer to him—of course, behind his back—as Judy, which was a play on words. He was a firm and wise leader and a firm and wise instructor. Calm and measured, he was typical, with his lanky, sun-tanned looks and boxer's nose, of the tens of thousands of professional and volunteer soldiers who had for decades walked and fought on the jungle mountain ranges of Asia in support of fledging democracies and against the tyranny of undemocratic regimes.

Absolutely committed to his role as a leader in the RSL, he worked tirelessly to improve the position and situation of all veterans, widows and their dependants. In Canberra, we will remember Brigadier Alf Garland for the translations of his often cryptic phrases of expression, such as “Magpie 35, hit my smoke”, a phrase used by Australians in Vietnam in reference to the Canberra bomber flights of 2 Squadron RAAF which would fly in support of Brigadier Garland's troops and his calling upon them to fire in support of his “smoke”. That is where that phrase came from. That phrase, and others, are recorded on the wall of words at the Vietnam Veterans Memorial on Anzac Parade.

One thing Alf Garland might have wanted to take action on is the mooted plan by the French government to build an international airport which would threaten the war graves of 61 Australians, soldiers and airmen, who fell fighting for France, far from home, in the first and second world wars. Therefore, I take this opportunity, in memory of Brigadier Garland, to call on the French government, through its embassy, to consult deeply and sincerely with all the relevant allied and Commonwealth countries whose fallen lie in France. If our nations were able to reach an honourable compromise on this matter, I think Brigadier Alf Garland would entirely approve.

MRS CROSS: Mr Speaker, I rise to speak to this condolence motion as the wife of a retired Army brigadier who served his country for 30 years. Having witnessed first-hand the dedication to this country of our service men and women, I recognise Brigadier Alf Garland as a true Australian.

Brigadier Garland was a legend in the armed forces community. Before rising to the position of national president of the Returned and Services League, he served Australia as a soldier for 35 years in Korea, Japan, Borneo, Vietnam and elsewhere, at one time commanding the Special Air Service and earning a medal for distinguished service.

Brigadier Garland is best described as a man who gave a lifetime of service to Australia in times of both war and peace. He led the RSL during difficult times for veteran communities and was successful in recouping many benefits that had been taken away from veterans. Brigadier Garland was sometimes a controversial figure, as he was a man known to speak his mind—something not uncommon in this place, Mr Speaker.

He was a staunch monarchist who was fond of referring to those of us on the other side as roundheads. He was a delegate to the Constitutional Convention in the lead-up to the republic referendum and was prominent in its subsequent defeat. Brigadier Garland was a distinguished, passionate and committed Australian and one of this nation's true heroes.

He passed away only weeks before his 70th birthday, after a debilitating illness. He is survived by his wife, Barbara, and four children. One obituary to Brigadier Garland made reference to a quote from Russell Crowe's movie *Gladiator*: "What we do in this life echoes in eternity." In regard to the legacy left to young Australians by the brigadier, never a truer word could be spoken.

During my three years in Indonesia, from 1990 to 1993, I met many Indonesian soldiers, both serving and retired, whose admiration for this Australian was complete. In the words of the former defence minister, General Benny Moerdani, "Selamat jalan dan selamat tjour pak, Brigadier General Garland."

Question resolved in the affirmative, members standing in their places.

Death of Mr Neil Roberts

Motion of condolence

MR WOOD (Minister for Urban Services and Minister for the Arts): I move:

That the Assembly expresses its deep regret at the death of Neil Roberts, who made a significant contribution to the artistic life of Canberra and the ACT region, and tenders its profound sympathy to his family and friends in their bereavement.

Mr Speaker, we were all greatly saddened in recent times to learn of the accidental death of Neil Roberts. It was a shock to the system that a man reaching, I think, the prime of his artistic career, doing great works and inspiring many people, should die so suddenly.

Neil was thoroughly trained in the arts. He was a sculptor and a glass artist. His academic background, his artistic training, was indeed excellent, encompassing a number of outstanding glass workshops and glass institutions around the world. And it came through that his natural talent was very much enhanced by that very sound training. He is represented in many collections in Australia, certainly in Canberra, and more widely.

Neil was a very likeable fellow. He was an inspirational person, an exceptionally friendly and generous person. You did not need to know Neil all that well to be infected by his energy, his warmth and his personality. He was a leader in the ACT arts scene.

Neil also played a key role as an organiser and initiator. His purchase of a former joinery factory in Queanbeyan in the late 1980s produced an exceptional residence and workspace for Neil and his partner, Barbara Campbell, also an artist. The factory became an energy centre for the arts and led to the creation of Galerie Constantinople, our most enigmatic exhibition space.

Neil also made a major contribution as coordinator for the 1995 Canberra National Sculpture Forum, which brought us so many exceptional artworks, though the notoriety certainly went to one particular work because of the "beheading" by vandals of Greg Taylor's sculpture *Liz And Phil Down By The Lake*.

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Neil's own art made a significant impact on Canberra. He has left an indelible mark on his adopted home, with three seminal artworks and many others. His works certainly remain in the public domain.

Flood Plane, his imposing yet ephemeral work for Floriade in 1990, suggested that Floriade could be more than just a powerful competitor with the Bowral Tulip Festival. *Flood Plane* comprised an 80-metre long, 6-tonne irrigator, floated on Nerang Pool, and supporting a poem by Adam Lindsay Gordon about colonial vision and native fauna. Written in red neon, it read:

In lieu of flowers from your far land
Take wild growth of dreamland
Take weeds for your wreath.

More substantially, *The Fourth Pillar* in the atrium of the new Magistrates Court will prove to be one of Canberra's most enduring public artworks. This 1997 work, involving a neon text on a 14-metre corrugated iron structure, reminds us of the principles that underlie the law at work. However, it will be his "light on the hill", his powerful 1998 blue and white neon sculpture *House Proud* that encircles the Playhouse, Canberra's premier performing arts venue across Civic Square from the Assembly, that will ensure that Neil Roberts continues to amuse and inspire us for many years to come.

These are the more recent and the more visible exhibitions of some of his work. His work, as I indicated before, is held by many major public collections, including the National Gallery of Australia, Artbank, the Victorian and Queensland state galleries, and of course the collections at the Canberra Museum and Gallery and the ACT Legislative Assembly.

Neil Roberts won several significant awards and prizes during his artistic career. These included the inaugural ACT Creative Arts Fellowship in 1995, the Daikin Industries prize at the Osaka Triennial, also in 1995, and the Capital Arts Patrons Organisation Fellowship in 2000.

Notwithstanding all those prizes and all that very public work, members of this Assembly would know that we have an even closer connection with the work of Neil Roberts, for on the first floor of this building we have on display the work entitled "An auspicious symbol 6-10 1996-99". This work is drawn from Neil's significant body of work that explores sporting themes and reflects his love of Australian rules football. Then there is a more subtle connection through the reference to *House Proud* that appears in Robert Boyne's work *In the public domain* that hangs in the Assembly reception room.

Finally, there is *Cameral* by Neil's wife, Barbara Campbell, and most members will remember Barbara. This powerful photographic work on the ground floor of this building, which is visible to the passing public, offers symbolic access to the members of the Assembly, past, present and future.

Members may also be heartened to know that, in addition to the veritable piles of native “weeds” brought to the funeral by the huge number of mourners, Neil’s coffin was beautifully adorned by some more of his football flowers.

The contribution that Neil Roberts made to the arts in the ACT and in Australia was truly significant and will be greatly missed. I am sure, Mr Speaker, that all members will join with me in expressing our sympathy to Barbara; to Neil’s parents, Mert and Val; his sister, Gayle; and brother, Michael; and their families.

MR SMYTH: Mr Speaker, on behalf of the Liberal Party I rise to speak in honour of Neil Roberts, who was a great Canberran. Mr Wood has given a very good summary of Neil’s achievements and what he has done, but I think there are a couple of things that need to be mentioned first and foremost about what he put back into his community.

It is very important to note that Neil saw his role as one of helping to educate up-and-coming artists not just here in Canberra but elsewhere. For instance, in 1991 he was an artist in residence in Manila and he introduced the Filipino people to, among other things, the curative properties of tea tree oil. While he was there he spread the word about his art and his form of art. He also worked here in the Canberra School of Art to make sure that young up-and-coming artists were inspired, educated and challenged, and in that he has perhaps left us with an even greater legacy.

Mr Wood spoke about the property on Uriarra Road. A friend of mine built the property next door at about the same time Neil was building, so there was a lot of renovation going on in Queanbeyan at that time. When my friend Drew married, Neil painted a mural on the back wall of his house and it was there for a long time until he moved and he took it with him.

But what about the nature of the man? He was flamboyant, he was joyous, he was out there challenging people to be different, he was out there living his life to the full, and at the same time he could simply relax and walk his dog, and just be ordinary and be normal. I think the thing that people rejoice so much in Neil is that he was just there—he was always just there. In fact, just the week before he died he was at the contemporary art space at Manuka.

Wherever something was on concerning the arts in the ACT, Neil Roberts was there. And it wasn’t just his art, it was all art. It was Neil supporting a community, supporting his fellow artists and helping to raise the profile of the arts. I think that is what we may miss the most. This man was such a dynamo, he was such a driving force, he was so supportive, he was so innovative and he was out there challenging people to make sure they leave the world a better place.

I think my final comment would be best summarised by what his brother, Michael, said of him, “He lived life the way it ought to be lived, with integrity for himself and his art, and with a wonderful sense of humour.” I think we should remember Neil Roberts and his humour for a long, long time to come because we would be lesser people if we forgot someone like Neil. I commend the motion to the house.

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MS TUCKER: The Greens support this condolence motion for Neil Roberts. Neil was an artist and an individual of rare quality. It is hard to imagine how someone of such warmth, imagination, intelligence and vision could be so suddenly and awfully taken away from us.

Neil's work has quite a presence in Canberra. His exploded footballs in the backbench corridor on the first floor of this building, which we never did get around to interpreting for Paul Osborne, makes the connection in Neil's usually light and engaging way between energy, youth, dreams and sport. And we all enjoy the play on words in his work *House Proud* around the Playhouse roof.

Neil was a contemporary artist of the highest calibre. His *Flood Plane* remains the high point of the Floriade sculpture program. His glass works, his rubbings, his found objects, his broad spectrum of works, all evoke humanity and experience. His interest in op-shops and collections, so warmly referred to by friends and family at his funeral, was a clear reflection or expression of that interest.

His vision of a football mural, using thousands of those exploded footballs that he liked so much, but from country and suburban clubs across the state, if not the nation, would have given Docklands Stadium in Melbourne some of that humanity and so invested it with rather more significance and visual appeal than the lifeless industrial lump of concrete that it is at present.

Perhaps people sometimes imagine that top-draw artists are, by definition, temperamental or self-centred. Neil was wonderful, generous ongoing proof that this is not the case—that, as you would hope, people can be gifted and giving, inspirational and responsive. Neil is widely known in Canberra for his support for other artists, for his generosity with his own ideas and for the way he could always welcome other people's contributions. He was also greatly loved because of his kindness, his humour, his friendship and his commitment.

Neil had very high standards and was admirably truthful. While he would never pretend he thought work better than it was, he would always recognise what people had to offer. One could not help but note the easiness of the man. His continuous equable commitment to work of thoughtfulness and high quality was an immensely important contribution to our arts community.

We all presumed, as you do, that Neil would continue to make a substantial contribution to the quality of our lives here. He was happily settled in Queanbeyan with a very fine, fairly new, marriage to Barbara Campbell. Those of us in the Assembly last year met them both when they worked on Barbara's reflective art piece, installed in the downstairs window of this building.

Ours is a society that very rarely gets around to appreciating its artists, although Neil's popular fame as the man with the ute who removed the vandalised *Liz and Phil Down by the Lake* and the coordinator of the sculpture forum is a nice counterpoint to his work as an artist in the Magistrates Court, the Playhouse, and in houses, galleries and corridors.

One would imagine Neil would have continued to have worked around the world and here. We were looking forward to more neon signs and more constructions and fine interpretations of our human social space.

It is a great loss to community of the present and the future when someone of Neil's grace and stature is stolen away by an accidental or careless or simply luckless moment. One can slip into hyperbole quite easily when someone dies, but in this case I have no doubt that our world is a smaller, poorer place without Neil. To his many, many friends and to his family and his dearly loved wife and partner, Barbara, I offer my profound sympathy.

The words I have just spoken were written by Roland Manderson who, as members here would be aware, works with me in my office. I want to acknowledge that he wrote those very beautiful words. As members would also be aware, Ronald has had a long connection with the arts community. There has been a lot of personal loss in that community over the last year with the loss of Bob Beatty and David Branson. I sincerely hope that we do not have to stand in support of a similar condolence motion again.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, I will be fairly brief. For my sins, I have to confess that with what is now Actew I once commenced a marketing function to sponsor Floriade in its early days. I had a personal concern about the sterility of Canberra, which was a feature and a centrepiece of much of the Canberra bashing that has taken place over the years. So as part of that sponsorship of Floriade we conducted a sculpture contest. That sculpture contest was won, quite easily I have to say, by one Neil Roberts, who constructed the magnificent feature across the ponds at Commonwealth Park.

I met Neil Roberts a few times as a consequence of that, and later. I was infected by his sense of humour and his capacity to see things very clearly, which artists often can do more than we can. Neil Roberts will be remembered for his great contribution to breaking down the sterile image of our city, and it is fortunate, at least, that his contribution to the breaking down of that sterile image lives beyond him. I commend the motion.

MS DUNDAS: Mr Speaker, on behalf of the Australian Democrats, I rise today to add our condolences on the tragic death of Neil Roberts. I would also like to echo the closing sentiments of Kerrie Tucker—I thought they were really important—about what a trying time recent months have been for the people of the arts community.

Neil offered more than just his works to the arts community. He was a mentor to younger artists and his contemporary peers. As has been said, he was trained as a glass blower in the late 70s and early 80s, and the evidence of his training is apparent in all of his great works, which have been seen in installations throughout this building, throughout Canberra, and in 15 solo exhibitions since 1977 here and overseas. As well, he has had an involvement in many collaborative works and group works.

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Neil has certainly provided inspiration for many in the arts community, and that has also been evidenced by the number of people who have risen today to add their condolences to his passing. He was definitely an inspiration to many in the arts community and many Canberrans. It is a tragic loss. As I said, I support what Kerrie said about the many recent unfortunate tragic losses throughout the arts community. It is sad but unfortunately it is part of life. I hope that the arts community can draw strength from each other to move on from these tragic times.

Question resolved in the affirmative, members standing in their places.

Petition

*The following petition was lodged for presentation, by **Mr Stefaniak**, from 200 residents.*

Abortion legislation

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory.

The petition of certain residents of the Australian Capital territory draws to the attention of the Assembly that:

- the Heath Regulation (Maternal Health Information) Repeal Bill 2001 removes valuable statutory protection from women who are considering termination of pregnancy and those who have conscientious objection to participating in abortion procedures, and
- the Crimes (Abolition of Offence of Abortion) Bill 2001 removes all legal protection from the unborn child before birth.

Passage of these Bills would be contrary to:

- the fundamental role of government, which is to protect the lives and promote the well-being of all members of our community, particularly the most vulnerable; and
- Australia's international obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

Your petitioners therefore request the Assembly to reject these Bills.

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.

Privilege

MR SPEAKER: Members, I propose to make a statement to the Assembly concerning the privileges of the Assembly.

Members will recall that on 19 February I made a statement to the Assembly outlining action I had taken and proposed to take in relation to an order made in the Supreme Court of the Australian Capital Territory. The matter related to the publication of the report of the board of inquiry into disability services—the Gallop report. The order of the court had restrained the Chief Minister from presenting certain documents to the Assembly. On that occasion, I had intended to ensure that the Assembly was represented by counsel to seek to intervene in proceedings to assist the court, subject to its agreement, and to inform it of the issues relating to parliamentary privilege. As events unfolded, the action was not necessary, as the relevant orders were vacated by consent, and there was no need to seek to intervene.

The report of the board of inquiry into disability services and other documents have now been presented in the Assembly and authorised for publication by the Assembly. The report of the board is still set down for consideration by the Assembly. It is clearly a “proceeding in parliament” and is protected by section 16 of the Parliamentary Privileges Act 1987 in its application in the territory.

Subsection 16 (2) of the Parliamentary Privileges Act 1987 contains the following definition of “proceedings in parliament”:

(2) For the purposes of the provision of article 9 of the Bill of Rights, 1688 as applying in relation to the Parliament, and for the purposes of this section, “proceedings in Parliament” means all the words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of business of a House or of a committee, and, without limiting the generality of the foregoing, includes:

- (a) the giving of evidence before a House or a committee, and evidence so given;
- (b) the presentation or submission of a document to a House or a committee;
- (c) the preparation of a document for purposes of or incidental to the transacting of any such business; and
- (d) the formulation, making or publication of a document, including a report, by or pursuant to an order of a House or a committee and the document so formulated, made or published.

As I advised members by letter yesterday, action is currently being pursued by plaintiffs in the Supreme Court concerning issues relating to the procedural fairness of the board of inquiry. In my letter I advised that I intended to brief counsel to seek to appear on my behalf as *amicus curiae*, a friend of the court, to raise the matter of whether the privileges of the Assembly may be affected.

I now advise the Assembly that counsel has been briefed to seek to appear on my behalf as *amicus curiae* in the proceedings in the Supreme Court today. The proposed appearance is in relation to the potential issue of parliamentary privilege attaching to evidence that may be led before the court, and to the extent to which proceedings may involve breaches of the privileges of the Assembly.

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The action I have taken has not been taken lightly. As I stated to the Assembly on 19 February, the privileges or immunities that this Assembly and its members and committees possess are fundamental to its ability to perform its functions, and to its members' abilities to perform their roles. This privilege cannot be waived.

We must ensure that no action, inadvertent or otherwise, is taken that could impede the Assembly, its members or its committees, in the performance of their duties. It is for these reasons that I have taken the action outlined.

Estimates 2001-2002—Select Committee Report

MR HUMPHRIES (Leader of the Opposition) (11.33): Mr Speaker, pursuant to order of the Assembly of 19 February 2002, as amended on 7 March 2002, I present the following report:

Estimates—Select Committee—Report—Appropriation Bill 2001-2002 (No 3), dated 8 April 2002, together with a copy of the relevant extracts of the minutes of proceedings.

I ask for leave to move a motion authorising the publication of the report.

Leave granted.

MR HUMPHRIES: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR HUMPHRIES: I move:

That the report be noted.

Mr Speaker, Appropriation Bill (No 3) is, at one level, a fairly unexceptional document. In recent years, it has been the practice for appropriation bills subsequent to the main appropriation bill of the year to be moved, in order to deal with matters that have emerged in the course of the financial year. This has been necessary as, in recent years, the practice has grown of both introducing and passing appropriation bills before the beginning of a particular financial year.

I think the first year in which the Assembly did this was 1994. As a result—perhaps not surprisingly—there has been an increase in the number of subsequent appropriation bills moved here, because of issues that have arisen in the course of that financial year.

This bill deals mainly with a variety of cost pressures on the budget in the course of the year—issues that the Treasurer describes as mechanical, for the most part. They include funding for the office of sustainability. That is a clear government election commitment which, with this appropriation, has been fulfilled.

As I said, this is the second subsequent appropriation bill to the main appropriation bill for 2001-02. Appropriation Bill (No 2) in December dealt mainly with the delivery of government promises. This bill deals mainly, although not exclusively, with unanticipated cost pressures. For example, it provides an extra \$737,000 for exceptionally costly matters facing the director of public prosecutions in the ACT courts. That is a phenomenon which occurs quite regularly. It provides another \$633,000 for bushfire-related measures, dealing particularly with the aftermath of the Christmas Eve bushfires last year. There is \$1.507 million for increases in substitute care costs, and \$300,000 to bring forward redundancies in ACT forests. The committee had little concern or comment about the majority of those appropriations. I suspect they will receive the overwhelming support of the Assembly.

Having said that, however, there were a number of things which disturbed the committee as it continued its deliberations and examination of witnesses. One of the issues the committee was concerned about was the timing of the appropriation bill and the way in which that timing incorporated a number of items which might appear in subsequent appropriations.

The committee was unsure as to why some items were in this bill, as opposed to the second appropriation bill. A number of members of the committee felt that a fourth appropriation bill for 2001-02 was inevitable.

The government, apparently, wants to quarantine the content of the second and third appropriation bills, but there is a question over the value of that process. Of course, on the original timetable put forward by the government, the third appropriation bill would not have been subject to any scrutiny by an estimates committee because it was due to be passed shortly after it was introduced.

The Assembly is determined that there should be scrutiny of this appropriation. As I have said, Mr Speaker, it is the view of some members of the committee that a fourth appropriation bill may well be necessary this financial year, because of the cost pressures that inevitably arise in the course of a financial year. We have all the cost pressures to take into account since the introduction of this bill two months ago. The issues with a subsequent appropriation bill will be: what scrutiny is possible of that bill, how will that bill deal with cost pressures vis-à-vis the use of the Treasurer's Advance, and the further costs and delay that will be necessary to deal with that subsequent appropriation bill.

The question was asked: why not incorporate the measures in this bill in a later appropriation bill to be passed in, say, May or June of this year—a bill which is likely to be able to scoop up all of the subsequent cost pressures in the course of the financial year?

The Treasurer gave an explanation to that question. He said he wanted to ensure that this bill was passed quickly, so the government was able to act under the assurance that the appropriation it needed to conduct these activities had been approved by the Assembly. The implication of those comments is that, if the Assembly were to reject the appropriation, then, presumably, the government would choose to not proceed with some of those additional expenditures.

I do not sense that there is any great compulsion about that argument. Only once before has the Assembly rejected an appropriation bill brought forward by a government. Ironically, there was a charge led by the treasurer himself, which resulted in that. This is not the kind of issue that might define a government's performance. To me, it seems very unlikely that the Assembly will choose to draw a line in the sand for the government to cross on this particular bill.

To cause this bill to be passed at this stage would have the effect that the Assembly—if indeed there is to be a fourth appropriation bill—would have to return to the process this financial year. It would be a question of a further estimates committee, a further series of calls for public submissions, a further series of public hearings, a further report, and further debate in this place. I do not think that would assist the parliamentary process. Rather than doing it in a piecemeal fashion, I think it would be better for us to use this time to absorb the full picture, with the use of subsequent appropriation.

We also have the possibility of using the Treasurer's Advance to deal with some of these matters. The Treasurer showed some aversion to the use of the Treasurer's Advance. He argued that there is more transparency by putting it forward in an appropriation bill. Indeed, that is true—there is more transparency. The Assembly needs to actually approve an appropriation, rather than simply noting that a TA has been used in the past.

It is worth reporting that many of the items referred to in this appropriation bill have already been incurred. The government has already begun to spend, or has already spent, many of these amounts of money. This is, in many ways, retrospective approval of either the beginning or completion of a process of spending money.

It also does not take full cognisance of amendments made, last year or early this year, to the financial management act. That act provides that there should be the laying on the table of a statement of what use has been made of the Treasurer's Advance when subsequent appropriation bills are produced in this place. The Assembly has a full picture of what is going on, whether it is by way of appropriation bill or Treasurer's Advance. As I have said, there is a down-side to a succession of appropriation bills.

The contents of the bill gave some members of the committee cause for concern. I note that when the bill was tabled, the Treasurer said, "We are tidying up the previous government's mess." In subsequent examination, the Treasurer indicated that most of the items in the bill were, in fact, mechanical. That is, they were matters which had arisen in the course of the financial year, many of which were not foreseeable.

The committee asked which items were foreseeable—that is, items which could have been dealt with by some previous process, such as the 2001-02 appropriation—and which were not. As with a number of other questions the committee asked, the answer to that question came too late for the committee to be able to profitably use it. It came just one working day before the committee was due to report. As such, the committee has not taken full cognisance of the content of it. I note that, in answering that question, the Treasurer was not able to categorically point to anything that had been foreseeable prior to the change of government, for example.

He listed a number of items which were, in his words, “mechanical”, and then described other items as follows:

I note that there would appear to be issues which would in some way have been known to you in government, although the exact size and nature of the requirement for funding may not have been resolved.

Presumably, that means at the time of the last budget, or the time of the election. The assertion that this bill is about clearing up some mess left by the previous government is not supported by any evidence put before the committee. I note that the political pitch involved in that comment when the bill was presented to this place has not been matched by the tone of the report.

When I spoke, for the first time, as opposition leader in this place, I said that estimates committees and other committees of the assembly needed to be less political processes, more to the advantage of the Assembly, by issues being properly with. I think the tone of this committee report is in significant contrast to that of previous committees. I invite members to make that comparison for themselves.

Nonetheless, there are some significant misgivings on the part of the committee about this process. One of the most severe of those misgivings was the late arrival of the so-called budget consultation document—a document entitled *2002-2003 Budget Consultation*. This document was promised quite some weeks before the committee sought it. It was also promised to other committees of this place. I gather they may be commenting on that later today.

The document was eventually made available late on the Thursday before the Easter long weekend. That timing left this committee and, I dare say, other committees of this place with precious little opportunity to study it in detail. Certainly there was no opportunity to cross-examine the Treasurer or his officials on the meaning of the document. There are many questions about the content of this document which will need to be teased out.

The document, admittedly, is about the 2002-03 budget—at least that is what it purports to be about—but it says very little about the 2002-03 budget. In fact, it says much more about the 2001-02 budget. The view of many people who have looked at this document is that it is simply woeful—woeful in its lack of provision of appropriate detail about the government’s intentions, woeful about what is happening in the budget process, and woeful for its lateness in the process. It was so late that it was useless to this committee.

I make only a couple of references to the document. As I have said, it was not examined in detail by the committee because of its late arrival. Firstly, there is the issue of the very significant changes in the bottom line of the territory over this and future financial years. Secondly, there is reference in the document to technical changes which amount to some \$158 million over the next five years, which are completely unexplained in the document. Thirdly, there is the issue of how the community is meant to deal with this document.

The document states that it invites input from the public. However, that stands at odds with the fact that the document was actually produced after the deadline for public comment had passed. I am aware of other community organisations which received invitations to comment on the budget a matter of days before—and in fact even after—the deadline had passed for comment on the budget, as set out in the government's timetable. If, as it says, the document is intended to promote improved information about the major issues currently facing the ACT, in that kind of timeframe, it utterly fails to do that.

With the trenchant and sustained criticism of the former government's budget consultation process, the community, and this Assembly in particular, was led to believe that a better process might be put in its place. By no stretch of the imagination could this document be described as such.

A subsequent issue of concern to the committee was the announcement made in the media, at about the same time, that there would be a request to agencies across the whole of government to consider how a 2 per cent cut to their funding might be sustained. (*Extension of time granted.*)

The committee took much time in examining this issue and asked a number of questions about it. It was indicated to the committee that every agency of government would be expected to at least address the issue, but that some would ultimately be exempted from the effect of this edict, in whole or in part, by virtue of the cabinet, or perhaps the Treasurer, deciding that there was not a good case for them to sustain a cut of that size.

The committee's view was that it was illogical to hand out small amounts of money in this third appropriation bill whilst, at the same time, asking agencies to cut expenditure by 2 per cent, or some other figure, across other areas of government. The Treasurer described this process as a fairly standard part of budgetary discipline before each round of budgets. He also said it might include job cuts.

That never constituted part of the budgetary discipline of the governments in which I have been involved—the Carnell and Humphries governments. It stands in contrast to the commitment made by the present government that there would be no job cuts under a Labor government.

The committee believes that a 2 per cent across-the-board cut targets equally both efficient and inefficient agencies. The committee believes the government ought to exercise some leadership in demonstrating where it believes such cuts should more appropriately fall, based on its assessment of the performance of those agencies, as to where they can or cannot do better.

The committee noted the contrast between the decision to ask every agency to deliver a 2 per cent saving and the fact that the government had already anticipated the budget. It had announced that there would be an additional \$27 million provided to education in the ACT over a period which is yet to be clearly indicated by the government. Clearly, it is impossible to deliver a promise to provide \$27 million extra for education above the amount the previous government was providing if, at the same time, the government

reduces the baseline to education and does not, in some way, compensate that agency for that in the future.

A further point of concern for the committee was disappointment at the lack of a policy framework for the office of sustainability. This means it will not be possible for the office to have an input in any constructive way into the framing of the 2002-03 budget. That is one element of this bill which is about the government's election commitments.

In conclusion, it was my view and, I think, the overall view of the committee, that there are some serious shortcomings in this initial attempt at budget-making by the government.

The Liberal Party will not be opposing this bill, any more than it has opposed any other appropriation bill which has been brought before this place in recent years. However, before it passes this appropriation bill, the Liberal Party would like to see the government's response to the issues raised. That may have an effect on the government's proposed timetable—that is, that it be passed in the course of this sitting week.

The committee could determine no reason why this bill needed to be passed this week, or this month, other than the fact that the Treasurer had some fear that the Assembly may not pass the bill and therefore would not be able, as a government, to deal with the issues contained in the bill. As I have said, I do not believe there is a foundation for that fear. I think the Assembly is entitled to see a response to the issues raised by the Liberal Party before this bill is enacted by the Assembly.

MS DUNDAS (11.54): Mr Speaker, I am also speaking on the report of the Select Committee on Estimates on Appropriation Bill 2001-2002 (No 3). I would like to thank the other members of the committee for their patience and input as we developed this report. I believe we have a clear report which contains some positive recommendations.

This report raises a number of key issues, regarding not only Appropriation Bill (No 3), but of the financial management and processes in the ACT. In that regard, I eagerly anticipate a full and detailed government response to this report and its recommendations contained within it. To that end, I urge that we capitalise on the good, and move to address the bad.

The appropriation bill has a number of key good things, such as the Office of Sustainability. I hope we can capitalise on such an office, as soon as possible, so that the sustainable future of the ACT can start to be fully considered and actively addressed.

However, there are problems, and Mr Humphries has gone on about the problems in depth. The committee had problems in seeking answers and trying to glean understanding as to why and how this appropriation had come about, and what it was trying to achieve. If the committee had such concerns when we were dealing with an appropriation bill of this size, at this time, I would hope that these concerns will be adequately and quickly addressed. The next appropriation bill we look at may be the new budget in the next financial year. Delays, concerns, and issues such as those raised in this report are inexcusable as we try to deal with the financial future of the territory.

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That is all I have to say about this report. Again, I thank the other members of the committee—and this Assembly—for the opportunity to be part of the appropriation process.

MR HARGREAVES (11.57): Mr Speaker, I will refer to a couple of things that have been raised, and also, of course, to the report. The use of the Treasurer's Advance was indeed talked about in the context of the committee's deliberations. There seems to be some sort of discretion on the part of treasurers as to whether this is to be used for unknown purposes or emergency purposes. I do not have a difficulty with either of them, but the predominance of items in Appropriation Bill (No 3) was known, and they were not emergency items. Some of them might have been regarded as a bit urgent, but emergency? That is a bit iffy, I think.

I believe the use of an appropriation bill aided the transparency and actually did something for which I was grateful—that was to put the detail of the government's intentions on the table of the Assembly, before it happened. In the context of the Treasurer's Advance, that advance is used and the reasons are then tabled in the Assembly. It is an after-the-event exercise. In the context of this one, you can be critical on any number of grounds, but not on the grounds of lack of transparency. It was certainly there.

I want to comment on the convention which applies to estimates committees. There is an ugly side to the estimates committee system. It seems that a convention has been created in the past which allows open slather on the performance of the government of the day, or its plans for financial management.

I regret that convention, quite seriously. I think it is an appalling state of affairs. I regret the fact that the convention allows a complete and absolute departure from the terms of reference. No government of either colour is innocent of this practice in the past. It actually encourages politicisation and discourages scrutiny. I thought I would say this for the entertainment of Ms Tucker!

MR SPEAKER: You are entertaining me!

MR HARGREAVES: It puts before the committees the temptation to depart from the non-partisan approach to committee work.

As we went around the countryside and had a look at various places—I am sure Mr Stefaniak and Ms Tucker will agree with this—we found that our committee system is, by a long shot, the best in the country. Most of the places interstate, using numbers not dissimilar to those in this place, have totally wiped out and decimated the crossbench from any involvement in the committee system. I sometimes wonder why we do not do it here—except that I can get entertained by Ms Tucker!

We do not do that because we want people to participate in the committee system. That is why we do not use the numbers in this place to determine who is going to sit on committees. I regret the fact that this kind of convention encourages that sort of departure. I want the record to reflect that.

There are three parts to this bill. Firstly, it has provision for a significant election promise by the incoming government to the office of sustainability. The second part consists of machinery issues—for example, the first home owners scheme. The ACT is merely a post office between the federal government and people building their first homes. As I say, it is just a machinery exercise. The third is the provision of funds to take care of the financial disasters of the previous government. There were those three segments. The last part I referred to talks about the CTEC losses of previous years. One of the unfortunate parts about it is that we will not know the extent of the CTEC losses from last year until it is really too late in the year, because of the races during the long weekend in June. That is an unfortunate thing. It would be nice to know it a lot earlier than that.

We need to understand that the appropriation bill is in those three bites. It is unique, I think, to this government that there is an appropriation bill this early in its life. Had this appropriation bill not been produced early in its life, probably two of those three items would have not have been present. One is the office of sustainability, because it was an election promise, and the other was to cover the losses from previous regimes. We would merely have been doing things like the first home owners scheme.

I want to record my appreciation to both Ms Dundas and to the chairman, Mr Humphries, for the spirit in which we conducted the estimates committee. It was with good humour, I thought, and it was with absolutely no malice. That is one of the encouraging things about being in the ACT Legislative Assembly. We were doing business, and we were doing a good job. I want to record my appreciation to the other members for that. Patrick McCormack did a superlative job of trying to interpret what on earth we were on about. He did a great job. Thank you very much, Mr Humphries, and Mr Speaker.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (12.03): If I had taken the conventional approach as we have had here, I am fairly certain I would have been saying this report is woeful; it is lamentable; it is a waste of time, with the large number of people involved in the exercise; it is of no benefit; it serves no useful purpose; my view is that this report is nothing more than trash; it is disappointing, and it is a waste of the territory's money. Those are all quotes from Mr Humphries.

Mr Humphries: But you cannot say it, can you?

MR QUINLAN: No, I cannot say that—it is not in my nature. But I can say this to Mr Humphries: I might have mentioned before that I have a begrudging admiration for his capacity to twist an argument. I am fairly confident—in fact I am certain—that, if this appropriation bill had come at another time, that time would have been inappropriate—and now would have been the appropriate time. There would have been the questions: why not earlier? Why don't we have openness? Why weren't we told what was going on? I am sure that argument was just as much for your entertainment as was much of what Mr Hargreaves said. I rather suspect Mr Humphries may be regretting the fact that he did not have an estimates committee on bill (No 2).

Mr Humphries: I did at the time—yes.

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MR QUINLAN: Yes, you are. You will know next time, won't you? I guess you are venting a little spleen on that. The reason we put this forward at this time, and did not rely on the Treasurer's Advance, is that we could not be certain, at this point in time, that we wouldn't find more grubs under more rocks.

Mr Humphries sneered at my claim that we were tidying up the previous government's mess. In recent days, I have been reminded of that homily that says, "Be careful what you wish you for—you just might get it." As the Treasurer of the territory, I find myself with a number of problems on my plate. I think they do qualify as mess. Let me list just a few. We have already, addressing the Totalcare quarry established under the previous government, a failure that is going to cost taxpayers millions.

We are addressing losses from the CTEC V8 car race, as Mr Humphries mentioned, going back two years.

We are addressing the problem of the jail. The previous government put forward the suggestion of a project worth \$110 million, with no funds in the budget whatsoever. We find ourselves with a remand centre that is in a parlous state. That must be redressed immediately, because I think there is a chance.

We found ourselves still embroiled in the nurses dispute—the unresolved and morale-sapping nurses dispute.

We find ourselves inheriting a void when it comes to industrial relations and wages policies.

We find ourselves with disability services in disarray, as identified in the Gallop report.

We find ourselves committed to a medical school with no funding in the budget, but an MOU has been signed.

We found ourselves with shares in TransACT, which was short of capital.

I find myself in a sports bookmaking imbroglio that should have been addressed three years ago.

Yet Mr Humphries can sneer at the comment that we are tidying up the previous government's mess.

I will tell you why we put through Appropriation Bill (No 3). That was because we were afraid that we might still have to use the Treasurer's Advance to fix more messes—had we arrived at the point where we could confidently say there were no more of these problems yet undiscovered and unidentified.

I call on Mr Humphries, when he gets his right of reply, to deny that any of those issues are problems—problems that you did not bother to address.

I appreciate the committee's report, inasmuch as it does not actually criticise Appropriation Bill (No 3). It placed some qualifications on how we might establish the office of sustainability, and the rest of it seemed to be issues outside the ambit of the appropriation bill.

Mr Humphries: It never stopped you before when you were chairing estimates committees!

MR QUINLAN: I did not stand up on a point of order, did I? I am addressing the main issues that you brought up, Mr Humphries. I am just pointing out that the bill stands apparently accepted by the committee, which I appreciate greatly. That is evidenced by the need to cast the net wider in an effort to turn one of these committee reports into a political document.

Mr Speaker, I record my gratitude to the committee for the support they have given the bill.

Sitting suspended from 12.10 pm to 2.30 pm.

Questions without notice

Commission of Audit report—superannuation

MR HUMPHRIES: Mr Speaker, my question is to the Treasurer, Mr Quinlan. Treasurer, the Commission of Audit report that you tabled on 7 March this year predicted that, at the end of this financial year, the territory would break even on its superannuation investments. That, of course, was the principal basis on which the Commission of Audit predicted, on the then parameters, that, by the end of the financial year, there would be a loss of \$5 million.

That was 7 March. Just three weeks later—on 28 March—you tabled your budget consultation document, in which you predicted that the territory would receive a return on its investments of almost \$20 million. When did you become aware that the territory's predicted position had improved for the better?

MR QUINLAN: Around about that time, actually.

Mr Humphries: Can you be precise?

MR QUINLAN: No, I cannot recall precisely. If there is some sort of cunning trap laid there for me to fall into, I am sorry—I do not have enough information to tiptoe into it. I can recall having an aside conversation with Mr Ronaldson, the Under Treasurer, at the table. I said, "What is it today?" "Yes, tell them." That is the figure. As per a check at lunch-time today, the figure remains the same but will be reviewed, once the final wash-up for March comes through.

MR HUMPHRIES: Was the tentative, even sheepish, way in which you tabled the Commission of Audit report on 7 March a reflection of your knowledge, or at least your suspicion, on the basis of your advice, that, as a basic premise, a nil return on overseas investments was about to be knocked for six by a subsequent document?

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MR QUINLAN: I do not know whether I should answer that question, because it is based on a false premise that I tentatively or whatever—sheepishly—tabled it.

Can you reflect on the fact, Mr Humphries, that this was designed to make an assessment as at 31 October? That was the point of the exercise. Therefore, this document remains unchanged—because this was an assessment of the financial position at 31 October, based on the intelligence that was then available. The reason why I committed an incoming government to do this, the reason why it was done and why we wanted to assess the position, was that I had been asking you, Mr Humphries, previous to that day, “What is the real position?” and was getting no real information.

Periodic Detention Centre

MR HARGREAVES: My question is to the Deputy Chief Minister in his capacity as minister for corrections, and it relates to the Periodic Detention Centre at Symonston. Has the minister received correspondence from the Residents Against a Symonston Prison expressing concern about the possibility of a de facto prison being built at Symonston? If so, would the minister respond to those concerns so that all of Canberra can be in no doubt about the possibility of a prison emerging at Symonston?

MR QUINLAN: Yes, I have received an email from Mr Bruce Conduit of Residents Against a Symonston Prison. This body has already stated that they are reasonably satisfied with what is happening at Symonston, provided it is temporary. Mr Conduit, quite logically, asked a series of questions.

Firstly, will we stand by our commitment that there will be no prison in Symonston? Answer: yes. Secondly, how can we be certain that the centre will remain temporary? There he will have to take our word for it, but I have stated clearly and made a commitment that the centre will be temporary and occasionally used. I expect it to be used relatively regularly.

Mr Humphries: At this stage.

MR QUINLAN: There is no political gain in my doing anything at Symonston other than exercise my duty as minister for corrections to ensure the safety of both the custodial staff and the remandees there.

Mr Hargreaves: What are things like at the BRC?

MR QUINLAN: Not flash, I have to say. There is no political gain to be made out of this. I know you are anxious to make a fuss out of it, but what is there to be gained?

Mr Conduit went on to ask: what does “temporary” mean? My response to Mr Conduit is: two to three years, probably.

At this point I would also like to point out that, if you lot had been re-elected and gone ahead with a prison at Symonston, you would still have faced the immediate problem that is faced at the Belconnen Remand Centre. And if you had not done anything about it, you would have been irresponsible in the extreme. It just has to be done. As I have

said, there is no political mileage in it. I am not getting anything out of it except the exercise of the job I have been assigned.

I have been quoted as saying that only female remandees would be held there. I do not recall actually saying that, but I certainly have asked that there be a protocol that would ensure that low-risk prisoners—in as much as you can assess remandees—be accommodated there. They must all be officially classified as maximum security prisoners, but I have instructed that there be a protocol that would ensure that low-risk prisoners go there. That implies—and there is a distinct probability—that from time to time it will be the complement of women who would go there first, if there are that many women on remand.

Mr Conduit asks: would the new facilities mean prison fencing, and would it extend beyond the present plot? Answer: no. In an ideal world, if you wanted to beef up the Periodic Detention Centre, you would build a perimeter fence some distance from the building itself and you would knock down a whole lot of trees that had been there for some time. But, given that this is a temporary facility, that will not happen. The beefing up of security will be close to the building itself.

Finally, Mr Conduit asks: is the Periodic Detention Centre going to be moved? If so, where to? The Periodic Detention Centre is not going to be moved; we are only using a section of it as an extension of the Belconnen Remand Centre. But in the longer term we would expect to be building a remand centre somewhere else, not in Symonston, and possibly returning the Periodic Detention Centre to its current, original purpose.

MR HARGREAVES: Is the minister aware of comments made recently on radio by the opposition spokesman on corrective services? How do these comments align with the truth or the facts?

MR QUINLAN: I thought Mr Smyth was struggling in the extreme last night, particularly on radio. First, he made some suggestion that we ought to have remandees on home detention. Part of the reason that we have a high population on remand is the Bail Act that went through last year. The Bail Act, typically, bangs up people who are charged—not necessarily guilty—with a further offence while on bail. Now excuse me, but is there a high likelihood that these are the prisoners that we would put out for home detention? I suggest not.

Mr Smyth went on to try to divert attention by talking about people who might be criminally insane or who might suffer from some mental disorder that brings on aberrant or criminal behaviour, saying they should be kept separately. Let me remind the other side of the house that, with great fanfare last year, one Michael Moore opened Hennessy House and got the name on the brass plaque. But did he actually set the thing working? No. Did he staff it? No. He just put the brass plaque on and walked away. At least one high profile remandee, who has been assessed as having mental disabilities, was still left in a remand centre by Mr Moore—by that government.

Let me inform you, Mr Smyth, that since that time we have opened Hennessy House and that high profile prisoner is now being accommodated where he should be. Get your facts right.

Schools—IT grants

MRS CROSS: My question is to the minister for education, Mr Corbell. Minister, on 27 March you addressed the Weston Creek Community Council on a variety of matters, including education matters. You may recall that, during the evening, you responded to a question from the floor regarding access to IT grants for government and non-government schools. Your answer that night included a firm assurance that independent schools—that is, schools outside the Catholic Education Office—could indeed apply for IT grants on a needs basis. Do you stand by that statement today?

MR CORBELL: Yes, I did indicate to that meeting that, consistent with the government's election commitment, schools which were not in the systemic Catholic sector or public schools would be welcome to make individual submissions on their IT needs and the government would consider those needs on a case-by-case basis. That remains the case.

MRS CROSS: Mr Speaker, I have a supplementary question. Minister, how do you reconcile your answer that evening with your prior letter to the Blue Gum School, dated 5 March, that “at this juncture no funds have been made available for any independent school for the specific purpose of providing information technology in 2002-03”?

MR CORBELL: Because no-one has asked for any.

Gas-fired power station

MS TUCKER: My question is directed to the Treasurer, who has responsibility for Actew. Mr Quinlan, you would be aware, I hope, that ActewAGL recently released a preliminary assessment for a proposal to build a gas-fired power station in Hume. The project is expected to cost \$50 million and involves installing a second-hand gas turbine, which the report says will only be used for the equivalent of 15 days a year to cope with peaks in electricity demand in the ACT, even though there is excess generation capacity in New South Wales from which we get most of our power.

As a shareholder of Actew and a half-owner of ActewAGL, could you tell me what input you have had into this proposal, and whether you think the expenditure of \$50 million for 15 days of operation per year is a worthwhile investment or whether there is some other agenda to use this station more constantly for selling power interstate as a revenue raiser?

MR QUINLAN: Thanks, Ms Tucker. Actually, the input into the proposal itself has been zero. ActewAGL, which is now an independent partnership, is investigating, as you have said.

To understand what this gas station will do in terms of peak management, it should be noted that the thermal stations of the Hunter Valley or, even worse, the Latrobe Valley virtually have to operate at peak capacity even when there is no peak demand because they are just simply not easy to wind up. You cannot turn the wick up and down on those stations. So even if there is a peak demand to be met—let us say it is 100—of only half

an hour in the morning or half an hour in the evening, those stations virtually have to operate at that capacity all day.

There has been some management attempted at harnessing what is called the spinning reserve that occurs in those troughs. If you have a peak station, like a gas turbine, which I first have to say is cleaner than brown coal from the Latrobe Valley and even cleaner environmentally than black coal from the Hunter Valley, and you can turn it on and off to manage the peak, then you can drop the whole load profile from much larger thermal stations.

So in terms of the environmental impact, I would suggest to you that it is highly likely that any gas turbine capacity would be much kinder to the environment. That is not to say that there is not more cleaner power being investigated, such as wind power and solar power. I am informed that ActewAGL, I think it is, have invested some money in the experimental station just out near Collector that is to be commissioned later this year.

MS TUCKER: Mr Speaker, I have a supplementary question. Mr Quinlan, I assume that you will have input. When you have that input will you be arguing for this proposal to be analysed in terms of best environmental practice? Will you be arguing that in fact \$50 million could much better be spent in demand management programs to reduce peak demand and that it would be better and more environmentally responsible to invest in green power schemes that produce no greenhouse gas emissions?

MR QUINLAN: I am happy to answer those questions. I hope to be consulted on this, although I have to say that I would have to read the contract that set up ActewAGL to know if I have got any influence whatsoever. At the same time, I do not think at the end of the day ActewAGL are going to look on a mutually exclusive basis at the various strategies that you just enumerated. I think it is highly likely that they would look at those.

It is in the interests of the electricity distributors to conduct demand management programs anyway. It is not a case of doing it out of their generosity or their community spirit. It is a case of that is when the electricity costs a lot of money, that is when the pressure is on the market. You will be aware that the market is largely a spot market these days, and electricity at a peak time can cost a whole lot of money. So it is highly likely that ActewAGL will have their own demand management programs anyway, purely as an economic measure.

It is not the same for the generators, but with the separation of generation and distribution you can be assured, I would expect, that all distributors will be trying to manage demand as much as they can and to redistribute demand through such things as off-peak power.

In fact, there is no guarantee that this station, once built, will be used for the ACT. There is a national energy market, and I think the requirement will be that this particular station be plugged into the national grid. It would then be economics rather than environmental concerns that would drive when it is used because the electricity generated would be at times a very saleable product at premium prices, and that is highly likely why they would build it.

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Gungahlin Drive extension

MRS DUNNE: My question is to the Minister for Planning. Minister, on 5 March you told this Assembly:

... the intention of the government is to build the GDE on the western alignment and to build it within the time frame outlined in the current capital works budget.

I now refer to comments made today on ABC by environmental consultant David Hogg and to his company's report on the Caswell Drive upgrading and associated works. In that report he said:

Some plants and animal species, including some threatened species, can be expected to be found only at certain times of the year, commonly within spring and/or summer. If survey for critical species is not programmed appropriately this could delay planning and assessment of the project by up to 12 months or, alternatively, necessitates decisions on the basis of predictive assessments rather than hard data.

Given that spring and summer have passed us by, and given the close proximity of Caswell Drive to the Gungahlin Drive route through Bruce and the fact that the same consultant has been retained to do the environmental work on that upgrade, do you now concede that the extension cannot be built in the time frame you committed to? If so, when will it be built?

MR CORBELL: I thank Mrs Dunne for the question. Mrs Dunne has part of her question incorrect. As I understand it, Mr Hogg has not made any comments on ABC radio, but comments attributed to his report have been reported. I think it is important to clarify that Mr Hogg himself has not made any comment to ABC radio. That is my understanding of the events this morning.

There will not be a delay in the timing of the Caswell Drive duplication project as part of the environmental study. The current timing of that project is still June 2003. The issues raised by Mr Hogg in his examination have been addressed. Additional work has been and is being undertaken since the completion of this report in December 2001. Additional work already undertaken by Environment ACT surrounding, in particular, issues around native orchids in the area has been completed.

The report on the radio is incorrect, and Mrs Dunne's question is also incorrect.

MRS DUNNE: I ask a supplementary question. I thank the minister for his answer. Minister, when will you bite the bullet and admit that the preliminary work you commissioned is not ready and that assessments in spring and summer have not been done? When will you admit that the western route is not a viable option within the timetable you have suggested, and when will you unqualifiedly draw away from this misplaced route?

MR CORBELL: The premise of Mrs Dunne's question is wrong. As I have just informed the Assembly, the issues raised by Mr Hogg have been addressed through subsequent work and work done prior to Mr Hogg's examination, work which he was

unaware of. The premise of the question is wrong. The government has no apologies to make on this matter.

Neighbourhood planning program

MS GALLAGHER: My question is to the Minister for Planning and it relates to the government's neighbourhood planning program. How is the neighbourhood planning program being introduced in the Canberra community?

MR CORBELL: The neighbourhood planning program is a very important initiative for the government. It is one, I must say, that has been warmly welcomed by many parts of the Canberra community. That is in stark contrast to the comments that occasionally come across the chamber from those opposite about the adequacy or otherwise of the neighbourhood planning program.

It is interesting that those comments have come across because, unlike the previous government, this government is seeking to collaborate and work with the community on planning issues, rather than simply saying, "This is the outcome you are going to get. We are going to ask you about it, but this is what is going to happen." That is the marked contrast between this government and the previous government.

Mr Humphries: Famous last words, Simon.

MR CORBELL: You just do not understand collaboration, Gary. That is the problem. You just do not have it in your heart to work in a collaborative manner. That is why the former minister for planning is sitting over there next to you, in the deputy's chair, and maybe not for long. That is why we are seeking to implement the neighbourhood planning program.

On 13 December last year, I announced the government's intention to honour its election commitment. The government approved an initial program for neighbourhood planning, which covered six suburbs: Braddon, Deakin, Turner, O'Connor, Lyneham and Dickson. The neighbourhood planning process commenced with a meeting of a very broad range of community representatives on Wednesday, 27 February.

What was important about that meeting was that it was the government going to the community and saying, "Tell us your expectations. Tell us your concerns. Tell us what you want to see achieved." It was not a case of saying, "Tell us what you think and this is the outcome you are going to get," which is the approach adopted by those opposite. It was saying, "We are genuinely committed to a collaborative process. Let us work together and find out how it can work, and what you want to achieve from it."

The people who participated in that program were not simply the people who usually get involved in the planning debate. They were not simply residents organisations, development proponents and industry groups. Those people are important, but it also involved a broader range of people in the community. Everyone, from the Youth Coalition of the ACT through to the Masonic Homes organisation in the city, was involved. It was a very broad range of people. At that meeting, over 200 residents, citizens, community organisations and industry organisations warmly welcomed the approach that the government was adopting.

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A range of initiatives were considered during that process. Those included the need for inclusive and transparent collaboration. That was the number one theme of the neighbourhood planning workshop. What does that say about the past six years of planning under the Liberal Party? That was the number one priority for everybody. Second was effective implementation that leads to tangible outcomes, and then came clarity, consistency and certainty in all neighbourhood planning processes, a long-term vision for the ACT and strategic planning that integrates city planning with neighbourhood issues.

These were not the government's objectives. These were not the government's aims. These were the aims that came from those 200 or so people, including Mrs Dunne and Ms Dundas, who sat down and said, "This is what we want to see from the government."

The first specific neighbourhood planning program workshop was held on 26 March in Deakin. Over 100 people attended that meeting, and participants expressed their views on a range of issues, including the three most important things they believe help make an ideal neighbourhood, the three things they most enjoy about their neighbourhood now, and the actions required to make their neighbourhood even better.

Neighbourhood planning is continuing across the city. There is a meeting tonight in Turner. There is one on 10 April in O'Connor, and another one on the 11th in Lyneham. On 17 April, the program moves to Braddon, and on 1 May into Dickson. All of these meetings have been very widely advertised. We have sought to engage a much broader range of people than the previous government ever sought to involve in planning issues. I think the results are starting to speak for themselves.

Overwhelmingly, the response to neighbourhood planning has been extremely positive. We will be continuing to work, not simply with residents organisations and industry groups but, for example, with focus groups, school-based groups—such as parents and friends committees—and student representative councils. Building on the results of the work done in the workshops, the first draft neighbourhood plans will be developed in September. After further collaboration, the final plans will be prepared, and it is planned to release them in October.

Mr Speaker, I notice Mrs Dunne walking away at this point. She has expressed some scepticism about the timetable. I am happy to reiterate the timetable, Mrs Dunne, because we believe we can do the master planning process effectively. We believe that the neighbourhood planning process can be effective and we believe that it can be done in a timely manner. I am committed, and this government is committed, to ensuring that neighbourhood planning works and that collaboration becomes the key to planning in our city. It was a six-year tortuous process under the Liberal Party, which clearly did them no credit and gave them no credibility on planning issues.

We are putting in place a new and collaborative approach, one that I think marks a distinct change of heart and a distinct change of emphasis, to working with, rather than against, local residents.

MS GALLAGHER: What feedback has been received from the Deakin workshop?

MR CORBELL: Thank you for the question, Ms Gallagher. As I indicated in my answer, about 100 residents and other interested parties attended the Deakin workshop. That is an excellent response for any public meeting. The feedback has been very positive. Residents representatives said that the process encouraged people to put forward their views, and that it was well facilitated. Industry comment included support for the process, and that it was inclusive of both resident and industry perspectives. This is an exciting and collaborative approach, and I think we will see it go from strength to strength as the program rolls out over the next couple of months.

Same-sex couples—rights

MS DUNDAS: My question is to the Attorney-General. Mr Stanhope, does your government intend to implement your election platform that you will “establish an inquiry to investigate and make recommendations to achieve equal legal status for gays and lesbians in the ACT, introduce programs to fight discrimination and vilification of gays and lesbians, and legislate for two people, regardless of gender, to enter into legally recognised union”, or do you believe, as quoted in your media release of 8 March, that the ACT has taken this issue as far as it can? Do you intend to break your promises to the queer community of the ACT?

MR STANHOPE: Heaven forbid that we break any promises.

Mr Humphries: Where shall we start?

MR STANHOPE: Yes, where shall we start? There were a range of issues in the question asked by Ms Dundas. I might start with some of the work currently being done. You may be aware, for instance, that one of the issues actively progressed in relation to matters affecting gay and lesbian people is property rights and the referral of power by the states and territories, at least by the states, to the Commonwealth in relation to de facto relationships and same-sex partnerships.

At the last meeting of the Standing Committee of Attorneys-General it was agreed by all states and territories that there should be a referral of power to the Commonwealth in relation to de facto relationships. That is something that has been discussed. My predecessors, Mr Stefaniak and Mr Humphries, would be well aware of the discussions that have been going on over some years in SCAG in relation to the referral of powers to the Commonwealth in that area.

A difficulty, and my colleague Mr Hargreaves has, I think, given notice of a motion for private members business in relation to this issue, is that regrettably the Commonwealth, whilst agreeing to accept a referral of power in relation to de facto relationships to allow property issues affecting de facto relationships to be dealt with by the Family Court rather than the courts of the states and territories, refuses to accept a reference in relation to same-sex partners. That is regrettable and I hope that the Commonwealth will reconsider its opposition to legislating in relation to same-sex partnerships and accept a reference.

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It is probably quite unusual to find a circumstance such as this one where the states and territories combine and agree to make a reference to the Commonwealth and the Commonwealth—for whatever reason; one can only surmise why it is—refuses to accept a reference in relation to same-sex partners but accepts a reference in relation to other partnerships.

There are some implications for the ACT in relation to that insofar as we have a very good piece of legislation in the Domestic Relationships Act introduced by a previous Labor government to deal with the distribution of property in all relationships, whether they be gay and lesbian or otherwise, and the referral of powers in relation to de facto partnerships but not same-sex partners does create a problem for us in that we would have a two-tiered system, thereby engendering or generating obvious discrimination in the treatment of gay and non-gay partners in relation to their access to the courts in property issues. That is a very regrettable aspect of the Commonwealth's decision not to accept a reference in relation to same-sex partnerships. That is some of the work that is proceeding, Ms Dundas.

In relation to the other issues that were part and parcel of the package that the Labor Party took to the last election, you would be pleased to know that I have sought and received detailed briefings from the department of justice. Indeed, Ms Tucker has asked for briefings on the very same issue and I understand that those briefings will be proceedings. Ms Dundas, if you wish to be briefed by officers of the department of justice in relation to the potential that exists for reform in a whole range of areas that affects gays and lesbians, I would be more than happy for them to brief you likewise.

Indeed, in the last week I asked the department to obtain for me a copy of all the legislation that the Western Australian government either has just passed or is in the process of passing to cover the same range of issues—issues that go to superannuation entitlements, issues around travel entitlements and a whole range of workplace issues that affect gays and lesbians. The most progressive of the legislation that exists in Australia at the moment is that just passed or contemplated by the Western Australian government. I am not sure of the stage the legislative process has reached.

I am not inclined to reinvent the wheel in terms of state-of-the-art legislation. I have asked for details of that legislation. I have received significant briefings from the department. This work is in hand. We will, of course, carry through with it.

In terms of the specific point that you made, and I cannot recall the context in which I made the remark, one of the issues that you raised goes to matters around gay and lesbian union. Of course, issues that relate to marriage or the union of people are ones that are within the constitutional domain of the Commonwealth. We do not legislate for marriage at a state or territory level.

To the extent that I may have made a comment about an issue that has been taken as far as we can take it, I can only assume that it was in relation to matters over which we do not have any constitutional fiat. I would have to look at the comment because we are working to progress a whole range of issues in relation to gay and lesbian people, but we are doing so in a measured way. As the proposals progress, we will make those issues public.

MS DUNDAS: I have a supplementary question. Minister, considering that your initial answer to my question was to say, “Heaven forbid that we break an election promise”—I will take that as a commitment to the election promise that you did make in terms of gays and lesbians in the ACT and the queer community of the ACT—will you inform the Assembly of a proposed timeframe to implement these long overdue reforms?

MR STANHOPE: As we progress these proposals, I will certainly keep the Assembly fully informed.

Education funding inquiry

MS MacDONALD: My question is to the minister for education. In March the opposition spokesperson on education made some comments about the recently announced head of the education funding inquiry, Ms Lyndsay Connors. The *Canberra Times* of 21 March reported:

... Steve Pratt said Ms Connors was a “committed Government-sector person,” and thus an inappropriate choice to head the inquiry ... he wondered whether “decisions had already been made” about funding levels for government and non-government schools.

Will the minister explain why he has appointed Ms Connors to head this inquiry?

MR CORBELL: I thank Ms MacDonald for the question. I am still dismayed by the comments made by the shadow minister for education on this matter—dismayed because Ms Connors is without a doubt one of the most significant figures in education policy-making in the country. Ms Connors is very well respected in education circles. She started as a teacher in the ACT system in the 1970s and was a member of the ACT Schools Authority in the 1980s, so she has very clear knowledge of the philosophy and the foundations of the system here in the ACT. She has that to her credit.

She is currently an adjunct professor in the faculty of education at the University of Sydney, again a position I think anyone in this place would consider to be of significant standing. Her most recent appointment was as chair of a ministerial working party for review of the Victorian Department of Education, Employment and Training. That working party’s report, *Public Education: the Next Generation*, was published in late 2000.

Ms Connors has considerable experience in the Commonwealth education sector. She was a member of the Commonwealth Schools Commission in the mid-1980s. You could not find somebody who has a broader range of experience than Ms Connors. She has indicated both to me and to other people in the sector that she treats her role extremely seriously. She understands that she needs to speak to all of the sectors in the ACT education community. She will be seeking to meet with, and speak to, a broad representative sample of public schools, and she has indicated to me that she will be seeking to meet and talk with every non-government school in the territory. That is a significant commitment from this inquiry head.

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What do we have from the Liberal Party? Without any assessment of Ms Connor's credibility or experience, without any look at, or comment on, the terms of reference or the adequacy of the inquiry, they have simply attacked the personal integrity of the inquiry head. No substance, not detailed analysis; simply playing the man and not the ball. I find the approach adopted by Mr Pratt to be unacceptable. Will Mr Pratt apologise to Ms Connors for the slur on her reputation? That is what he has done. He has slurred the reputation of a prominent educationalist. I know that Ms Connors is just moving on. She does not really worry about these things, and I am sure she will deliver an excellent comprehensive and thought-provoking report.

Mr Pratt should think again. If he is unable or does not have the integrity to issue such an apology to Ms Connors, then his leader should pull him into line. They have refused to apologise to date, and I think their approach has been unacceptable. What is more, the Liberal Party has sought to deliberately interfere in the conduct of an independent inquiry. The Leader of the Opposition and Mr Pratt, a week or so ago, said, "We think the inquiry should be run this way. We want to see a committee established to work with the inquiry head." Clearly, they do not understand the concept of an independent inquiry. You appoint somebody to conduct the inquiry, and you let them get on with the business of the inquiry.

It is not the government's role to say to the inquiry head, "We want the inquiry conducted in a particular way." We set the terms of reference. They are very clear on the issues we want the inquiry head to address, and I have no doubt that Ms Connors will conduct the inquiry in an appropriate manner.

The approach adopted by the Liberal Party has been confrontationist, ill thought through and provocative. It has sought to undermine the independence of that inquiry. It is an unfortunate start to one of the most important pieces of work into the future of the ACT education system since self-government, but it is one that will not deter this government from working to improve education outcomes for all students in the territory.

Independent schools—funding

MR SMYTH: Mr Speaker, my question is to the minister for education. Mr Corbell, in response to Mrs Cross' supplementary question about whether or not funds had been made available, I refer to your letter, which says:

At this juncture, no funds have been made available for any independent school for the specific purpose of providing information technology.

Your feeble excuse was: "No-one has asked for any." How do you reconcile this with the request for funds by the Blue Gum School on 7 February? I quote:

It would be a great relief to receive some assistance from the government. Could you please advise us of our entitlement as a matter of urgency, as we cannot afford to expend our limited funds unnecessarily.

Minister, have you misled the Assembly?

MR CORBELL: No, I have not misled the Assembly, Mr Speaker, because Blue Gum had not made any specific request for IT support. Blue Gum wrote to me, if I recollect the letter—I do not have the letter in front of me—asking what was their allocation under the government’s election commitment.

I indicated in my response that there was no specific allocation and that the requests would be dealt with on a case-by-case basis. Blue Gum would be welcome, as with any other non-government school, to detail any specific requests they had for IT support, which the government would then consider.

In my answer to Mrs Cross’ question, I said that no-one had asked for any. At the time of my reply to the Blue Gum school’s letter, that was the case. Subsequent to that, a number of non-government schools have raised requests, which are currently being considered.

MR SMYTH: How much—and when will you make funds available for independent schools? Or have you also misled the Western Creek Community Council? I seek leave to table the letter from Blue Gum, which clearly outlines their request for funds.

Leave granted.

MR SMYTH: I present the following paper:

Information technology grants for Government and Catholic Schools—Copy of letter to Minister for Education from Executive Director of Blue Gum School, dated 7 February 2002.

MR SPEAKER: I think Mr Corbell would like to hear the question again.

MR SMYTH: The question is, minister: how much—and when will you make funds available for independent schools? Or have you also misled the Western Creek Community Council?

MR CORBELL: This matter is perfectly clear, Mr Speaker. Requests will be dealt with on a case-by-case basis. I think the government’s approach is fairly clear.

Australian Labor Party

MR PRATT: My question is to Mr Stanhope, the parliamentary leader of the Labor Party in the ACT, in his capacity as Chief Minister. Do you agree with the secretary of the AMWU, Doug Cameron, who in a submission to Labor’s internal review has described the ALP as out of touch and elitist and unable to effectively represent the interests of ordinary working Australians? Does that mean that you refute the claims of Mr Cameron and the ALP that ALP policy has become the play thing of parliamentary frontbenchers and their courtiers, and do you honestly believe the system of preselection in the Labor Party is not what Mr Cameron describes as only for the true believers who inherit—

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Mr Corbell: I take a point of order, Mr Speaker. Mr Pratt should know that questions can only be directed to ministers for their areas of responsibility. Comments in relation to the operation of the Australian Labor Party at a national level are not the responsibility of Mr Stanhope. The question is out of order.

Mr PRATT: Mr Speaker, I believe I have a right to ask a question on a leadership issue.

MR SPEAKER: I do not think Mr Stanhope is responsible—he was not last time I looked, anyway—for the national office of the Australian Labor Party. The point Mr Corbell has made is a good one. I would therefore rule the question out of order.

Ministerial Council on Corporations

MR CORNWELL: Perhaps you would like to answer this one, Mr Stanhope, in your capacity as Attorney-General. In a press release dated 8 March you asserted that the ACT had lost its place on the Ministerial Council on Corporations under the former Liberal government. Is it a fact that this is not the case, Attorney-General, because the ACT has never had a place on the Ministerial Council on Corporations since the council was first set up under the Hawke federal Labor government? Have you had a chance to be better advised and reconsider the media release? Would you like to take the opportunity to correct the record?

MR STANHOPE: Thank you, Mr Cornwell. When you referred to a press release of 8 March, as did Ms Dundas, I thought, “Goodness me, Mr Cornwell and Ms Dundas are collaborating on gay law rights.” I had a vision of Mr Cornwell and Ms Dundas getting together to talk about gay law reform. I commend you for that, Mr Cornwell.

Yes, Mr Cornwell, I am very aware of the issue. It is a major concern for the ACT that under the self-government act we do not have a constitutional role and responsibility for corporations. It is a major inhibitor in a whole range of areas. This was reflected in the last sitting period when, as a matter of urgency, we had to delay the introduction of amendments to legislation on the operation of pharmacies because, from the advice that I have and advice that I understand was available to the previous government but ignored by them, the proposed provisions were probably ultra vires. This raises an interesting issue in itself, that the previous government was prepared to go ahead with legislation which was ultra vires the corporations power.

Of course, this is the very issue that goes to the heart of your question, Mr Cornwell, that there are a whole range of areas now in the day-to-day management of the territory in respect of which our incapacity to legislate in relation to corporations is a major difficulty in going about our daily business. There is a real and I think quite genuine concern that there perhaps is a raft of legislation, some of it quite significant legislation, that has been passed by this place over the years that I think is quite likely invalid. That is a major concern.

Mr Humphries: Mr Speaker, I take a point of order. This is a fascinating answer but it is not an answer to the question that Mr Cornwell asked. Mr Cornwell asked about whether the ACT has ever been a member of the Ministerial Council on Corporations.

Mr Smyth: As the Chief Minister asserted.

Mr Humphries: As he asserted he was thrown off it.

MR SPEAKER: I thought Mr Cornwell was rather happy with the answer.

Mr Cornwell: Mr Cornwell has not said anything, Mr Speaker.

MR STANHOPE: I am giving some relevant background to the issue around the corporations power and the importance of us being a member of the corporations club. Mr Cornwell, that is some of the background and it is quite right that you should raise this important issue because the extent to which we are constrained in legislating in relation to corporations is very important and significant.

One of the difficulties we have faced over the years is that we have not been treated as a partner in relation to proposals to deal with the operation of the corporations law in Australia. As I understand the history of this matter, to the extent that the ministers in the previous government ever bothered to attend ministerial council meetings in any event—and I have to say that we are discovering quite lately just how often we were not represented at ministerial council meetings; and it really is an issue in itself and perhaps it leads to some understanding of why it was that we were not represented on the Ministerial Council on Corporations—progress was made a few years ago and agreement was reached amongst states, the territories and the Commonwealth that perhaps the ACT might be invited to join the ministerial council.

But, I think as a result of a lack of action, a lack of force, by the then Attorney, who I think was Mr Humphries, the offer to join the ministerial council was withdrawn. I think this was the result of a deal struck between the Commonwealth and New South Wales—

Mr Humphries: That is nonsense.

MR STANHOPE: You know it is not. It is absolutely true. I have this chapter and verse and I would be more than happy to make available to the Assembly that we fell at the final hurdle because the then Attorney simply did not have the energy to pursue the ACT's interests. So it really is a very sad situation for the ACT but we are rectifying it.

I have written within the last month to both the federal Attorney-General and the federal Assistant Treasurer to ask that this totally unacceptable position be reversed, that we be invited to full membership of the ministerial council and that the self-government act be amended to ensure that we do have the capacity to legislate in relation to corporations. I expect the Commonwealth to meet that appropriately.

MR CORNWELL: Mr Speaker, I ask a supplementary question. I take the Attorney-General's statement as "Yes, the media release was wrong." Therefore, I ask: what steps will you take to avoid repeating a mistake such as the one contained in this media release because, frankly sir, your credibility could be under threat until the next election if media releases are going out which are patently wrong?

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MR STANHOPE: I am fairly comfortable about my credibility, Mr Cornwell. I see that you are out there competing for the Gregs again, Mr Cornwell. I think they are up on Thursday. I thought your effort on Sunday will probably get you over the line again.

Mr Cornwell: I have never won one yet but I am trying.

MR STANHOPE: Oh, so you are going for your first.

Budget—technical changes

MR STEFANIAK: My question is to the Treasurer. Mr Quinlan, late on the Thursday before Easter, you produced the long-awaited, indeed greatly overdue, 2002-2003 budget consultation document, about which so much was said this morning. On page 10 of that document, you refer to technical changes, changes that have a \$158 million effect on the territory's operating position over the next five years. No attempt is made to explain this massive impact on the ACT. Can you tell the Assembly what these technical changes are?

MR QUINLAN: I will have to take that question on notice, Mr Stefaniak, to give you precise details.

Mr Humphries: \$158 million. Surely you would know?

Mrs Dunne: It will be in your brief under "T" for technical.

MR QUINLAN: I thought it should have been in your brief. These are the October 2001 figures that you put out, are they not? Are they yours? So that I do not risk misleading you at all, Mr Stefaniak, I will get you—

Mr Humphries: You do not know, do you?

MR QUINLAN: No, I do not know this off by heart. Of course I do not. Let me say this much, Mr Humphries: I know more about what is in this document than you do, but I do not know every last figure in there or in the budget papers.

MR STEFANIAK: Mr Quinlan, what value does your consultation document have when massive imposts on our bottom line are left unexplained? Why did it take my question to prompt you to go off and find this information and put it into the public domain, where it belongs and always did?

MR QUINLAN: I will repeat the first answer. These are changes that were in your review of the bottom line, your assessment before the election. These are the changes that gave us the 2 October estimates, Mr Humphries' estimates, so ask him. Cut out the middle man. However, seeing as he does not know, I will get the information to you.

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

Personal explanation

MR PRATT: Pursuant to standing order 46, I seek leave to make a personal explanation and indicate that I have been this day misrepresented.

MR SPEAKER: Leave is granted.

MR PRATT: Mr Corbell misrepresented me in question time today in respect of a subject relative to the education inquiry. There is no evidence to indicate that I have slurred Ms Connors' character. On the contrary, if the minister had listened—

Mr Corbell: No, you just said she was biased. That is all you did.

MR PRATT: Listen, Minister. If the minister had listened and if he had identified what had been presented, he would have seen that I had acknowledged Ms Connors' experience and capabilities. He would have seen that I had acknowledged that Ms Connors is a competent and capable educationalist but one with a narrow perspective in relation to what we would see as a broad ACT education system.

MR SPEAKER: Mr Pratt, personal explanations and points where you attempt to raise instances where you have been misrepresented are appropriate under standing order 46. But you cannot start a debate over the issue, and it seems to me that you are trying to debate the issue.

Mr Quinlan: Get on with it. Get it over with. Get it off your chest.

MR PRATT: Thank you, Mr Speaker. Thank you, Mr Quinlan. I have two points about Mr Corbell misrepresenting me. The first is that there is no evidence that I have slurred Ms Connors' character, and I challenge him to produce the sets of words that would indicate that. Secondly, I have pointed out that Ms Connors is a capable and competent educationalist. That does not support Mr Corbell's view that I have slurred her character, so I cannot see how that would be the case. I seek Mr Corbell's retraction of those words.

MR SPEAKER: You cannot do that under standing order 46. You may wish to raise this in the adjournment debate and deal with it more comprehensively.

MR PRATT: Okay. Thank you.

Answers to questions on notice

MR CORNWELL: I would like to ask a question under standing order 118A. There is a question on the notice paper in my name, question 117, addressed to the Minister for Health. The 30 days in which to answer this question expired on 6 April, and I would like to know when I might receive a response.

MR STANHOPE: I will chase it up, Mr Cornwell. I beg your pardon.

Personal explanation

MR HUMPHRIES (Leader of the Opposition): Pursuant to standing order 46, I seek leave to make a personal explanation.

MR SPEAKER: Please proceed.

MR HUMPHRIES: Thank you, Mr Speaker. During question time, the Attorney-General referred to attempts made by the ACT over a number of years to secure a seat on the Ministerial Council on Corporations and suggested that the Attorney-General at the time—I think he actually named me—had failed to act in such a way as to promote that case. He said that I had lost interest in the fight to obtain that seat. He also suggested that there might not even have been attendance at those meetings because there were other distractions or reasons for the government of the day not to send the relevant minister to those meetings.

Mr Speaker, as the relevant minister at those meetings, to the best of my recollection I attended all the meetings of the Ministerial Council on Corporations. I fought very hard in the entire period of my membership of the council for the ACT to be given a seat on it—a seat it had never held since the day the council was set up in 1990. Our efforts never stunted in that respect, but they were unsuccessful on several occasions because other states took the view that the ACT ought not to be represented. I categorically refute suggestions that there was any lack of energy on the part of the ACT in securing a seat on that council.

Auditor-General's Report No 1 of 2002

MR SPEAKER: For the information of members, I present the following report:

Auditor-General Act—Auditor General's Report No 1 of 2002—Special Purpose Review of Part of the Commission of Audit Report on the State of the Territory's Finances at 31 October 2001, dated 8 April 2002.

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

That the Assembly authorises the publication of Auditor-General's Report No 1 of 2002.

Papers

Mr Speaker presented the following papers:

Proposed Gungahlin Drive Extension—Letter from Minister for Planning in response to the Assembly's resolution of 12 December 2001, dated 26 March 2002.

Discrimination against Women—Copy of letter from Chief Minister to the Prime Minister concerning the Assembly's resolution of 6 March 2002, dated 22 March 2002.

Public Sector Management Act—executive contracts Papers and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): For the information of members, I present the following papers:

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

Long term contracts:

Jeffrey Mason, dated 10 January 2002.

Temporary contracts:

Pam Davoren, dated 19 March 2002.

Wayne Perry, dated

Richard Johnston, dated 26 February 2002.

Schedule D variation:

Peter Gordon, dated 4 March 2002.

Geoff Keogh, dated 4 March 2002.

Stephen Ryan, dated 5 March 2002.

Richard Hart, dated 24 January 2002.

John Meyer, dated 26 February 2002.

I seek leave to make a statement in relation to the contracts.

Leave granted.

MR STANHOPE: Mr Speaker, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires tabling of all executive contracts and contract variations. Contracts were previously tabled on 5 March 2002. Today I present one long-term contract, three short-term contracts and five contract variations. The details of the contracts will be circulated to members.

Papers

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): For the information of members, I present the following papers:

Remuneration Tribunal Act, pursuant to subsection 10 (1)—Part-time holders of public office—
Determination No 100, dated 28 February 2002 together with a statement.

Public Sector Management Act—

Review of the *Public Sector Management Act 1994*—Papers prepared by the Commissioner for
Public Administration—

Introductory paper, dated December 2001.

Discussion paper I—An ACT Public Service Ethos, dated December 2001.

Discussion paper II—Public Service Governance and Structures, dated March 2002.

Discussion paper III—The Employment Framework, dated March 2002.

Discussion paper IV—Chief Executive and Executive Employment, dated March 2002.

I ask for leave to make a brief statement on the review of the Public Sector Management Act.

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Leave granted.

MR STANHOPE: I present a series of discussion papers in relation to the review of the Public Sector Management Act 1994. The Commissioner for Public Administration, Mr Richard Moss, is undertaking the review. The initial phase of the review is the publication of these papers. Today I present a series of four discussion papers.

I should note that these papers have been distributed separately to all members of the Assembly. The papers have also been sent to all chief executives in the ACT public service, and they are available to all interested parties both in hard copy and from the commissioner's webpage. The publication of the papers is designed to focus debate and consultation on the key issues associated with the Review of the Public Sector Management Act.

This debate and consultation will be further encouraged through a series of focus groups involving staff from across the ACT public service as well as a forum that will be open to members of the public. The deadline for comments on the papers is close of business Friday 31 May 2002. The Commissioner for Public Administration will then prepare a report to governments drawing together the views obtained through this process. This report is expected to be completed in July 2002.

Bill of rights Paper and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (3.39): For the information of members, I present the following paper:

Committee to inquire into an ACT bill of rights—Terms of Reference.

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

Leave granted.

MR STANHOPE: Mr Speaker, this government believes that the protection of the rights of ACT citizens is fundamental to its role in running the territory. The key undertaking of the Labor Party in its election platform was to investigate the development of a bill of rights for the ACT. Last Wednesday I announced the appointment of a committee to consult with the ACT community and report to the government on the feasibility of a bill of rights, the form it should take and what rights should be included in the bill.

The committee is chaired by Professor Hilary Charlesworth, who is an internationally acclaimed scholar in the area of human rights law. Other members are Dr Larissa Behrendt, professor of law and indigenous studies at the University of Technology, Sydney, and a visiting scholar at the Australian National University, and Ms Penelope Layland, journalist, author, poet and past associate editor of the *Canberra Times*.

Accordingly, I wish to table the terms of reference for the committee, which include conducting an inquiry into whether it is appropriate and desirable to enact legislation establishing a bill of rights for the ACT. If the committee determines that it is, the terms of reference include considerations of: what form such a bill of rights should take, with special reference to whether it should be an ordinary statute or a declaration of the Assembly; what rights it should contain; whether it should apply to all citizens or only the actions of government and its officers; the bill's relationship to Commonwealth law; whether there can be exemptions to provisions of the bill; and whether it can be overridden by the Assembly.

The committee will establish its own procedures and approach to the task and will operate independently from government. It is charged with extensive community consultation in addressing its terms of reference, as I believe this should be seen as a joint venture of the committee and the people of the ACT. At this stage it is envisaged that the committee will report to the government around the end of the year and that any subsequent legislation will be introduced to the Assembly in the autumn session of 2003.

People may say that we in the ACT do not need a bill of rights, since our human rights are adequately protected here. However, many of our basic human rights are not listed anywhere; they are not protected by the Constitution; they can be eroded by legislation or sanction of practices. We trust that the socially accepted standards of our society will prevent this. However, it is not enough that there is general satisfaction with how we are currently treated as citizens. With the development of new technologies and global activities, it is becoming ever easier to erode the freedom of individuals, very often in ways that are not violent or public.

Governments and citizens need to be reminded of the rights this nation has adopted as part of the international community. We need to enunciate and debate the principles underlying our approach to human rights. I am sure that this process will result in the community becoming much more aware of what they consider to be a just and fair society and more willing to ensure both that the government plays its part in providing for this and that citizens have a means of identifying their rights and taking action if these are not respected.

This government was elected on a promise to investigate the establishment of a bill of rights. We are committed to carrying out that promise.

I move:

That the paper be noted.

MR STEFANIAK (3.43): I was pleased to hear the Chief Minister say in his tabling speech that the government was elected on a promise to investigate the establishment of a bill of rights. I am also pleased to see in his terms of reference, which he gave me a copy of when he issued his press release, that the first point states that the three persons in the committee, through community consultation, are to conduct an inquiry into and report to the government on whether it is appropriate and desirable to enact legislation establishing a bill of rights in the ACT.

I was a little concerned, but perhaps not surprised, to see the three members of the committee quite enthusiastic about their task and about a bill of rights. I know the Chief Minister is a very strong advocate of a bill of rights and therefore note two pleasing signs: that there is a first question—do we need one?—and a first hurdle, an invitation to the ACT community to have their say.

This is a matter of fundamental importance and something that every member of our community should be very keen to have their say on—and, indeed, a number of groups. One of the big problems in creating bills of rights in the Western world in recent times has been that, if you give some people rights, you take rights away from others. It is actually a very difficult thing to do.

I was looking through the scrutiny reports on the Legislation Amendment Bill and several other bills, and the other day I was looking at the categories and protections in the Discrimination Act in terms of citizens' rights. Through our conventions and various statutes, we enshrine a person's rights. We are constantly amending clauses in bills, through statute law, to keep up with modern times and changing circumstances and protect and look after people's rights.

Of course, we have our Constitution, conventions, common law and a system of democracy that goes right back to Magna Carta. It is a very big step going down the path of a bill of rights. A previous Attorney-General, Terry Connolly, was very keen on one, as a number of people have been. It has been mooted at federal and state levels over a number of years, and I do not think it has ever been successful. We in the opposition certainly feel that there are more problems than not in a bill of rights and that, basically, we do not really need one in the Australian Capital Territory.

At this stage, because this debate will rage over the next 12 months, I would like to read onto the record some very sensible and learned comments made by the New South Wales Premier in an edited version of an article that appeared in the winter 2001 issue of *Policy*, the journal of the Centre for Independent Studies. This is as it was reported in the *Canberra Times* on 20 August 2001. It is a strong encapsulation made by the Premier of some of the problems in a bill of rights, and I must say I have considerable sympathy with and agreement on some of his propositions. Bob Carr writes of how a bill of rights lays a trap. I quote:

The culture of litigation and the abdication of responsibility that a bill of rights engenders is something that Australia should try to avoid at all costs.

There have been many calls recently to introduce an Australian bill of rights. Debates have arisen over what rights to include, and how a bill of rights should apply.

I object because a bill of rights transfers decisions on major policy issues from the legislature to the judiciary. It is not possible to draft a bill of rights that gives clear-cut answers to every case.

The right to freedom of speech will conflict with the right to equality (eg, racial vilification) and the right to equality will conflict with the right to freely exercise one's religion (eg, the right to exclude females from the priesthood). Most conflicts will be more subtle and difficult to determine.

A bill of rights can only be interpreted by the courts by balancing rights and interests. Most modern bills of rights include a clause recognising that rights may be subject to such reasonable limits "as can be demonstrably justified in a free and democratic society", a policy decision, not a judicial issue.

If a bill of rights were enacted, it would be up to a court to decide whether freedom of speech should be limited in relation to pornography, tobacco advertising, solicitation for prostitution or the publication of instructions on how to make bombs. These are issues that should be decided by an elected parliament, not by judges, who are not directly accountable to the people.

Furthermore, courts operate within an adversarial process. Matters only arise before them when there is a dispute and judgements are made on the basis of particular facts.

Decisions are therefore piecemeal in nature and cannot take into account all issues relevant to determining policy. In short, a court is not an appropriate forum for making these decisions.

A bill of rights does not protect rights. Nor can the courts alone adequately protect them. The protection of rights lies in the good sense, tolerance and fairness of the community. If we have this, then rights will be respected by individuals and governments, because this is expected behaviour and breaches will be considered unacceptable. A bill of rights will turn community values into legal battlefields.

The respected American jurist Judge Learned Hand once said, "This much I think I do know—that a society so riven that the spirit of moderation is gone, no court can save; that a society where that spirit flourishes no court need save; that in a society which evades its responsibility by thrusting upon the courts the nurture of that spirit, that spirit in the end will perish."

Our view of the importance and priority of rights changes over time. A constitutionally entrenched bill of rights freezes those priorities. A bill of rights included in the Constitution in 1901 would most likely have enshrined the White Australia policy.

It is not enough to say that rights can be changed by a constitutional referendum. We all know that referenda are rarely held and are rarely successful. Even when a bill of rights is not constitutionally entrenched, and can therefore be changed by legislation, the political reality is that it is given "quasi-constitutional status" and is almost impossible to amend.

Another problem is the unpredictable ways in which it will be applied by the courts. Sir Harry Gibbs, former Chief Justice of the High Court, has noted that the clauses of the United States Constitution that prohibit anyone from being deprived of life,

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liberty or property without due process of law have been used to invalidate laws limiting working hours, fixing minimum wages and standardising food quality.

In New Zealand, despite political assurances to the contrary when the Bill of Rights was enacted, the courts have created new remedies to apply to breaches of the Bill of Rights. For example, the NZ Court of Appeal has held that the right to freedom of speech includes a power for the court to order the publication of a correction of defamatory material.

Even the Parliament found, to its surprise, that it was subject to the Bill of Rights and had to apply natural justice, particularly in parliamentary committee hearings.

A bill of rights will further engender a litigation culture. Already it seems that people are unable to accept responsibility for their own actions. A person who trips and falls today does not blame himself or herself for carelessness but looks for someone to sue.

The law reports of Canada and NZ show the extensive use of their bills of rights in litigation, and that the primary use of a bill of rights is in relation to criminal appeals.

In NZ, in the first seven years after the Bill of Rights Act was enacted, it was invoked by the accused in thousands of criminal cases.

The Bill of Rights continues to be routinely used as grounds for trying to overturn the admissibility of evidence, including confessions, evidence obtained under search warrants and breath-testing of drink-drivers.

In a recent Australian case, a prisoner brought a legal action on the basis that his rights were being abused because there was not enough variety in the vegetarian meals offered at a prison. He relied on the International Covenant on Civil and Political Rights, often described as the International Bill of Rights. His claim was rejected because the covenant is not enforceable at Australian law.

When the courts are swamped with thousands of bill-of-rights cases, where will the ordinary person go for justice? The courts will be made even more inaccessible and the cost of running the court system will increase.

The main beneficiaries of a bill of rights are the lawyers who profit from the fees and the criminals who escape imprisonment on the grounds of a technicality. The main losers are the taxpayers.

Parliaments are elected to make laws. In doing so, they make judgments about how the rights and interests of the public should be balanced. Views will differ in any given case about whether the judgment is correct. If it is unacceptable, the community can make its views known at elections.

A bill of rights is an admission of the failure of parliaments, governments and the people to behave reasonably, responsibly and respectfully.

Strong words from a very experienced Labor Premier. Again, we have never had a bill of rights enacted in Australia. Agree or not with Bob Carr, I think he lays out a number of potential problems with a bill of rights. At this stage in what will be a lengthy debate over the next year, I stress that we have in Australia—while not by any means a perfect

system of government or perfect society—a far better system of government and a far better society than virtually anyone else in the world. And in Canberra we are blessed with living in probably the best city in Australia.

Even in our small territory we have a series of traditions going back to when it was started that are based on Australian, and before that British, parliamentary democracy. We have acts of parliament here. We regularly enact legislation to upgrade people's rights. Rights are a changing thing. One of the great problems in enshrining legislation is that it is constantly changing. We do not do it perfectly—there probably is no perfect way—but we do it pretty well.

We live in one of the freer cities in the world, and I really fear that any attempt to significantly tamper with those freedoms, even very well-meaning attempts such as this, can cause more problems than it can solve. It is a hackneyed old cliché, but “if it ain't broke, don't fix it.” I fear that that may well apply should we ultimately go down the path of a bill of rights. I conclude by saying that I am at least pleased to see the Attorney indicate that there is a first step for people to comment on whether they want one or not.

MRS DUNNE (3.54): Mr Speaker, the bill of rights has long been championed by the ALP, except for the notable exception of the New South Wales Premier, and traditionally opposed by coalition parties. Constitutional committees met six times between 1973 and 1985 over a constitutional bill of rights, and they were consistently split over the issue. This would indicate that there is no demonstrable need for a bill of rights in the ACT or in the Commonwealth.

Unlike my colleague, I am perturbed by the tone of the Attorney's statement. It seems to me a gloss-over that the committee is making an initial determination as to the desirability of a bill of rights. We know very well that this Attorney is committed to a constitutional bill of rights, and we can expect to see, some time during this Assembly, legislation to enhance one.

No case has been made that a bill of rights will enhance the rights of people. If we eventually get a bill of rights in the ACT, we can of course take comfort that no ACT citizen will be held in servitude or slavery. Now, a burning issue for the front bar of the Dickson tradesmen's club is whether we ought to be held in servitude or slavery.

Mr Smyth: In certain parts of Fyshwick.

MRS DUNNE: In certain parts of Fyshwick. It is worth stating for the record that the bill of rights is a major document. Its purpose is to exhort people throughout the world to observe the basic principles of human rights. I would contend that those principles have been developed largely by our system of government, the rule of law and the free and democratic institutions which we have enjoyed in this country, which we inherited from the United Kingdom.

Like Bob Carr, I object to a bill of rights which transfers policy from the legislature to the judiciary. This is idealistic thinking at its utopian outer limits, and it smacks of social engineering. A bill of rights does not protect rights, nor can courts alone adequately protect them. I agree with Bob Carr when he says the protection of rights lies in the good sense, tolerance and fairness of the community. You cannot legislate for this.

On the other hand, a bill of rights has the potential to overturn many of the principles of Australian life and many of the institutions and practices that we hold dear. Is this what you are proposing, Mr Stanhope? A bill of rights seems incompatible with key components of Australia's hybrid constitutional system of federalism and responsible government.

Issues a bill of rights might concern itself with seem to me to be clearly defined under existing arrangements: freedom of speech and the relevance of defamation laws in that regard; freedom of religion—for instance, questions of rating on church properties; freedom of assembly; freedom of association; and, in particular, the general content and administration of criminal law and the criminal justice system.

The path down which Mr Stanhope proposes to lead us derives from an international covenant in which there is no guarantee of the right to own property or of not having it confiscated without compensation. Let me remind you what the Wran Labor government did in New South Wales in 1981 with its infamous Coal Acquisition Act. There the Labor government rode over the human rights of property owners in the Hunter Valley and took away their rights to the coal under their land with no compensation given. This was an outright piece of confiscation by a Labor government—Labor the exhorters of rights. What sort of attitude is that to the very important human right to own property and not have it resumed without fair compensation?

Although the international covenant protects the rights of the child, it does not guarantee the rights of the child before birth. This is of grave concern to me. A bill of rights will further engender a litigation culture, as my colleague said, and this is what we do not want. I am dismayed that Mr Stanhope has chosen to bypass the Assembly in his terms of reference and that we are not to be consulted in the process of this legislation. It shows scant regard for the institutions of democracy and the democratic process.

MR PRATT (3.59): Mr Speaker, I rise to support my colleagues and speak against the proposed introduction of a bill of rights. Why does Labor in this country, and now in the ACT, persist in attempting to introduce a bill of rights which is unwanted, unnecessary and inappropriate? In the words of Mr Murray Gleeson AC, Chief Justice of the High Court of Australia:

Our rights are protected by the constitution in certain respects, by laws enacted by the Commonwealth and the state parliament in certain respects, and by laws developed by the courts in certain respects. This combination works reasonably well to secure the protection of the rights of the citizens in our community. Whether any particular right ought to be protected by one of those means as distinct from one of the other two depends on the right in question and the circumstances of the case.

In the federal parliament, former Labor Attorney-General Lionel Murphy tried, unsuccessfully, to introduce a bill of rights, as did former Labor Attorney-General Gareth Evans—again, unsuccessfully. The first bill of rights bill in the ACT was presented in this Assembly in 1995 by Mr Terry Connolly, who moved that the bill be agreed to in principle. It was not.

Why did all these attempts at the federal and local levels fail? Why does the New South Wales Premier reject the notion of a bill of rights? It is simply because the majority of Australians know that a bill of rights is unnecessary for their lives and wellbeing. Many Australians believe we are strangling in red tape.

At both federal and state/territory levels a plethora of legislation has been created, by successive governments over many decades, governing how we conduct our business and our lives. Much of this legislation was necessary to streamline procedures and, yes, to enhance and protect rights and entitlements. But so much of that has been an unnecessary impost on society, introduced simply to satisfy the politically correct or provide financial gain to some at the expense of their fellow citizens.

Now the Labor government in the ACT seeks yet again to introduce a bill of rights, which it is patently clear ACT residents do not want. It is a stark example of intrusive social engineering. We have a wonderful system, developed over centuries of democratic freedom, that enshrines our rights and freedoms under the Westminster system. We all recognise the strength and justice of our Westminster democratic system, enshrining as it does our individual rights and the collective rights of our nation. The Westminster system has stood the test of time. Importantly, for over a century we have exported our democratic system to emerging nations and sown the seeds of civil society, as represented by the framework of our successful democratic and legal system, in many states that are in disarray.

This is another clear illustration of the strength of our system. Why, then, do we need a bill of rights—yet another layer of legislation and bureaucracy? The proposed Stanhope bill of rights would open the floodgates to expensive and unnecessary litigation brought by dishonest individuals or groups and opportunistic legal entities. The timing of this proposal is staggering. It coincides with community outrage at an increasingly litigious society. Business is being choked by unnecessary red tape and excessive legislation, endangering employment and growth.

In the ACT we are struggling to bring back sanity to an environment where the blame game is becoming big business driven by legal practitioners under the no-win, no-fee slogan. Our society is already bogged down by unnecessary, politically driven legal appeals on a whole range of issues—issues both divisive and wasteful. In the interest of good governance, of equity and of ordinary Australians, let us quietly stifle this new proposal for a bill of rights before it becomes the monster I fear it will grow into.

MS TUCKER (4.04): I will speak briefly to this, mainly to express concern at the response from the Liberal Party to the concept of a bill of rights and to put on the record what we think about the idea—as we all seem to need to. The Greens are very supportive of it, and I find the strong reaction from the Liberal Party very disturbing. I am surprised they do not think we should abolish the Human Rights Office or have motions about how dangerous it is to have discussion about rights in the community. You could also expect from them that they put up motions of extreme concern about various United Nations rights conventions.

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The notion of civil, social and political rights raises concerns from the Liberal Party's perspective. The rights concept of social services—the right to housing, education and health, et cetera—even though internationally accepted and agreed, does not fit the Liberal Party's approach to providing for the less fortunate people in our society. The rights approach is obviously threatening to their agenda, which is based more on a charity and welfare model and is loaded with all sorts of values that we need to have the opportunity to talk about. And Mr Pratt said he would like to quietly stifle this debate.

Well, thank God we have a right not to have things quietly stifled and the right to have this discussion as a community. I wholeheartedly support it and believe that many people in the ACT community will welcome it as an opportunity to have a look at the fundamental position of people who argue against such a bill of rights. I think it is a very healthy discussion, not only for the ACT but for Australia generally.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.06), in reply: I thank members for their contributions to the debate. It is interesting that an inquiry into a bill of rights has generated even the comment that it has today, and I welcome it. In the context of the point that Ms Tucker just made, one of the things communities do not talk about enough is rights.

From time to time in this place I hear concerns laboured about the lack of understanding in the community about the Constitution, civics, human rights and the balancing of rights. So a discussion about rights is to be welcomed in itself. As Ms Tucker said, an understanding of what our fundamental rights are as individuals and as human beings is a welcome debate. The inquiry process will serve a very useful purpose.

I am glad Mr Stefaniak acknowledged that the first task of the committee is to consult with the community about their views on the appropriateness and desirability of enacting the legislation to establish a bill of rights in the ACT. That, of course, was done quite deliberately. I have a very strong view that it behoves governments to engage their communities in issues such as this. These issues cannot be rammed down the throats of a community. Each of the members has acknowledged that this is a significant debate, and these are significant issues. But they are also fundamental issues, and it is appropriate that the community be fully engaged in them. The community will be asked to engage in the debate in as complete a way as possible.

I did not anticipate a debate on the bill of rights today; I have no doubt that over the rest of this year there will be plenty of opportunity to talk about these issues. I look forward with some eagerness to broad discussion and wide-ranging debates on a bill of rights and the recognition of rights in this community.

For the sake of the discussion that we have had and to put some perspective on some of the comments that have been made, it is relevant that we look at the terms of reference—not only the opening requirement of the committee that it engage the community in a discussion of whether a bill of rights is appropriate or desirable but also the other aspects of the terms of reference.

One aspect is what form the bill should take—assuming we get over the initial hurdle Mr Stefaniak talked about that it is appropriate and desirable—with special reference to whether it would be entrenched; and, if so, by what method, whether it would be an ordinary statute or whether it would be just a declaration of the Assembly.

Much of what Mr Carr says, which was quoted with approval by Mr Stefaniak and I have heard being quoted with approval by other members of the Liberal Party, goes to a particular model. Effectively, all of the comments Mr Carr make go to the US model of an entrenched constitution. Much of what he says in that article is coloured by the open assumption that we are talking about an entrenched model, whereas the first point in the terms of reference asks: should it be entrenched and, if so, how?

Perhaps it should not be entrenched; perhaps it should be an ordinary statute that is repealable at any time. Perhaps it should not even be a statute; it might just be a declaration. These are the things the committee will look at. I am disappointed, but perhaps not surprised, that the Liberal Party have drawn the line in the sand so unequivocally and are ignoring the terms of reference.

One of the terms of reference is whether or not the bill or charter of rights might be a declaration and not even become legislation. A model that would be appropriate at this point could simply be a declaration. This is what the committee is looking at, yet the comments we have received in this short debate go to the suggestion that this is effectively the end of the world as we know it. Included within the terms of reference is a possibility that it not even be legislated. It goes on:

2. **What effect the Bill would have on the exercise of executive and judicial powers, including:**
 - a) the circumstances, if any, in which a Bill of Rights should be binding on individuals as distinct from the Legislative, Executive and Judicial arms of Government and persons or bodies performing a public function or exercising a public power under legislation;
 - b) how an ACT Bill of Rights would operate in relation to Commonwealth law;
 - c) the extent and manner in which the rights declared in a Bill of Rights should be enforceable;
 - d) what, if any, limits the Bill of Rights should be subject to;
 - e) whether the ACT Legislative Assembly should be able to override particular rights set out in a Bill of Rights and, if so, in what circumstances and in accordance with what procedures;
 - f) whether there should be a legislative requirement on courts to construe legislation in a manner that is compatible with international human rights instruments.

These are the issues that need to be discussed, fleshed out and talked about. It continues:

3. **What rights should be protected by the Bill, with special reference to:**
 - a) whether the rights declared in the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* should be incorporated into domestic law by such a Bill of Rights—

this is a debate that has been going on forever—

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- a) whether the rights of indigenous people should be specifically included;

There is a debate we need to have. That is a constructive, important and overdue debate which we as a community should engage in. And—this is something I am sure is dear to the heart of the Liberals:

- b) whether the catalogue of rights should be accompanied by a parallel statement of responsibilities.

I refer to the terms of reference just to give some perspective to the comments which members of the Liberal Party have made in this debate. This will be an inclusive, consultative process engaged in by three incredibly eminent members of this community. Professor Hilary Charlesworth, the chair, is undoubtedly Australia's leading academic human rights lawyer. Her credentials are second to none on the issues of rights, rights law, human rights law, public law and international law. She heads up the ANU law faculty's Centre for International and Public Law.

Professor Larissa Behrendt, an indigenous person, is professor of law and indigenous studies at the University of Technology, Sydney, and a visiting fellow at the Australian National University. The third committee member is Penelope Layland, an immediate past associate editor of the *Canberra Times*, is a gifted communicator and somebody who will be incredibly able in the detailed communication and consultation that are part and parcel of this inquiry.

I am pleased that members are engaging in the discussion and debate. I look forward to the inquiry; I think it will be quite fascinating and very useful. The debate we will have on this issue will in itself serve an incredibly useful and valuable purpose in engaging the community in a discussion about rights.

I do not think any of us would deny, in the context of some of the issues that are affecting us around the nation—the rights of refugees, mandatory sentencing, the rights of indigenous people and issues that arise constantly in relation to criminal law and the changes we make to criminal law—that there are a raft of contemporary issues around rights that we constantly jostle with and are challenged by and that this will be a very useful inquiry and consultative process.

Question resolved in the affirmative.

Papers

Mr Stanhope presented the following papers:

Hepatitis C—Lookback program and financial assistance scheme reports for the quarters ending 30 September 2001 and 31 December 2001, dated April 2002.

Financial Management Act Paper and statement by minister

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, for the information of members, I present the following paper:

Financial Management Act, pursuant to section 19B, instrument of authorisation of expenditure, dated 26 March 2002, together with a statement of reasons.

I ask for leave to make a statement.

Leave granted.

MR QUINLAN: As required by the Financial Management Act of 1996, I table an instrument issued under section 19B of the act and a statement of the reasons for the variation of funds between appropriations by directions of the executive. Section 19B of the Financial Management Act 1996 allows for an appropriation to be authorised for any commonwealth specific purpose payments where no appropriation has been made in respect of those funds by direction of the Treasurer.

The instrument authorises the on-passing of a specific purpose payment for the increased grant applied to new home purchasers under the first home owners grant scheme. The grant is for \$2.7 million. This instrument relates to the 2001-02 financial year and is tabled in the Assembly within three sitting days of the authorisation, as required by the act. I commend these papers to the Assembly.

Papers

Mr Wood presented the following papers:

Legislation Act, pursuant to section 64—

Community Title Act—

Community Title (Fees) Determination 2002—Disallowable Instrument DI 2002-21 (LR, 8 March 2002)

Community Title Regulations 2002—Subordinate Law 2002 No 4 (LR, 5 March 2002)

Public Health Act—Appointment of Chief Health Officer—Disallowable Instrument DI 2002-23 (LR, 15 March 2002)

Public Place Names Act—Determination of Street Nomenclature—O'Connor—Disallowable Instrument DI 2002-24 (LR, 14 March 2002)

Road Transport (General) Act 1999—

Taxis, Restricted Taxis, Private Hire Cars and Restricted Hire Vehicles Fees—Disallowable Instrument DI 2002-19 (LR, 28 February 2002)

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Declaration that the road transport legislation does not apply to certain roads and road related areas 2002—Disallowable Instrument DI 2002-20 (LR, 28 February 2002)
Exemption of Person and Vehicle from Road Transport Legislation—Disallowable Instrument DI 2002-22 (LR, 7 March 2002)

Road Transport (General) Act and Road Transport (Public Passenger Services) Act—
Road Transport Legislation Amendment Regulations 2002—Subordinate Law 2002 No 2 (LR, 27 February 2002)

Road Transport (Public Passenger Services) Act—
Road Transport (Public Passenger Services) Regulations 2002—Subordinate Law No 3 (LR, 27 February 2002)
Road Transport (Public Passenger Services) Repeal Regulations 2002—Subordinate Law No 5 (LR, 7 March 2002)
Road Transport (Public Passenger Services) Regulations 2002—
Approval for Taxi Network Performance Standards—Disallowable Instrument DI 2002-12 (LR, 28 February 2002)
Approval of Taximeter Standards—Disallowable Instrument DI 2002-18 (LR, 28 February 2002).

Territory Plan—variations

Papers and statement by minister

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): For the information of members, I present the following papers:

Land (Planning and Environment) Act, pursuant to section 29—
Variation No 158—Commercial B2C land use policies concerning group centres, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required, dated 11 March 2002.
Variation No 176—Bruce Central, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required, dated 27 March 2002.

I ask for leave to make a statement.

Leave granted.

MR CORBELL: Mr Speaker, variation No 158 to the Territory Plan concerns the commercial B2C land use policies for group centres. The draft variation was released for public comment in April 2000, concurrently with draft variation No 163, which related specifically to the Kippax Group Centre.

Following consideration by PALM of the public comments received in relation to both draft variations, the previous minister referred the draft variations to the Standing Committee on Planning and Urban Services in the previous Assembly for consideration. The committee subsequently called for further submissions and held a number of public hearings between November 2000 and March 2001.

The committee reported on both draft variations in June 2001, making a number of recommendations. The report recommended the draft variations be amended to provide for one final variation for all group centres, including Kippax. This has been done.

The report also made 15 other specific recommendations about the form of the final variation and about the future development for community facilities in Kippax. The recommendations concerning the group centres variation (No 158) have, in the main, been agreed to and incorporated in the final document.

In relation to the recommendations on centre master plans, I can advise the Assembly that the general intent of the committee's recommendations has been accepted. Whilst master plans remain a valuable mechanism to guide development in group centres, the formalised centre master plan concept, as originally set out in DVP 158, has been reviewed in light of the committee's recommendations.

The policies in draft variation to the Territory Plan No 158 would have enabled the approval of development proposals that would not otherwise be permissible, provided they were in accordance with an approved centre master plan. The committee's concern about this use of master plans is acknowledged.

However, the effect of the committee's recommendations would be to make the centre master plan process very similar to the Territory Plan variation process, without giving it the same statutory basis. This has the potential to cause confusion for proponents and the community and would not assist in achieving better outcomes or a more streamlined process. It is therefore proposed that the provisions relating to formalised centre master plans be removed from variation 158.

This means that whilst master plans may be prepared by PALM from time to time to guide development, a development proposal which would not be permitted under the revised policies in variation 158 would be approved only after a further variation to the Territory Plan.

There was also a recommendation about resubmitting variation 158 to the committee after it had been revised. This was agreed to in principle. However, as I am the only remaining member of the former committee, I believe it is appropriate for me to consider the responses to the committee's recommendations without referring the variation to a completely new standing committee. A new committee would have difficulty considering the variation without extensive briefings, which could take several months.

I am satisfied that the variation I am tabling today quite appropriately reflects the position of the previous committee. The previous committee did not support the Kippax variation (No 163), but their recommendations relating to Kippax have been included in the group centres variation (No 158).

In relation to the recommendations concerning community facilities at Kippax, the government has announced that it will be undertaking a needs assessment to plan for community facilities in Central Canberra, Belconnen and Gungahlin in 2001-02. This assessment will assist the community in determining the demand for a range of community facilities in these districts, both now and for the future. Such multipurpose

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use facilities as identified in recommendation 8 of the committee's report are often best located in group centres.

However, the nature and scale and preferred location for the proposed uses will be subject to the outcome of this study and possibly a more specific study of Kippax and the surrounding area, if deemed necessary. If these studies confirm the committee's recommendations about provision of a new community centre, a site or sites will be identified and reserved.

Variation 158 retains the existing health centre site at Kippax as a community facility land use policy. To use the health centre site for retail purposes would require a preliminary assessment and a further variation to the Territory Plan.

Finally, the committee recommended that PALM improve the notification process for variations, especially in relation to whether a draft variation had been revised. The notification process has now been changed to provide a letter to each respondent in addition to the current statutory advertisements notifying that a draft variation has been submitted to the minister for referral to the committee. The letter indicates whether the recommended final variation has or has not been revised in response to public comment. In addition, the recommended final variation is now placed on the PALM website.

Mr Speaker, it does need to be noted, however, that there are occasions when addresses are not given or listed publicly and when petitions with hundreds of names are received, and therefore on rare occasions it may not be possible to send a letter to all respondents.

I would now like to speak briefly to variation No 176 to the Territory Plan, concerning the Bruce central precinct. This draft variation was released for public comment in May 2001. Draft variation No 176 proposed to vary the Territory Plan to incorporate the following land use policies:

- approximately 20 hectares of residential land with a new B14 area specific policy overlay allowing for medium-density housing up to three storeys in height;
- approximately 30 hectares of commercial E (office sites) land with an expanded range of uses, including residential, club and hotel and provision for landmark buildings up to five storeys in height; and
- at least four hectares of urban open space in two hilltop parks which connect with pedestrian and cycle routes through and outside the precinct.

Members will be aware that the government is currently investigating options for a western alignment of the Gungahlin Drive extension. It is envisaged that a further variation of the Territory Plan will be undertaken and will affect some of the land covered by variation No 176 when the details of that new alignment are resolved. However, the government does not intend to delay finalisation of variation No 176 until the Gungahlin Drive issues are resolved, as this could unnecessarily delay development within the bulk of the Bruce central precinct, which is unaffected by the Gungahlin Drive options. Any issues will be dealt with as part of that future variation to the Territory Plan.

Variation No 176 was submitted to the executive of the previous government in August last year. It was referred to the secretary of the then Standing Committee on Planning and Urban Services, with a request that it be referred for consideration by an appropriate committee of the Assembly as soon as possible after the election. That committee is the Standing Committee on Planning and Environment, chaired by Mrs Dunne.

Following its establishment, the Planning and Environment Committee considered the draft variation and tabled its report in the Assembly on 19 February this year. The committee's report made four recommendations about variation No 176. The first was that the final variation, together with any associated action in the determination of a master plan, maintain the provision of the local centre. The government agrees with this recommendation. There is no intention to remove this provision, either as part of the final variation or in any future determination of a master plan for the area.

The second recommendation was that no development in the area of the exit to Braybrooke Street be approved without buffer zones and noise attenuation appropriate to a road with the capacity of the Gungahlin Drive extension. The government also agrees to this recommendation. The land in this location is territory land and is not programmed for release before the expected construction date of the Gungahlin Drive extension. In the unlikely event that the land is proposed to be released before the construction of the road, the government undertakes to abide by this committee's recommendation.

Regardless of when development occurs, the policies in the variation require that any residential development in this locality be constructed to meet the criteria set out in the relevant Australian Standards:

- Australian Standard 2107-1987—Recommended Design Sound Levels and Reverberation Times for Building Interiors; and
- Australian Standard 3671-1989—Acoustics – Road Traffic Noise – Building Siting and Construction.

The third recommendation is that an R, or “subject to review”, overlay be placed in section 75 blocks 1 and 4 and a contiguous area of section 85 pending commencement on the work for the Gungahlin Drive extension. The government also agrees to this recommendation, and the overlay has been included in the revised variation I will table today. However, it should be noted that the overlay may subsequently be removed by the future variation to the Territory Plan associated with the western alignment of the Gungahlin Drive extension.

The fourth recommendation was that residential land immediately north of the Braybrooke Street intersection to the intersection of Ginninderra Drive, which the committee has recommended be subject to the R overlay, not be released for sale until work has commenced on the Gungahlin Drive extension. Again, the government agrees with this recommendation. The land in this location is territory land and will not be programmed for release before the construction work on the Gungahlin Drive extension is commenced.

The government thanks the committee for its report and trusts that it is satisfied with the response I have announced today.

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Gungahlin Development Authority Act Paper and statement by minister

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Speaker, for the information of members, I present the following paper:

Gungahlin Development Authority Act, pursuant to section 11—Direction for the development of the Yerrabi Estate Stage 2, dated 26 March 2002.

I seek leave to make a brief statement.

Leave granted.

MR CORBELL: Yerrabi Estate stage 2 is in the area bounded by Gundaroo Drive and Mirrabei Drive and adjoins the Yerrabi Pond district park and adventure playground. Preliminary design work indicates that the estate will yield approximately 260 blocks, based on densities ranging from 20 to 30 dwellings per hectare.

A preliminary engineering services plan for the estate has already been prepared and financial modelling undertaken. An analysis of this data indicates that \$3.5 million in capital would be required in order to facilitate the development, with the project earning revenue eight months after commencement. The authority has sufficient funds available to cover the capital injection.

The authority is developing the estate by establishing a project team, initially comprising an urban designer, consultant engineer and project manager. Tenders were called from the private sector last weekend for the urban designer and the consultant engineer.

MRS DUNNE: I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: I would like to place on the record some concerns I have over the minister's direction. It goes to many of the concerns I have had over the government's proposals for nationalising, or "territorising", land development. This is probably the beginning of that process. I am concerned at the size of the 260 dwellings, all of which will be government housing. We have had experience of large government housing develops. They often have very adverse social outcomes. We pulled down Baringa Gardens. We have just completed pulling down—

Mr Corbell: It is not an ACT Housing estate. It is a private residential estate being developed by the Gungahlin Development Authority.

MRS DUNNE: For ACT Housing?

Mr Corbell: No. It is private residential.

MRS DUNNE: In that case, I misheard, and I withdraw.

Commonwealth, state and territory ministerial insurance summit 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) (4.31): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement concerning the Commonwealth, state and territory ministerial insurance summit.

Leave granted.

MR QUINLAN: Mr Speaker, I rise to make a ministerial statement on the current crisis in public liability insurance confronting the ACT community. The whole community is exposed to this crisis, but those who are least able to ameliorate the problems it has created feel its effects most keenly. It is not an exaggeration to say the active, outdoor, community-based way of life we territorians have become accustomed to over the years is under threat.

All members are aware of the difficulties faced by sporting, community, business, cultural and professional groups in obtaining insurance cover for their activities. The problems generally range from a lack of available or appropriate cover to totally unaffordable increases in premiums being demanded.

Until now we have taken the availability of affordable insurance cover for granted. For the foreseeable future that assumption is under significant challenge. The purpose of this statement is to set out the government's intentions to deal with the issues that confront so many organisations and individuals.

Members will be aware of the many and varied claims about the cause of the insurance crisis. We are faced with the confluence of two significant impacts—a cyclical peak in the insurance market and rapidly rising costs of claims. These two factors have driven the current crisis.

The insurance market is currently in a hard phase, characterised by reduced competition, withdrawal of capital and the weeding out of poorly performing firms. For the last seven to eight years the Australian insurance industry has been highly competitive, with insurance firms aggressively chasing market share. As a result, underpricing of many of the liability products occurred. In recent years returns from investment of premiums have declined and have further exposed the underlying losses that these classes of insurers face.

Successive losses by insurers, culminating in the demise of HIH, have drastically reduced competition, and insurers are taking the opportunity to recover past losses. This represents an example of the hard phase to which I referred. HIH's underwriting practices, and in particular its aggressive underpricing, drove the market down to unsustainable levels. HIH secured a large slice of the public liability market, which exacerbated the negative effects on business and the community when the company eventually collapsed. The Australian prudential environment and market were incapable of detecting or halting the destructive impacts of HIH practices, because pertinent

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statistical information was simply unavailable. That was, and remains, a Commonwealth responsibility.

The events of 11 September last year added to the distress already emerging in the Australian market after the HIH effect. In particular, 11 September managed to remove 20 to 30 per cent of the available capital in the world's reinsurance market, with disastrous effects on capacity. The tightening of the availability of capital has now translated into higher premiums. It has also forced insurers to be more selective regarding the risks they underwrite.

Though the insurance market is notorious for going through cycles, this one is unusually amplified, and it may take two to three years before markets return to some normality. Whatever happens, premiums available to consumers are unlikely to return to the pre-HIH-collapse levels. However, many of these market impacts will correct in time.

As profitability improves, new capital will flow back into the market, competition will increase and premiums will fall. We should be careful not to implement changes which will inhibit this market correction. In particular, we should not encourage market interventions that create safe harbours for existing companies and which discourage new entrants.

As well as market effects, Australia will see a rise in the costs of claims. The majority of public liability claims are for property damage. However, in cost terms, claims for bodily injury outweigh those for property by a margin of two to one.

There is a lack of reliable data on the insurance industry. It is a Commonwealth responsibility—as it governs APRA, the Australian Prudential Regulatory Authority, the industry regulator—to work with the industry to improve data availability. The limited data available suggests that the cost of claims for public liability has increased at an average annual rate of 12 per cent, substantially in excess of inflation. Underpinning this is a more than trebling of the average claim for bodily injury over the past six years.

Mr Speaker, as you would be aware, I recently attended a ministerial meeting on public liability insurance to discuss the causes of, and possible solutions to, the present crisis. Many of the issues discussed at the meeting are relevant to other classes of insurance as well, particularly professional and medical indemnity. Potential solutions were raised at that meeting, some of which would help to address the market-related issues, while others are designed to reduce the costs of claims.

I am philosophically opposed to watering down individual rights to fair compensation for injury and loss caused by the negligence of another party. However, the community needs to understand that, in tackling the insurance problem, a balance may have to be achieved between individual rights and holding costs to a reasonable level to ensure preservation of our way of life and fairness to all parties. While we may not wish to consider such a compromise, the ACT is simply too small a market to stand alone.

Ever since it became obvious that our economy and social fabric were threatened by an insurance crisis, the government has taken a measured approach to assessing the problem. Many of the issues are complex and require collective action from governments and industry in the immediate and long term. It would be ill advised for the ACT to

move in a direction not supported by other states and territories. It would be equally unwise to ignore what is happening in other jurisdictions.

Some of the knee-jerk solutions promoted by individuals and groups say more about their economic interests or their economic need than about solving the problem in the longer term.

As I said, the ACT government fully recognises that it cannot act alone. The ministerial meeting on public liability insurance I attended on Wednesday, 27 March—together with Commonwealth, state and territory ministers, as well as local government representatives—gave the territory an opportunity both to be heard and to participate in a joint exploration of a possible concerted approach to resolution of some of the issues we face. The government has agreed to participate fully in the future agenda outlined in the joint communique released following that meeting. For the information of the Assembly, I table a copy of that joint communique.

Importantly, the Commonwealth has realised that it has a role in contributing to a consistent national approach. It has agreed to introduce changes to tax laws to facilitate the use of structured settlements. This will assist in the management of claims arising out of medical indemnity as well as public liability. In addition, the Commonwealth will examine possible changes to the Trade Practices Act to allow individuals to legally and confidently assume personal responsibilities for high-risk activities. An example of those is adventure tourism, an important and growing segment of the ACT tourism industry.

The Commonwealth will also consider widening the scope of data collection by APRA, the Australian Prudential Regulatory Authority, the main industry regulator.

For its part, the ACT government has agreed to work with the Commonwealth, the states, and the Northern Territory to examine possible legislative changes that are necessary to remove barriers to structured settlements as an alternative to lump sum payouts.

Subject to evidence that changes will increase affordability and availability of cover, we will examine possible options for targeting claims cost reduction by, for example, protecting volunteers, community and appropriate sporting organisations from legal action. We will examine the possibility of broadly based tort reform. We will examine legal system costs and practices.

We will examine the relevant sections of the territory legislation to consider the extent to which individuals can legally and confidently assume personal responsibility for high-risk activities. We will encourage group insurance buying where appropriate and, where possible, collect data on claims and cost to provide to the heads of treasuries working groups—the HOTS, as they call themselves.

We are fully represented on the heads of treasuries working group, and I am pleased to announce that it will now include the Commonwealth and local government, reflective of the sound consensus that was achieved at the summit. I have instructed my office to continue their work in the working group and to report to me as developments arise.

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The government will be examining all the issues canvassed in the communique, with a view to placing the territory in the best position to derive all the achievable benefits from this cooperative endeavour.

In the immediate future, as part of our effort to ease the burden on sporting and non-profit groups in the ACT, the government intends to provide stamp duty relief on public liability insurance premiums to those bodies. I will be introducing amendments to the Duties Act 1999 in the autumn 2002 sittings. Ex gratia relief will be considered pending passage of the legislative amendments.

Further, I have held very constructive and encouraging discussions with my counterparts in New South Wales and Victoria in relation to the possibility of the territory participating in group insurance and possible risk pooling arrangements presently being finalised in Victoria and in the final planning stages in New South Wales.

If a quick fix were available, it would already have been implemented. On the contrary, it is the government's intention to examine available data and options and then act in concert with our Commonwealth and state colleagues. That is the way to go. Members can rest assured that we will be pursuing all available avenues in this regard.

As a result of the ministerial meeting on public liability insurance, we have a prime opportunity to join this truly national approach to resolution. Our focus is quite simple: we believe it is important to protect the rights of individuals to just compensation, while recognising the need to keep costs and premiums at reasonable levels. We will also apply these principles consistently in all decisions on policy and other options at our disposal.

We believe it is essential to approach these issues in a considered way, one that preserves the territory's position and that of its community, one that is responsive to the needs of all territorians but which does not leave the territory standing alone in light of developments in other jurisdictions.

Finally, the government believes that the balanced approach I have outlined will not only serve the interests of the territory but also allow the market the flexibility it needs to self-correct, thus providing a sound economic basis on which the market can take the corrective action it needs without being inhibited by counterproductive interventions.

I will keep the Assembly advised of further developments as they occur.

I present the following paper:

Commonwealth, State and Territory Ministerial Insurance Summit—Ministerial statement,
dated 9 April 2002.

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

Employment levels

Discussion of matter of public importance

MR DEPUTY SPEAKER: Mr Speaker has received a letter from Ms Gallagher proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The need for labour force statistics to more accurately reflect levels of employment in the ACT.

MS GALLAGHER: (4.44) I raise this issue because employment, unemployment and the social and economic issues surrounding those states are so important to the ACT community. For many years now, levels of employment have been used as an economic indicator to determine the successes of a government, and on the whole this is a legitimate comparison. Healthy economies have high levels of employment that allow the population to participate both in the economy and in the community.

Unemployment is a social problem as much as an economic one and can lead to low self-esteem and alienation, notwithstanding the associated financial hardships. Governments should do all they can to lower levels of unemployment, and governments that succeed in genuinely increasing employment levels should be applauded.

Mr Deputy Speaker, I refer today to the fact that the employment statistics gathered by the Australian Bureau of Statistics and published in the labour force survey, and used by governments around Australia to measure economic health and success, are no longer an adequate measure of labour force participation. When the ABS first started collecting labour force statistics in 1960, full-time work was the norm, women's involvement in the workforce was approximately 35 per cent lower than it is now and concepts of casualisation had not yet surfaced. At that time, 90 per cent of those classified as "employed" were working full time.

In the 1960 labour market the categories of "employed", "unemployed" and "not in the workforce" were able to provide an accurate view of labour force participation. In 2002, these categories and their definitions have become outdated and are now an inadequate measure of labour market efficiency.

We have seen in the last decade a significant change in the demographics of the labour market. We have seen increased globalisation of production lead to labour market deregulation and a rise in part-time and casual work arrangements. As the labour market has evolved to cope with economic and technological developments, full-time work has declined, with only 74 per cent of employed people working full time compared to 90 per cent in 1960.

While the labour market has changed over the past 40 years, the Australian Bureau of Statistics' labour force survey and the way that governments use the statistics provided by that survey has not evolved with the labour market and can no longer provide an accurate picture of employment and unemployment, especially when a major contributor to unemployment is underemployment.

The Australian Bureau of Statistics gathers labour force statistics each month by asking a sample of people questions about their employment in the previous week, referred to as the reference week. The central problem with the current statistics is the categories into which the working age population is divided and the definitions used by those categories. Briefly, under the labour force survey, people are defined as employed if, during the reference week, they worked for an hour or more for pay or profit, or were unpaid in a family business or farm. The ABS classes people as unemployed if, during the reference week, they actively looked for work and were available to start in the reference week. Anyone who does not fall into either of these two categories is classed as not being in the labour force.

Perhaps you have already begun to see the problems that arise from such a rigid analysis of the labour force. The most obvious problem is: as there is no category of underemployed we have no way of measuring the number of hours that “employed” people would prefer to be working and thus we have no true indication of the number of working hours available in our labour market.

Because a person who works for an hour in a particular week—and that is only 60 minutes—is classed as employed, the labour force survey figures can present a misleading picture of employment. Figures of supposedly employed people mask those who seek more work or who are on part-time or casual hours, not because they choose to but because the economy has failed them. Without measuring underemployment, we cannot measure labour market efficiency.

Clearly, a person who is working for one hour a week but wants or needs to work a further 39 hours a week is not employed. That person will be looking for work, will be needing financial assistance and will face the same problems as an unemployed person, yet the underemployed person never appears as a job seeker or as an unemployed person and continues to appear in the labour force figures as employed.

Mr Deputy Speaker, under the current Australian Bureau of Statistics labour force survey, a million full-time workers could be put on part-time hours against their wishes and it would not show up in the employment figures. This clearly shows the inadequacy of those figures in tracking the economic and social progress of a government and the effectiveness of its policies. If we are truly concerned with measuring our progress and if we want a true picture of the labour market so that we can tackle the genuine and far-reaching problems of underemployment and unemployment, we need to review the way we analyse our labour markets.

There has been a concerted program of labour market deregulation over the past six years, with the result that there has been an increase in the number of people employed on a part-time or casual basis. Under the current survey, one 40-hour per week job divided into four 10-hour jobs would show as the creation of three jobs, regardless of whether or not the initial employee wanted to maintain their hours or if the three new employees wanted more hours. While this is job creation in a literal sense, it is not employment creation and cannot be classed as such.

While those who are unemployed have their status recognised in the labour force survey, and have the attention of policy makers and economists, those who suffer underemployment can exist in statistical shadows. Underemployment can be just as devastating for the people who experience it as unemployment is and it can have the same impact on their families.

Those who are underemployed are genuinely less likely to have access to benefits such as sick leave and maternity leave, they tend to be less likely to receive employer contributions to their superannuation, and they are less likely to be able to contribute themselves. Those who are underemployed tend to have less job security than those employed on a full-time permanent basis. While these people exist in any significant number, hidden by their “employed” status, we cannot rely on the labour force statistics as they are currently collected to realistically measure our economy or the needs of our society.

Another shortfall of the labour force survey is the category of “not in the labour force”. This category excludes long-term unemployed who no longer actively seek work. Equating the desire to work with searching for work is to ignore “discouraged workers” who feel the probability of success does not justify expending time or money on searching for a job. Discouraged workers, who are more likely to be the long-term unemployed, do not show up as such. These are the people that the system has failed the most—people who are so unhopeful of finding work that they feel it would be a waste of time to look. Yet, these are the people that the system and the survey can make invisible. If we could acknowledge these people as being unemployed, as well as recognising the underemployed, we could have a true picture of the labour market and would be able to direct policy accordingly.

There can be no doubt that unemployment as a social issue has impacts into the future, and that higher unemployment today will lead to other social and economic problems related to a reduced tax base, increased reliance on age pensions and a greater strain on the public health system. A broader view of current employment rates, one that analyses underemployment as well as unemployment, can only assist in addressing these issues, planning for the future and hopefully reducing their negative effects.

While the labour force survey used by the Australian Bureau of Statistics to gather employment data has been accurate and useful in the past, we have now reached a point where the survey and its categories cannot provide the best measure of the current and future needs of our labour force.

The ABS has to be commended for maintaining pace with developments in international standards for measuring labour force participation, and it must also be noted that the labour force survey and some of the category definitions were changed in April 2001 in order to keep up with international standards. There are also international standards for defining underemployment and, using those standards, the ABS collects data in the underemployed workers survey as a supplement to the labour force survey each September.

The most recent figures show that 5 per cent of employed people want to work more hours. The majority of these were women, and more than a third were under 25 years of age. The fact that these statistics are collected at all shows there has been a shift in how unemployment is viewed, but underemployment figures are not as widely used or circulated as standard labour force statistics.

If we are to take a long term view of employment, and its social and economic impact, we need to more effectively use the statistics available outside the view provided by the labour force survey and work towards incorporating figures of underemployment into monthly statistics.

Mr Deputy Speaker, these are pressing and continuing issues and a forward-thinking government with genuinely helpful social and economic policies that wants to show a commitment to seriously tackle unemployment and underemployment must take a broader view of our labour force.

MR HUMPHRIES (Leader of the Opposition) (4.54): Mr Deputy Speaker, today Ms Gallagher has raised as a matter of public importance an issue to do with the way in which Australia, including the ACT, examines and records the level of unemployment or employment which is experienced in our community. She has argued, if I followed properly the case that she put to the Assembly today, that the methods of collection of labour force statistics used at the present time by the Australia Bureau of Statistics do not properly record in an appropriate way the number of people who are underemployed. I think it is Ms Gallagher's argument that they should in some cases be either recorded as being unemployed or there should be a category of underemployment created so that the extent of people's desire for more work can be properly reflected in the figures.

At the moment I suppose it is true to say that one is either employed or one is unemployed, although you can be employed part time or employed full time. I understood Ms Gallagher to be arguing that people employed part time but wanting more employment should be recorded in some way in the labour force statistics.

Ms Gallagher presented a fairly technical argument, and I cannot comment on whether or not the issues she raised are accurate, whether she makes fair comment or not. It sounds to me as if she has made a reasonable point but, in the absence of an analysis of the information that she presents, I am not able to comment.

It may be, Mr Deputy Speaker, that this is a matter which we should return to by way of a motion before the Assembly, so that all of us can look at the evidence relating to the problems that Ms Gallagher has raised. It would be possible then to construct an argument and perhaps mount a case to the federal government on behalf of this territory—maybe we could get other territories and states to do the same thing—for a change in the way information is collected.

I, of course, would be reluctant to accept an argument that said that part-time employment equated with underemployment. I don't think that is what Ms Gallagher was saying. I am certainly aware, as I am sure we all are, of many people in the community who are part time employed, not because they have no choice and prefer to be full time employed but because that suits their arrangements, their lifestyle and their

circumstances. My own wife is one of those people, and there are many people in the community who are in similar circumstances.

But there are undoubtedly also, as Ms Gallagher suggests, people who seek greater hours of employment but cannot obtain them—people who are seriously disadvantaged because they do not have access to a number of concessions and benefits available to unemployed people that would relieve their position. “The working poor” is one expression that I think is at least partly picked up in the sentiments that Ms Gallagher has expressed today.

The question of reliability of the methods used by the ABS to record unemployment is a real issue. This territory has been beset in past years at least by quite alarmingly fluctuating figures for youth unemployment, based on survey systems used by the ABS. The results have possibly been distorted by sample sizes and the way in which questions are constructed and so on, leading I think to a fairly high degree of scepticism about the reliability of those figures. Certainly, at least in the past, their wild fluctuations would suggest that they were not particularly useful.

So there is a case, at least *prima facie*, for reconsidering the way in which labour force statistics are collected and documented, and that much I think has been made clear in the debate today. But in the absence of other arguments that can be presented away from the table, Mr Deputy Speaker, I think there is a need for a more informal debate about this and perhaps that could be conducted within another framework, such as a motion before the house.

MS DUNDAS (4.59): The concepts of working life and employment have changed dramatically over the past 40 years and the labour force statistics have not kept up with the changes. It is true that those statistics need to accurately reflect the levels of employment in the ACT. In fact, the only thing that has remained constant in the Australia labour market over the last 40 years are the statistics used to describe it.

The current system of labour force stats is based around an outdated and rigid structure whose main function is to classify people into one of three categories—employed, unemployed, and not in the labour force. Governments at state and federal levels need social policies that are based on a clear picture of the employment statistics of the community, a clear picture of the overworked, the underemployed, the unemployed, the youth employment levels and the forced retirement of our mature workers.

A major labour market problem in recent years has been the extent of overwork. While hundreds of thousands of people are looking for more work, more people than ever are working longer than 60 hours a week. There is a serious mismatch between the hours people want to work and the hours that they are actually working.

In February of last year, the Australian Institute’s Richard Denniss put forward a model for employment stats that would more accurately reflect the labour force. The then federal shadow minister for employment illustrated the current problem by making the point—I believe it has also been made today—that if a million workers were involuntary switched from full-time to part-time work there would be no impact on the measured unemployment rate.

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At 5.00 pm, in accordance with standing order 32, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS DUNDAS: The shadow minister went on to say that good policy requires better measures of underemployment and overwork. This is because the principal measure of labour market performance, the unemployment rate, was developed in an era when the labour market was based on full-time bread winners. So the official definition of “employed” does not distinguish between those working one hour a week and those working 60 hours a week. Huge changes in the labour market in the 1980s and 1990s, including the shift to part-time work and casualisation, are therefore not reflected at all in the main measure of labour market performance.

Underemployment of part-time and casual workers is now a very serious problem, especially when compared to the growing problem of overwork. Yet, proper understanding of these important trends is missing from public debate and policy-making because they are not captured in the official statistics that we use.

So what is the current situation? In Australia today there are more than 15 million people over the age of 15. Of these, 6.7 million are employed full time and 2.3 million are employed part time. Of those employed part time, over 430,000 would prefer to work additional hours. Many of the full-time workers wish to work fewer hours, although regular data is not collected on these issues.

One simple change that we could implement would be ask respondents to the ABS labour force survey to state both the number of hours they worked and the number of hours they wanted to work. This would make it possible to measure the nature and extent of not only unemployment but underemployment and overwork, and to do so much more accurately than is currently the case.

The labour market statistics would tell us that the number of people officially unemployed is now back to the levels experienced in 1985. However, the number of hours of underemployment is around 24 per cent higher than at that time. While unemployment and substantial underemployment create enormous personal and social costs, another labour market problem that is barely considered in the labour force statistics is that of overwork.

The proportion of jobs requiring long hours has also continued to grow steadily. While the overworked are unlikely to suffer from the financial problems of the underemployed, the impact of long hours on health and family commitments and the capacity to engage fully with the broader community are substantial. Overwork is a growing problem, with no sign of abating.

Involuntary overwork is as much a failure of the labour market as underemployment. It is therefore important to have accurate measures of the extent of overwork, and to ensure that policies are in place to enhance the capacity of the labour market to match the desires of workers to the needs of employers.

Unemployment, underemployment and overwork are important problems which are unlikely to be solved quickly or easily. However, without accurate data on the nature and extent of these problems, adequate policy responses are impossible.

MS TUCKER (5.04): We use statistics in an odd way. Obviously over the years we have talked about gross domestic product being a measure of the wellbeing of the community. We have had discussions in this place about how such statistics need to become much more sophisticated, because they focus on the exchange of services and money rather than qualitative information. The GDP of the country can look good as a result of activities which are destructive to the people and the environment. An attempt is now being made in this place to have an Office of Sustainability, where we will see indicators that more truly reflect the state of wellbeing of people in this city. That is, of course, something that the Greens are very supportive of and have called for consistently.

This debate today is similar in that it is saying, "If we want to have an understanding of what is happening in terms of employment we have to have an analysis which is something a little bit closer to the reality of the situation." That is certainly not the case at the moment, as Ms Gallagher and Ms Dundas have clearly articulated. It is quite shocking really when you realise and reflect on the fact that you are collecting statistics on employment that are based on such a really sloppy analysis. People are asked what hours they worked in a week, and if it was one hour they could be classified as being employed. This is seriously misleading in terms of understanding what is going on.

Other members have spoken at length about the question of underwork and overwork. There is a serious social issue for people who are doing either of those things. The underwork issue is well documented now in terms of an analysis of poverty in this country. The increase in the number of so-called working poor in this country is always a feature of any discussion on poverty. Any discussion on social wellbeing brings into focus the question of overwork. The pressure and trend to overwork impacts on people's individual lives and family lives.

I agree with other speakers that it is important that we have a much more detailed understanding, and that understanding will be improved through the more sophisticated collection of statistics. The solutions are not simple. For quite a number of years concerns about overwork and underwork, and the impact of deregulation of the labour market, have been raised in various fora.

Another issue that comes up is the need to have a gender analysis of policy, because that is one of the classic areas where deregulation of the labour market has certainly had a greater impact on women who are the ones more likely to be doing part-time or casual work. That has implications not only for their capacity to have a positive experience of work and life, but also it has a long-term impact on their capacity to support themselves in old age. Obviously, the question of casual and part-time work is related to capacity to accumulate money for old age through superannuation or whatever. Of course, we need to take into consideration all the people who do not work at all. In particular, a lot of women are working on a voluntary basis, and this is not taken into account either in the understanding of work and what work is.

So a lot of very important issues come out of the discussion that Ms Gallagher has raised today. One of the solutions that have been suggested is limiting the working week. I know that this was trialled in France but I am not quite sure if it is still continuing. From memory, the government in France attempted to reduce the standard working week but that did not work so well. New job creation was pretty marginal with employers. Overtime levels increased, with resulting damage to competitiveness through rises in wage costs. There was agreement in Germany that hours be reduced, and that was more successful—I understand that quite a number of jobs, over 50,000, were created through that. The results have been mixed but this is just one of the attempts that have been made to try to deal with this issue.

While there is no easy solution to the overwork/underwork problem, basically it is a problem that requires us to engage in discussion about how to deal with it. It requires us to understand how much underwork/overwork is occurring. As Ms Gallagher has put to us today, we need to have statistics that are relevant and accurately indicate the situation of people who are in the workforce and people who are trying to be in the workforce. People are being totally missed out of the statistics that are gathered because of the flawed way that surveys are being undertaken.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.11): I have in front of me some information which supports the case made by Ms Gallagher. Although the point has been made that there has not been much debate, I think there is sufficient data now in *Hansard*.

I believe that a strong economy is one in which the labour force participates, or in which participants are able to achieve their desired amount of employment. Ms Gallagher referred to—I think this was the term she used—“adverse social outcomes”, and this is disturbing. What we have seen in recent times under a federal Liberal government has been the casualisation of the workforce. This has been done under the euphemism of labour market reform. These days the word “reform” usually means improvement but it cannot in any way mean that in this particular case. I suppose Mr Peter Reith has to be congratulated for doing the job that he set out to do, and the new hard man of the Right, the Tories’ Tony Abbott, has followed in his footsteps.

The ultimate outcomes are quite scary. Some of those outcomes will not be visited upon the community as a whole for a generation. Before this phenomenon, people could look forward to purchasing a home and establishing themselves; many of them could generally look forward to contributing to some form of life insurance or assurance or superannuation in order to take care of themselves in their later life. But what we are going to see arising out of the current generation of increased casualisation of the workforce is people never reaching the position of being able to commence building for their futures and building to take care of themselves.

According to the statistics that I have, this phenomenon now impacts more on young people and more on women. Given the changing nature of family structures, there is going to be, in the longer term, a lot more women who, through no fault of their own, are going to become dependent upon society. At the same time, this is going to happen when we have an ageing community. It seems to me that the whole labour market reform that

Reith, Howard and Costello are about is very short-sighted policy, but, then again, Mr Howard is not noted for looking much beyond his own future.

A very good point was made by, I think, Ms Dundas, about the degree of overwork. She suggested that the hours the underemployed worked and the hours that they want to work ought to be recorded. I reckon we ought to do that as well for the people who are overworked. We should ask how many hours they work and how many hours they really want to work.

I think the point is well made that it is important that we identify the extent of this problem. Hopefully, that identification of the problem will engender debate and maybe that debate will engender some action which will lead us away from the potentially adverse social outcomes that Ms Gallagher so rightly predicts.

MR DEPUTY SPEAKER: The discussion has concluded.

Suspension of standing orders

Motion (by **Mr Hargreaves**) agreed to, with the concurrence of an absolute majority:

That so much of standing orders be suspended as would prevent the order of the day for the resumption of the debate on the motion to take note of the report of the Select Committee on Estimates on Appropriation Bill 2001-2002 (No 3) forthwith.

Estimates 2001-2002—Standing Committee Report

Debate resumed.

MR HUMPHRIES (Leader of the Opposition) (5.16), in reply: In light of the time, I do not want to say very much, Mr Deputy Speaker. I will make just a couple of comments in response to what the Treasurer had to say this morning about this report. He seemed uncomfortable about being on the receiving end of an unfavourable report. I know the experience. I suppose he will get used to it.

Mr Quinlan: I was crushed, Gary!

MR HUMPHRIES: Of course, Mr Quinlan.

He said I must be regretting that I did not move in the estimates committee to report on Appropriation Bill (No 2). Indeed I am, but I was persuaded by the argument that the government put to me that there was no time to consider an estimates committee in respect of appropriation No 2, and to have things like extra money available to the hospital in its “crisis” by Christmas. As to the acceptance of those arguments, no estimates committee was moved. I think many of us regret that there will be no estimates committee in relation to appropriation bills, particularly subsequent ones, and I am sure that a very good case will need to be made in future for that not to occur.

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Finally, Mr Quinlan came back to this argument that really the appropriation bill was designed to clean up the former government's mess. He has run that line, and he is entitled to stick to it, Mr Deputy Speaker. We hear that line coming back all the time.

I think this is a short-term argument. I would ask Mr Quinlan to ask himself what he will do, this time next year, when, almost inevitably, he will rise in this place to introduce Appropriation Bill (No 2) or (No 3) for the 2002-03 appropriation or budget. What government will he blame, then, for that?

Mr Quinlan: Yours.

MR HUMPHRIES: He might well blame us for that, but as each year goes past and he does the same thing year after year—

Mr Quinlan: I am going to just keep blaming you! Mate, you were doing it after six years!

MR HUMPHRIES: As each year goes past, it becomes less and less credible to argue that the former government has somehow upset the present government's budget for that year. Given that the government itself will have framed the budget and brought it down, it will have taken into account whatever it sees as pressures from previous years. If we run the line that ipso facto, a second appropriation must be the fault of the people who framed the budget for the year.

Mr Quinlan: You are testing the law of logic again.

MR HUMPHRIES: Well, that is what you have said.

Mr Quinlan: It did not make the case universally—that made the case today.

MR HUMPHRIES: But you have not made the case specifically, either. You have not presented a reason why any of the particular items in this bill should have been dealt with in last year's appropriation. You have not made that case. You have not presented any argument for it. You have just said—

Mr Quinlan: Do you want me to put the other ones later? Make up your mind! Is it sooner or later?

MR DEPUTY SPEAKER: Order please, Mr Quinlan.

MR HUMPHRIES: You have said that these things were not dealt with in the original budget; you then dealt with them in the second appropriation, and therefore you made some mistake—it is a mess. In fact, what you actually put before the committee said that these were mechanical matters—issues which arise as a result of the evolution of any budget over the course of a given year.

Mr Quinlan: The first home owners grant, yes.

MR HUMPHRIES: Indeed, the first home owners grant. No-one is to blame because the first home owners grant needs to be supplemented—except those irresponsible potential householders who want to get a first home owners grant. So it is silly to allocate blame in those circumstances.

I am just saying it is a short-term and, with respect, lazy argument, and I think it is unwise to move it. However, if you want to push it, that is your prerogative. It certainly makes my line easy in future years, as you bring forward subsequent appropriations. The government has got it wrong; the government has mismanaged its budgeting process; the government cannot do its sums right— it has to come back and ask for more money from the Assembly.

Question resolved in the affirmative.

Legal Affairs—Standing Committee Scrutiny report No 7

MR STEFANIAK: Mr Deputy Speaker, I present the following report:

Legal Affairs—Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 7, dated 2 March 2002, together with a copy of the extracts of the relevant minutes of proceedings.

This report was circulated to members through the Speaker outside the normal sitting pattern. I seek leave to make a brief statement in relation to that.

Leave granted.

MR STEFANIAK: Report No 7 contains the committee's comments on five bills and two pieces of subordinate legislation. As I indicated, it has been provided to members out of session.

Community Services and Social Equity—Standing Committee Report No 1

MR HARGREAVES (5.23): Mr Deputy Speaker, I present the following report:

Community Services and Social Equity—Standing Committee—Report No 1—Priorities for Service Delivery in 2002-2003 ACT Budget, dated 27 March 2002, together with a copy of the extracts of the minutes of proceedings.

I seek leave to move a motion authorising publication of the report.

Leave granted.

MR HARGREAVES: I move:

That the report be authorised for publication.

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Question resolved in the affirmative.

MR HARGREAVES: I move:

That the report be noted.

MR HARGREAVES: The committee, in its consideration of this report, received 26 submissions from a wide cross-section of the community. The committee saw its role in this process as one of drawing the government's attention to issues raised by the participating organisations, rather than seeing its role as one of recommending funding for particular organisations. It did not see itself as an extension of the arm of the executive, but rather as an instrument of the Assembly. The committee advised witnesses of such when they appeared. As part of this role, the committee forwarded copies of the submission to the Treasurer, to ensure that individual applications for funding were actually received, and in the system.

A number of issues were raised relating to the needs of the indigenous community. The committee acknowledges that those issues were raised—curiously, not by indigenous organisations—by organisations with an interest in the wellbeing of the indigenous community.

Interestingly, we did not receive a submission from any indigenous organisation. I am a little bit sad about that. The biggest issue, by a long shot, was that of housing. I draw members' attention to the chapters dealing with that. I will not go into the detail, but housing was a major issue and a consistent thread all the way through. The most frequently raised issues related to affordability, and the future of community and public housing. The distinction between the two was acute. There is a need for an independent central housing referral service, and there is a need for separate reporting on community and public housing outcomes.

Crisis accommodation was also raised as an issue for the government to address in future years. Among the issues, which surprised the committee, was the need for accommodation for couples in crisis. We were not really prepared for that one.

There are people suffering elder abuse. When couples experience that, or when one of the people in that relationship is suffering elder abuse, they both leave the situation in which the abuse is occurring. They can both seek accommodation at various places around town, but not as a couple.

It is better for these people to be bonding together and supporting each other at the time of crisis. To separate them only exacerbates the crisis. The committee has identified a real hole in the provision of crisis support for people suffering elder abuse. The government's attention is drawn to that.

There were requests for supplementary funding for youth issues. The government's attention is also drawn to those comments.

The committee thanks all those who have contributed their views, through written submissions and through personal appearances. I express my appreciation to the committee secretary, Judith Henderson, for her professional support. I extend my appreciation to Ms Dundas, deputy chair of the committee, and to Mrs Cross. I think we all learned a lot out of the process, and from the information that was brought to the committee.

I commend the report to the Assembly.

MS DUNDAS (5.27): Mr Deputy Speaker, as members of the Assembly would be aware, I have the pleasure of serving on a number of committees. Three of those committees are reporting this week, regarding the 2002-03 budget. I would like to take this opportunity to raise some points that apply generally to the process undertaken by committees in the preparation of reports.

Concerns were raised again and again regarding the time frame, and the lack of information or direction for these budget inquiries. There is no denying that the non-government sector appreciates the opportunity to participate in the budget process. They could appreciate it more, however, if they were given more than a token opportunity; if the community had greater time to prepare, if there were more information forthcoming from government about the budget, as to what the government's parameters are—as opposed to sporadic media reports and obvious confusion with regard to the actual financial position of the city. Imagine what we could achieve if we had all that information going into these reports!

I refer specifically to the report from the community services and social equity committee. There are a few points I would like to highlight for the Assembly.

During the inquiry, a major process concern came up in the evidence from one of the organisations which appeared before us. They informed us that they had been instructed, by a government department, to put in a submission to the community services and social equity committee for the renewal of their core funding, as part of our budget inquiry.

This is concerning, and obviously outrageous. The committee made it quite clear that we were not making, and could not make, such a determination with regard to core funding. It has been the practice that such core funding applications do not come to the committees of the Assembly. The impact this misleading information could have had on a service vital to the ACT community is devastating. I hope the reasons underpinning this problem can be discovered and the issue quickly resolved.

I draw the Assembly's attention to a few other issues that were raised in the report. As Mr Hargreaves has indicated, housing—both long term and short term—must be seen as a key priority for the 2002-03 budget. The availability of secure and affordable housing is crucial, and critical to reducing poverty.

Another important point is the need for the provision of outreach workers attached to crisis accommodation services—to facilitate the move into independent living, and to provide ongoing support when required.

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In their submissions, a number of community organisations made the point that we need to support people as they move back into the community, from crisis accommodation, and begin to look after themselves. We need better ways to make that happen. As Mr Hargreaves has mentioned, the report details some of the things that need to be done for children and young people.

In my first speech as a member of the Assembly, I said I would advocate for the establishment of a commissioner of children and young people. I think this year is the time to do the research, to spot the gaps in the current systems and assess the viability of a commissioner. I hope there is funding available to do that.

We need a commitment to the care and protection of children. This includes more support for children and young people who, due to abuse or neglect, are not able to live at home. Multiple placements, abuse in care, high caseworker turnover and adolescents being discharged from the care system, without the support or networks required to succeed, are still common stories in the ACT.

I urge the government to consider and adopt these issues as part of the 2002-03 budget, and for the Assembly to keep these points of concern in mind when we come to consider the budget.

MRS CROSS (5.32): Mr Speaker, as a new member, this is my first budget. As a new member, I was obviously not involved in any previous budget consultation—or the draft budget consultation, as it was sometimes known. Nor was I involved in debates on the merits or otherwise of a draft budget, or the appropriate role for Assembly committees in dealing with the draft budget, and the like.

However, there are a number of aspects of the consultation process, just completed, which strike me as rather strange. I understand that the previous Assembly went through two draft budget processes. The first—two years ago—was criticised by all and sundry as having to deal with far too much information. The second—last year—was criticised for having to deal with much too little information.

I was not sure what to expect, on this front, when the committees were tasked with this latest pre-budget process. Labor was certainly very critical of draft budgets when they were in opposition in previous years. I appreciate that this committee process had nothing to do with a draft budget, but I did expect the government to try for at least a half-decent consultation process this year. I thought that, after all their previous criticism, cries of window-dressing et cetera, and taking into account all their pent-up frustration, it was the least they could do. For example, I expected them to at least provide the committee with a decent briefing from the Treasurer.

Mr Quinlan did brief the community services and social equity committee at the end of January, but gave us no information. Instead, all he promised was a proper briefing document that would be available within two weeks. The document did eventually come—after five weeks—but was soon proven to be of very little value. Much of its content and assumptions have since been shown, by Treasury, to be either wrong, outdated, or both.

We have had a Clayton's consultation this year—there is no doubt about that. If this is the best the government can do to cherish the views of the community, then genuine consultation is surely dead in the water.

This has been noticed by the community and, I trust, not quickly forgotten. Labor may indeed oppose proper pre-budget consultation. However, this committee wishes to inform the Assembly in a loud, clear voice that we believe pre-budget consultation with the community is appropriate, desirable and profitable—and had better continue.

The government front bench may wish to shut out the voice of the community when it comes to budget time, but the rest of us do not. As already noted by the chair, the committee received a good number of submissions. They were well presented, and contained a consistent theme of problems which sections of the community experience accessing affordable housing.

The majority of submissions expressed a strong desire for the budget to address, as a priority, the current housing situation. The availability of secure, affordable housing is critical. When lacking, this can impact on every other aspect of a person's life.

A quick glance at the current waiting list could tempt a person into thinking that there was an acute lack of public housing in Canberra. Of course, as we all know, that is only partially true. Canberra has about 12,000 dwellings in public housing stock—roughly 12 per cent of all the housing in Canberra. It appears this is one of the highest percentages, if not the highest, in Australia.

Canberra has always had a housing crisis, in one form or another. This has at its root the requirement to build an instant—Would you like to speak, Mr Quinlan? I can stop, for you to speak.

Mr Quinlan: Go ahead and stop. Stop whenever you like!

MRS CROSS: Thank you so much. The sole purpose of that was to be the nation's capital.

The first public servants lived in tents in a sheep paddock down by what is now Lake Burley Griffin. Subsequent waves of public servants were attracted to Canberra only by being allocated public housing with their jobs.

In this respect, public housing has had enormous social impact on the city. Some of the people allocated public housing already worked for the government in Melbourne. Their forced transfer to Canberra won them a house, without waiting. Others came because of promotion. They lived in government flats, and were forced to endure years without their families.

Those public servants who brought their families, who did not have to pre-qualify for public housing, more often than not lived like nomads, between hostels, while they waited their turn. Prior to the mid-1950s, those who came as employees of the private sector faced even greater difficulties than public servants in obtaining government housing.

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Mr Speaker, let us put some of the current problems facing public housing into some kind of perspective, lest those critical of the former Liberal government are tempted into even more criticism.

Firstly, the waiting lists: in 1963, the population of Canberra reached 80,000, for the first time. The public housing waiting list peaked to 5,374, with an average waiting time of over three years. While the circumstances are somewhat different between then and now, they make an interesting comparison to today.

A more interesting comparison, however, can be seen in the area of evictions. In 1983 the Minister for Territories and Local Government, Tom Uren, began a policy of no evictions under any circumstances. I trust the government notes this example, because they were hairy-chested in this area during the election, and may be tempted to apply this principle to their policy of security of tenure.

Before the 1983 edict against evictions, rent arrears hovered at just over 200,000 per year. Within two years of implementing a no-evictions approach, that figure increased six-fold, because public housing tenants simply stopped paying their rent. Before the minister changed his mind in 1985, 3,800 out of 11,000 tenants, owing a total of \$1.2 million, were in arrears.

I trust the minister for housing has learned from this example, and the experience of the former Follett administration, in which he was also a minister, where their approach to evictions was weak—to the point of being non-existent.

At self-government in 1989, the ACT joined a nationwide undertaking, in the form of the Commonwealth-state housing agreement, to apply a set of consistent principles regarding public housing. The first ACT government inherited a large stock of public housing that was ageing, required high levels of maintenance, and was built in areas which no longer suited the demographic needs of the community.

Some early public housing tenants have subsequently purchased their homes, some have purchased other homes, some have chosen not to move and to rightfully remain where they live. At the time of self-government, only 65 per cent of public housing tenants were needs based. There has been a considerable change since then, especially since 1995, and I understand that figure has risen to currently about 80 per cent.

The former Liberal government was active in the area of public housing because they inherited an absolute shambles. Tenants had been badly neglected by Labor. Some were found to have paid no rent for several years and, as a consequence, owed many thousands of dollars in arrears. Housing stock failed to match the changing needs of tenants, a feature also addressed, as a priority, by the former government.

Throughout this entire time—6½ years—Labor was critical of every move the former Liberal government made. However, it failed to offer any answers, other than that they would fix it.

Mr Speaker, it is now their turn. I trust the government has already discovered the vast difference between being in opposition, and promising to fix everything in sight, and the reality that there is no quick or simple solution on the public housing front. Having heard years of rhetoric, the community is now looking expectantly to this budget for the new government to fix up public housing, as was promised.

Fortunately, provided they do not stuff it up, they can go some way towards doing so, on the back of the good foundation laid by the previous government. The opportunity to complete the process is not yet lost—it is not yet dead in the water.

On a final note, the committee heard evidence of ongoing pressure in the area of crisis accommodation, for both men and women, and their children. We also heard of the growing problem of elder abuse and a variety of accommodation service models to address these needs. Community expectations for the government to act quickly and substantially are also high in this area.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.41): Mr Speaker, there are just a couple of points I would like to make.

I am sorry that that consultation document did not go out earlier. The only excuse I can offer is that I have given my Treasury officers too much to do over the last couple of months.

I think all members have had available to them the findings of the Commission of Audit. I think the Commission of Audit had a fairly comprehensive indication of any changes to the bottom line. I trust Mrs Cross has now got to the point where she can actually read the budget paper. I think she described the consultation document as useless anyway.

Mrs Cross: As a shambles.

MR QUINLAN: I think you said useless. I would like you, in the future, to take note and let me know what else you would like in such a document. I don't promise to supply what you would like in that document, but I'll bleeding well tell you why you cannot have it. I echo your sentiments—we think consultation is a good thing.

I will hand you another challenge. Given that this document seemed to be important, tell me, at any time between now and the adoption of the budget this year, what would have changed in your report today, had you had more information.

I offer that challenge to anybody who feels that their deep and meaningful deliberations were somehow inhibited by the fact that we have had a fractional change. Given that we turn over a couple of billion dollars or more, a few million dollars at the margin seems to have assumed tremendous importance, when looking at the matters over which you deliberated.

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There is another thing I would like to correct. Mrs Cross built a lot of her argument on the fact that the previous government had two dips at this process. One was a draft budget, which was a sham. We all know that, and I think that is now a matter of record. The whole process was a sham. There was also a complaint about too much information. There might have been some reference to that, but I do not think it was the centrepiece of complaint.

More importantly, the second one was a complaint that not enough information was sent. That is simply wrong. I hope you do not follow your leader in the habit of building arguments in this place on false premises. One Gary Humphries in the Assembly is enough!

Question resolved in the affirmative.

Legal Affairs—Standing Committee Scrutiny Report No 7

MR STEFANIAK: I seek leave to table Mr Quinlan's reply to scrutiny of bills report No 7.

Leave granted.

MR STEFANIAK: I present the following paper:

Legal Affairs—Standing Committee (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report No 7, dated 27 March 2002—Government Response to Duties Amendment Bill 2002, dated 4 April 2002.

Health—Standing Committee Report No 1

MS TUCKER (5.45): I present the following report:

Health—Standing Committee—Report No 1—Budget consultation 2002-2003, dated 9 April 2002, together with a copy of the extracts and the minutes of proceedings.

I ask for leave to present the submissions received by the inquiry.

Leave granted.

MS TUCKER: I present the submissions received by the inquiry. I seek leave to move a motion in relation to the report.

Leave granted.

MS TUCKER: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MS TUCKER: I move:

That the report be noted.

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

Education—Standing Committee Report No 1

MS MacDONALD (5.46): I present the following report:

Education—Standing Committee—Report No 1—Inquiry into 2002-2003 Budget, dated 4 April 2002, together with a copy of the extracts of the minutes of proceedings.

I seek leave to table the submissions received by the inquiry.

Leave granted.

MS MacDONALD: I present the submissions. I move:

That the report be noted.

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

Legal Affairs—Standing Committee Report No 1

MR STEFANIAK (5.47): Mr Speaker, I present the following report:

Legal Affairs—Standing Committee—Report No 1—Priority Issues for Service Delivery in Legal Affairs within the 2002-2003 Budget, dated 2 April 2002, together with a copy of the extracts of the minutes and proceedings.

I move:

That the report be noted.

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

Planning and Environment—Standing Committee Report No 2

MRS DUNNE (5.48): Mr Speaker, I present the following report:

Planning and Environment—Standing Committee—Report No 2—2002-03 Budget Consultation Process, dated 5 April 2002, together with a copy of the extracts of the minutes of proceedings.

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I seek leave to table the submissions received by the inquiry.

Leave granted.

MRS DUNNE: I present the submissions. I move:

That the report be noted.

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

Public Accounts—Standing Committee Report No 1

MR SMYTH (5.49): Mr Speaker, I present the following report:

Public Accounts—Standing Committee—Report No 1—2002-2003 Budget Consultation Process, dated 9 April 2002, together with a copy of the extracts of the minutes of proceedings.

I ask for leave to move a motion authorising publication of the report.

Leave granted.

MR SMYTH: Mr Speaker, I move:

That the report be authorised for publication.

Question resolved in the affirmative.

MR SMYTH: I move:

That the report be noted.

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

Adjournment

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

That the Assembly do now adjourn.

Comments by Minister for Education, Youth and Family Services

MR PRATT (5.50): Mr Speaker, I seek to make a personal statement, essentially rebuffing a misrepresentation made in the Assembly, today, by the minister for education. He nicks off out the door!

Mr Corbell misrepresented me today, during question time, when he stated that I had somehow slurred the character of Ms Connors. There is no evidence to indicate that I have slurred Ms Connors' character. On the contrary, I have acknowledged Ms Connors' experience and capabilities. If he had been listening when I challenged him in the estimates inquiry, he would have noted that I had questioned the appropriateness of his appointment of Ms Connors. I did not question her character. That is not the way I conduct business.

Mr Corbell's allegation is in fact a personal attack on me, and is a grossly exaggerated misrepresentation. This attack—a smokescreen to hide my duty in opposition to question the government on the probity of the planning and implementation of an inquiry—is clearly designed to cover the minister's inadequacies and professional incompetence.

Further, Mr Corbell has misrepresented me in his statement that I had not investigated the background to his appointment of Ms Connors. Mr Speaker, I had, of course, done that, in my capacity of shadow spokesman for education. I have discovered that whilst Ms Connors is a competent educationalist, she is also co-convenor of Priority Public, a lobby group for government schools.

Far from attacking Ms Connors, I have in fact scrutinised, and will continue to scrutinise, the establishment and implementation of this education inquiry. There are justified community concerns on the balance of this inquiry, and I assure the minister that I consider it my duty to question all aspects of this inquiry.

If Mr Corbell feels he has to resort to unjustified personal attacks, that is fine—no problem. But it will reflect poorly on him.

I challenge the minister to produce the words I have been accused of using to slur Ms Connors' character, as he has alleged. In fact, no such words exist. I must therefore ask the minister to retract his words on this matter.

Death of Captain Geoff Hood

MRS DUNNE (5.53): Mr Speaker, I rise in this adjournment debate to say a few words on the passing of Captain Geoff Hood, a Canberra wine pioneer and former naval engineer, who died recently at the age of 84.

Geoff was known, to family and friends alike, as a most energetic man who enjoyed a close affinity with the soil. He will be remembered for many achievements, not least the wonderful, robust reds he produced at Westering on Lake George.

Geoff Hood's affinity with the soil became apparent during the Great Depression when, as a boy, he contributed to the family coffers by growing and selling tomatoes. He was born from the union of two long-established Hobart families. As a young man, Geoff was an enthusiastic sportsman—involved in rowing, sailing, skiing, swimming and bushwalking. He had a great fondness for the bush, and spent much of his time exploring the extensive, uncharted wilderness of south-west Tasmania.

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Geoff was not a person who did anything by half-measures. He loved skiing, and therefore became a founding member of several ski clubs. He involved himself in the construction of two Royal Australian Navy ski lodges at Mt Buller and Perisher Valley, and the University ski club at Mt Hotham.

The Royal Australian Navy ski lodge at Perisher was a real achievement—combining logistics, strategy, and political nous. Along with Guy Griffiths, Geoff Hood was given the task of selecting both an architect and a builder, and raising the necessary finance. He achieved all of this in time to have the lodge opened for the 1964 ski season—the biggest year for snow in Perisher’s history.

After finishing school, Geoff completed a bachelor of engineering at the University of Tasmania. He joined the Royal Australian Navy in 1944 and was aboard *HMAS Australia* when it was severely damaged by kamikaze planes near Leyte Gulf.

He continued to serve in the navy, reaching the rank of captain, before retiring in 1972. From 1961 to 1966, he was general manager of the Williamstown naval dockyard in Melbourne. He also had a posting in Admiralty House in London.

At the age of 27, Geoff married Arlene Rae Anthony. Together they had three daughters—Nadine, Alwynne and Toni. Geoff and Rae were married for 42 years until, in August 1988, Rae died suddenly of a heart attack. His daughters tell us that he sorely missed her.

Geoff retired from the navy at the age of 55. He combined his scientific training with his gift as a gardener, and embarked on a second career as a vigneron. In partnership with his wife, he established, from scratch, the Westering vineyard on the shores of Lake George. He was a tough, hard-working man and his wines were soon winning awards.

His second career suited Geoff’s gregarious nature, for he was always a man who loved parties and meeting people. Acclaimed wines are still being produced by David Madew from his vines, as Westering has now become the Madew Winery.

Geoff was Commodore of the Canberra Yacht Club from 1976 to 1977. Recently, the Institute of Engineers awarded him life membership.

Some years ago, Geoff was diagnosed as having asbestosis, and his health began to decline. The asbestos fibres inhaled in engine rooms during his naval career had started to take their toll in the 1990s. He pursued occupational health issues with the navy. Despite his being a senior officer who had devoted his entire career to the navy, that institution was unwilling to acknowledge that his asbestosis was acquired during his naval work. He and his family were nonplussed, given that his only other work had been in the vineyard, where one hardly finds asbestos. After a protracted process, he finally received a veteran’s gold card, which helped him through his final years.

I have known Geoff Hood as a member of the South Canberra branch of the ACT Liberal Party. He was a fine man who is survived by his three daughters, Nadine, Alwynne and Toni, and two granddaughters—Sarah and Robyn.

Death of Mr John Allan

MR WOOD (Minister for Urban Services and Minister for the Arts) (5.57), in reply: Mr Speaker, it is a day for obituaries. I refer to Mr John Allan, who will be known to some of us. John Allan passed away on 5 April. He was an important member of the Canberra community, particularly the strong community of dog owners. In essence, the loves of his life were golf and, in later years, dogs.

It is little known that, in earlier life, in England and Scotland Mr Allan was a golf caddy for some of the greats of golf, such as Sam Snead and the young Jack Nicklaus. He served in the Sudan, Egypt, in the Scots Guards. In Australia, he worked as club manager at many hotels, including the Southern Cross Club in Canberra.

His greatest love, however, was his dogs. He spent an extraordinary amount of time working to promote both the dog world and responsible dog ownership. He did his utmost to help with the rescue of dogs. In order to do this, he developed a close relationship with the domestic animals unit of the ACT government. In my former life as a minister, I certainly valued his advice, as we talked through various legislative measures.

Mr Allan was a serving member on the animal welfare advisory committee for a period of six years. Until the end of last year, he held the position as president of the ACT canine association.

He had been active in promoting the issue of companionship of dogs for many years. He was seen regularly at the ACT dog pound. He would check the lost and stray dogs, to see if any pedigree dogs had been held—in case the ACT canine association could assist in locating the owners.

He was an active member on many AWAC subcommittees over the years and was instrumental in identifying many key areas within legislation and codes of practice that required further consideration of amendments.

Mr Allan was never a person to shy away from a difficult problem. Over the years, he thoughtfully presented his views and those of the ACT canine association in a logical manner. He did not suffer fools gladly and was quite often the “gruff Scotsman”, but he was greatly loved and respected by those who knew him. He will be missed by those who have worked with him in the ACT government and community. At this sad time, our sympathies are with John’s daughter, Jennifer, and the rest of his family.

Question resolved in the affirmative.

The Assembly adjourned at 6.10 pm.