



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

8 May 2002

Wednesday, 8 May 2002

Sale of Commonwealth land.....	1269
Matter of public importance.....	1269
Dementia sufferers—respite care.....	1271
De facto relationships—property matters.....	1281
Questions without notice:	
Payroll tax.....	1300
Superannuation investments.....	1301
Economic white paper.....	1303
Roads—speed zones.....	1304
Griffin Centre enhancement.....	1307
Rugby world cup.....	1307
Rugby world cup.....	1310
Parking operations at Hall market.....	1311
Gungahlin Drive extension.....	1311
Midwifery program.....	1312
Land release.....	1315
Boys education.....	1316
Commission of audit.....	1318
Child care—staff shortages.....	1318
School retention rates.....	1329
Personal explanation.....	1345
Ansett Airlines—effect of demise on Canberra.....	1346
Drugs and other substances—use.....	1361
Australian War Memorial.....	1377
Adjournment:	
Darcy Scollen benefit night.....	1382
Death of Mr David Smyth.....	1383
Commonwealth Parliamentary Association.....	1384

Wednesday 8 May 2002

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

Sale of Commonwealth land

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I seek leave to make a very short statement in relation to the issue of Commonwealth ownership of land in the ACT.

Leave granted.

MR STANHOPE: Mr Speaker, there has been much interest and debate within the community and within this place around Commonwealth land release and land sale programs, policies and attitudes. Indeed, this matter was touched on yesterday in a question to Mr Corbell.

In the course of explaining to the Assembly the Commonwealth's position and the ACT government's position in relation to this issue, Mr Corbell referred to a letter which I had written to the Prime Minister about the matter, and in the context of that Mr Corbell indicated that it was disappointing that the Commonwealth had not responded to my letters before proceeding with the decision to seek to sell a number of blocks.

My office had in fact received a response from the Prime Minister on Monday of this week. That was unknown to Mr Corbell yesterday. For the information of members of the Assembly, I present the following paper:

Commonwealth owned sites in the City Division of Canberra—Block 11, sections 61 and 63—
Copy of letter from Prime Minister to Chief Minister, dated 2 May 2002.

Matter of public importance

MR SPEAKER: Members, this morning Mr Pratt lodged an MPI concerning drug usage by high school students as reflected in a survey released this week. Standing order 130 states:

A matter on the Notice Paper must not be anticipated by a matter of public importance, an amendment or other less effective form of proceeding.

Private members business notice No 6, which is listed on today's notice paper in Ms Tucker's name, contains the words "problematic use of drugs and other substances". Having carefully considered the issues, I have concluded that the MPI would be

8 May 2002

anticipating debate on an item listed on the notice paper. I am therefore ruling that Mr Pratt's MPI is out of order as it contravenes standing order 130.

Mr Pratt: Mr Speaker, on a point of order: firstly, following discussion with my party, we decided to run with this MPI 24 hours before we were aware of Ms Tucker's motion. Secondly, the subject of the MPI is entirely separate from what is described in Ms Tucker's motion. In that sense, I believe that I have not acted in a pre-emptive fashion. We had an intention to run this very urgent issue prior to the issuing of the notice paper which lists Ms Tucker's motion.

MR SPEAKER: Thank you, Mr Pratt. There is no point of order. Unless you want to move a substantive motion, I do not want to have a debate on whether or not I should have ruled on the issue in the way that I did.

But let me say this: I heard what you had to say about your intentions and when you arrived at the decision. I cannot anticipate what you might have had in your head when I make my ruling. All I can do is look at the MPI as against other issues which are listed on the notice paper. I say that in response to what you have indicated here this morning.

Mr Humphries: On a point of order, Mr Speaker: could I ask under which standing order discussion of a matter of public importance may not take place?

MR SPEAKER: Standing order 130 says:

A matter on the Notice Paper must not be anticipated by a matter of public importance, an amendment or other less effective form of proceeding.

Mr Humphries: Let me make the point, Mr Speaker, that the matter of public importance deals with the issue of drug usage by high school students in the ACT.

MR SPEAKER: Mr Humphries, I have already indicated that I am not going to get into a debate about this. I have already made my ruling in relation to the matter, and the only option open to you is to move a substantive motion. There is no point of order.

Mr Humphries: Mr Speaker, if you are prepared to listen to and consider what I want to say, I will be happy to put my argument.

MR SPEAKER: All right. Go ahead.

Mr Humphries: Mr Speaker, the matter on the notice paper deals with the issue of the problematic use of drugs in the community. This is a very broad issue and it covers many facets. The issue that Mr Pratt wants to put forward is a very significant but small subset of that broader issue, and that is the use of drugs by high school students alone.

The use of drugs by people in the community must cover hundreds or maybe thousands of people. The use of drugs by high school students may be much smaller—I hope it is—than that total number. The MPI is obviously related to the other issue but, with due

respect, it does not anticipate the broader issue of the matter on the notice paper, and I would ask that you reconsider your ruling.

MR SPEAKER: It might well be instructive in your further consideration of this matter for you to refer to page 563 of *House of Representatives Practice*, under the heading “Anticipation”. That is certainly something I took into account when I came to this decision. So I just draw that matter to your attention because it might be helpful in your further consideration of the issue.

Dementia sufferers—respite care

MR CORNWELL (10.38): I move:

That the Government:

- (1) conduct a feasibility study into the establishment and annual ongoing costs of a four bedroom house for respite care for sufferers of dementia; and
- (2) provide the results of the study to the Assembly upon completion.

Mr Speaker, I would like to begin by quoting briefly from a paper of the Alzheimers Association of the ACT:

Dementia is a major cause of disability burden. It is projected that dementia will be the largest source of disability burden for women by 2016 and the fifth largest for men.

Jorm et al estimated that in 1995 there were 1200 people diagnosed with dementia in the ACT. However, specialist geriatricians in the ACT believe that this is a conservative estimate, and that this number is only about one third of actual people with dementia.

If we accept that estimate, we have over 3,000 people here in the ACT suffering from some form of dementia. We know that in 1995 there were 1,200 and, indeed, independent advice to me indicates that there are perhaps more than 1,700 people being cared for privately at home, either by carers or by their own families.

We also know that there are an identified 254 dementia beds available here in the ACT. We do not know how many respite dementia beds are available. I make that distinction of dementia respite beds as opposed to general respite beds because, unfortunately, the figures are confused both by the use of respite beds obviously by people who do not have dementia and particularly by the use of these respite beds for people convalescing from hospital. This is a matter that needs to be addressed—and urgently, I suggest—by the government. But it is a matter to be debated on another day. Therefore, we have a considerable shortfall in the number of respite dementia beds available for an estimated 1,700 plus people who are being cared for by loved ones and by other carers out in the community.

8 May 2002

The Alzheimers Association has advised me that they would welcome a four-bedroom home and staffing to provide respite for the carers of these 1,700 plus people that they are looking after. In other words, it would give the carers of these people a break from what is often a very arduous task. The intention of this home is not to look after people with serious dementia. Those people need to be properly looked after in a formal setting—obviously in a nursing home or a similar sort of facility. Such a facility would primarily give people who are looking after sufferers of early dementia a chance to have a break of a week or perhaps a little longer.

Unfortunately, people even with early dementia still require 24-hour care. Therefore, the house would obviously need to be staffed for that period. I am advised that one staff member would be required in the morning, one in the afternoon, and certainly one overnight. Also, because of something called the sundown syndrome, which apparently causes numbers of dementia patients to decide it is time to get the dinner—and they can become a little difficult to handle—two staff would be required between 4 pm and 8 pm.

The estimated cost of this, apart from the provision of the house itself, is about \$200,000. Coincidentally, \$200,000 is what Mr Michael Moore, the previous minister for health, is quoted as saying would be the annual cost of some individual packages for people with disabilities. So what we are looking at is \$200,000 to run a house, and this is the amount normally spent annually on some people with disabilities. I do not make that point as a criticism—I simply make it to give a comparison of costs and the benefits that clearly would accrue to carers in circumstances such as this.

I believe, Mr Speaker, that this is not an unreasonable request. The cost, as I say, is relatively small. It would certainly ease the burden on a great many people out there in the community who, in an unsung fashion, are working quietly and looking after their loved ones and perhaps others. Frankly, I believe that we have a responsibility in this respect. If we are providing respite facilities for other carers in the community, the least we can do is provide these facilities for the 1,700 plus sufferers of dementia in the ACT community who are being looked after by private individuals. I commend the motion to the house.

MS DUNDAS (10.45): I move:

Omit paragraphs (1) and (2) and substitute:

“(1) That the A.C.T. Government investigate the level and nature of any unmet need for respite care for people with dementia, including a specific facility for low-level dementia sufferers, and options for responding to any such unmet need.

(2) That the Government report to the Assembly as soon as is practicable after considering these issues.”

The Australian Democrats believe that respite care is very important for those with dementia and their carers. While very often care in the home is the best option and allows people to remain with those they know and love, government services need to be in place to ensure that this approach is sustainable for all involved.

For a number of years, as Mr Cornwell has indicated, the Alzheimers Association, along with other groups, has been calling for increased commitment to respite care for people with dementia. Dementia can be extremely distressing both for the family and for the person experiencing it. Nevertheless, families can, and do, still have valuable and happy times together despite the onset of dementia. Respite care can ensure that families do not become isolated and overburdened by the sometimes demanding task of caring for a person with dementia—that they are free to enjoy to the maximum possible extent the time that they have with sufferers. Partners and families of people with dementia need to know that they can have a break from their caring role, assured that their loved one is being cared for properly. Ongoing considerable stress can be caused if these services are inadequate.

Whilst I thank Mr Cornwell for bringing this important matter to the attention of the Assembly, I believe that a feasibility study into the establishment of a four-bedroom house, as the motion indicates, is perhaps an overly specific and prescriptive outcome to be calling for at this stage. This is why it is only part of the amendment that is circulated in my name. I think the amendment broadens what Mr Cornwell is asking for, whilst keeping true to the core need to study respite care for people with dementia, including specific respite care for those people with early onset or low-level dementia conditions.

My amendment would allow the government to look at this important issue through its ordinary processes, without having to establish yet another review. The motion would be made more general so that the government can look at the issue of respite care for people with dementia without being limited to considering only one possible option—that is, a four-bedroom house—as an outcome of addressing this issue. I hope the Assembly takes on board my comments and supports my amendment to the motion before the Assembly, which addresses a very worthwhile topic.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (10.48): I thank Mr Cornwell for his ongoing interest in aged care matters, and his very obvious interest in issues around ageing and dementia.

Mr Cornwell: I will be one shortly.

MR STANHOPE: We certainly need to make sure that sufferers of dementia—it creeps up on us all, says Mr Cornwell—and their families are well cared for and supported in the ACT. This is an emerging area of need as our population ages, and we know the ACT's population is ageing more rapidly than the national rate.

Respite and caring for carers is an area that this government highlighted as needing attention. In the October election campaign we put forward a plan for carers and a plan for older Canberrans to highlight our commitment in this area and address the very issues Mr Cornwell has raised in this motion. I intend to keep this commitment and allocate funding in the next budget for respite, including respite for the people suffering from dementia and their carers.

8 May 2002

The facts about dementia are stark, and Mr Cornwell has touched on this. The prevalence of dementia increases exponentially. The rate doubles approximately every five years of age from around 60 years, such that 23.6 per cent of people 85 years and over are affected by dementia.

The actual rate of dementia in the ACT in 1996 was estimated at around 1,300 people aged 65 and over. This had risen to approximately 1,500 by the year 2000, with the greatest proportion of increase in the 85 years and older age group. It is estimated that between 1995 and 2041, dementia in those aged 65 and over will, in the ACT, have increased six-fold relative to total population. Projections suggest that by the year 2041 there will be at least 6,600 people in the ACT with dementia. This is the second largest predicted increase in Australia—an increase of 450 per cent. A significant percentage of these people will be accommodated in long-term residential care. Given these stark statistics, we need to approach the issue of the provision of dementia services with good long-term planning.

Prior to any allocation of these funds, I agree with Mr Cornwell that we need to assess respite needs and determine what is viable and how such funding should be allocated. I also announced in the lead-up to the election that we would undertake an empirical respite needs analysis. I have requested that the Department of Health and Community Care undertake this study as a matter of priority and I understand that the department will be seeking tenders to undertake the work shortly. In fact, they are in the course of doing so.

The ACT government has already commenced service planning to meet current and future needs for sub and non-acute care for the territory. Service gaps have been identified for rehabilitation, older persons' mental health, post-hospitalisation or transitional care and dementia respite services. Rather than continue to plan these services in isolation, a combined feasibility study for sub and non-acute services would ensure a strategic approach to developing a comprehensive territory-wide plan and to meet the needs of our older Canberrans.

A business case to fund the feasibility study and forward design is being considered as part of the capital works budget program in 2002-03—the next financial year. The feasibility study will review existing services and available support infrastructure across the ACT and Queanbeyan and confirm unmet needs before identifying service and facility design options to provide appropriate sub and non-acute care services.

Mr Speaker, the Assembly will be interested in the number of beds for dementia sufferers currently provided in the ACT. I have already provided this information to Mr Cornwell in my answer to his question appearing on *Notice Paper No 1* of 11 December 2001. There are at this time 704 approved high care beds and 942 approved low care beds. However, 122 of these beds are not operational. Some people call these beds “phantom beds”. So we have only 1,524 operational beds, some 122 short of even the woeful allocation the Commonwealth says we should have. Of these operational beds, only

254

are designated as dementia specific. As we know, Mr Speaker, the Commonwealth government is responsible for funding these beds, and it has really failed the ACT community—and, in fact, the Australian people in general—by not providing adequate numbers of beds for aged care.

Fortunately, there are more services available than just aged care residential beds for dementia sufferers and their families. I think it is appropriate that I point out the range of different types of services available to support sufferers of dementia, including the following:

- Home and community care services: HACC provides a range of basic maintenance and support services to frail elderly people in order to assist them in remaining living at home in the community. There are four broad categories of services: direct maintenance and support; assessment, referrals and care coordination; carer support, including community respite care; and information, training and advocacy services. Case management for the aged through community services and community options is one service offered through HACC.
- Carers Association: the Carers Association of the ACT offers guidance, counselling, information and support to caregivers. The Carer Resource Centre and the Carer Respite Centre are provided through this association.
- Alzheimers Association: the Alzheimers Association provides information, education and support to people diagnosed with all forms of dementia, their families and carers.
- Mobile respite response team: the Alzheimers Association offers in-home respite and support through this service.
- ACT respite links: this service provides medium to long-term support and in-home respite for carers of people with dementia who have behaviours that may be described as challenging and who have difficulty accessing mainstream respite services.
- Community aged care packages: these packages offer a community-based alternative for people assessed by the ACAT as requiring low-level residential care. CACPs are planned and coordinated packages of community care services to help people with complex care needs to remain living at home. They are designed for each individual and are based on particular needs.
- Extended aged care at home program: the EACH program offers assistance to frail older persons to enable them to remain at home as an alternative to entering a high-level residential aged care facility.
- Older Persons Mental Health Service: this service has been funded to provide assessment and treatment of older persons with mental illness and education for service providers, families and carers regarding dementia.
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8 May 2002

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- Burrangiri Crisis Centre: Burrangiri is a 15-bed facility funded by the ACT government to provide respite and post-hospitalisation care. Burrangiri's client base includes people with dementia, and Burrangiri have estimated that dementia patients make up 50 per cent of their client base.

There really is no getting away from the Commonwealth's shameful failure to adequately fund nursing homes for dementia patients and for other aged persons in need of care.

Mr Cornwell and members, we need to ensure that we continue to provide a range of services to meet each individual's needs and provide choices for our clients and carers. Conducting a feasibility study for one four-bedroom house for respite care will not provide a complete picture. As I have outlined, the study that the ACT government is in the process of undertaking will be comprehensive and will indeed provide the foundation on which to plan and improve our services to sufferers of dementia and their carers.

In regard to that, Mr Speaker, and acknowledging that the ACT government has already initiated a detailed inquiry into respite care needs, I have circulated an amendment to amend the amendment moved by Ms Dundas to better reflect the facts of what is currently happening. The ACT government has responded to the ACT Legislative Assembly Standing Committee on Health and Community Care, which in March 2000 reported to the Assembly on respite care services in the ACT. That committee recommended that the former government undertake a comprehensive and empirical study to determine the current and future needs of respite care in the ACT community.

During the last election, the ACT Labor Party promised to carry out such an empirical study of levels of need for respite care in the ACT, based on the recommendations of that standing committee. This government is in the process of implementing that election commitment. A tender is currently being prepared for an empirical needs study into respite care, which will cover all forms of respite, including dementia.

A community sector reference group has already been convened to advise the Health and Community Care Department in the preparation of the tender and the conduct of the empirical study. The reference group has already met. The government will report to the Assembly on the outcomes of the study. It is anticipated that recommendations from the study will be critical in planning for service development in dementia respite and all other areas of respite care.

So in summary, Mr Speaker, the government does not support Mr Cornwell's motion, as well meaning as it is. We do not believe it is appropriate to devote resources to a study into a specific proposal—the proposal nominated by Mr Cornwell, namely, “a feasibility study into the establishment and annual ongoing costs of a four-bedroom house for respite care”. Most certainly, I am more than happy for Mr Cornwell's suggestion to form part of the empirical work that is already being undertaken by my department or is proposed in the study that is already planned and in relation to which a tender is currently being prepared.

In the context of the work that has already commenced in the department and the fact that we have moved to implement our election commitment to undertake an empirical study of levels of need for respite care in the ACT, based on the recommendations of the Legislative Assembly's own Standing Committee on Health and Community Care in the report that it delivered in 2000, I, the Labor Party and the government will not be supporting Ms Dundas' motion, as laudable as we, of course, believe it to be, acknowledging that it simply reflects work that is already being done. I am more than happy to report on the outcomes of the study that the government already has in train, as suggested by Ms Dundas.

MR SPEAKER: I am advised that we have run into a verbiage crisis. Ms Dundas, I understand it is your wish to amend your amendment in some small detail. You will need to seek leave to do that.

MS DUNDAS: Due to a typographical error, I seek leave to amend my amendment.

Leave granted.

MS DUNDAS: I amend my amendment by omitting the words "That the ACT Government" from paragraph (1) of my amendment. Mr Cornwell's motion commences with the words "That the Government". I move:

Omit from paragraph (1) "That the A.C.T. Government".

MS TUCKER (11.00): My understanding is that Mr Cornwell has asked for a more specific level of inquiry into a particular potential response to respite care for people with dementia. Ms Dundas has broadened that. The government has said that it is doing it anyway and, therefore, it will be amending the amendment to say it has already picked up this issue and it already has in progress the very study that the motion is requesting.

I am well aware of the Standing Committee on Health and Community Care's report to the last Assembly on respite care services in the ACT. That committee was chaired by Mr Wood. I have a slight concern if we are asking, once again, to have more studies done. However, I have heard the government say they have already got an investigation under way, which is good to know.

Quite a number of the recommendations in the committee's report on respite care services deal with dementia. My concern is that basically we need to see action. It is not as if this is a new problem; it is not as if it is something we did not know about. Mr Stanhope has said he knows it is not a new issue. They talked about it in their election campaign and they are doing the work. So my inclination is to support Mr Stanhope's amendment.

Mr Stanhope has also said that in this investigation they will be looking at innovative responses such as the one Mr Cornwell has suggested. As far as I can see, everybody here has raised issues that we all agree need to be addressed. The government has explained that it is addressing them and that an investigation is under way. For the information of

8 May 2002

members, I will read a couple of the recommendations from the standing committee's report of March 2000:

Recommendation 9. As part of a comprehensive study into unmet need for respite care, the committee recommends the unmet needs of people with dementia be accurately assessed and that an appropriate methodology is utilised to achieve this purpose.

Recommendation 10. The committee recommends that the ACT Government make representations to the Commonwealth about the need to fund a public communication program aimed at removing the stigma associated with dementia.

Recommendation 11. The committee recommends that the government consult with relevant stakeholder groups to develop improved assessment processes to accurately determine the levels of need experienced by people with dementia and their carers.

I have noticed that Mr Cornwell's motion talks about respite care for people with dementia. Ms Dundas' amendment talks about a specific facility for low-level dementia. Mr Cornwell has explained to me privately that he concurs with the words "low-level dementia sufferers" in Ms Dundas' amendment to his motion, and that he agrees that this facility would be for low-level dementia sufferers. I do not know particularly what "low-level" means and maybe there is not a very clear understanding of that.

Committee recommendation No 10 seems to be saying that the issue of assessing exactly the levels of need for people experiencing dementia and their carers needs to be improved. There is a whole issue about how you assess and what is low level and what is medium level. So I am a little bit uncomfortable with the specific use by Ms Dundas of the words "low level", as if it is some kind of specific—

Mr Cornwell: "Early" might be another word.

MS TUCKER: Mr Cornwell suggests "early" might be better. But people can move through that illness at different rates, so that would not work either. Although I will be supporting the government's amendment, those in this place who want to support Ms Dundas' amendment should think about the words "low level". I do not know what those words mean and I do not think the meaning is clear. It may be better if Ms Dundas just uses the words "dementia sufferers" and leaves it as a broader statement.

Recommendation 12 of the committee reads:

The committee recommends that the Government make representations to the Federal Government about the need to apply additional funds to the aged care services sector.

Recommendation 15 reads:

The committee recommends that the Government ensure that people undertaking assessments for respite care have the necessary skills and training to accurately identify need levels and service requirements ...

I have spoken about this already and the recommendation is similar to recommendation 11.

There is no doubt that we all know there is a quite critical need to be looking at support for people who suffer from diseases such as dementia. Mrs Bruce, whose husband has to be accommodated in Goulburn, has been very vocal and courageous in raising these issues and we well understand her situation. I spent a day with Mrs Bruce and visited her husband. For me, it was an experience that personalised in a very powerful way what we are talking about today in this Assembly. The pain of the separation for Mrs Bruce was very evident. I know that Mr Stanhope is attempting to assist with transport to Goulburn and so on, but there are also other people in Goulburn who are isolated from their families in Canberra—families that have not felt confident enough to speak publicly about the situation.

If we regard ourselves as a compassionate and humane society, we have to give this question a high priority. So I am absolutely supportive of everything people have said here today. However, I will accept Mr Stanhope's amendment because I think he has made it quite clear that this work is under way and therefore Ms Dundas' amendment does not seem to me to be appropriate for that reason.

I am certainly looking forward to seeing the government's report on their work. I would urge them to come up with practical solutions sooner rather than later because, as I said, this has been on the agenda for a long time. I understand that this government has not been in office for long. I am not quite sure about the extent to which the Liberal government progressed this area after the March 2000 report of the committee. They did have time to do work on it. I do not recall if there was a lot of work done, but there may be speakers who want to explain what they did.

MR SPEAKER: Mr Stanhope, it might be appropriate for you to now formally move the amendment which you have put forward.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I seek leave to speak again and move the amendment circulated in my name.

Leave granted.

MR STANHOPE: I move:

Omit paragraph (1) and substitute:

“(1) That the Legislative Assembly supports the A.C.T. Government's investigation of the level and nature of any unmet need for respite care for people with dementia, and options for responding to any such unmet need.”

8 May 2002

This amendment to an amendment moved by Ms Dundas reflects the fact that the ACT government has moved to undertake an empirical study into respite care needs in the ACT across the board. To that extent, Ms Dundas' amendment is in effect rendered irrelevant. The amendment that I have moved simply reflects the facts of the matter—namely, that a detailed empirical study of respite care needs is currently in process.

MR SMYTH (11.10): Mr Speaker, perhaps what we have here is an example of the Assembly working together. The cumulative effect of Mr Cornwell's motion, followed by Ms Dundas' amendment, followed by Mr Stanhope's amendment is an acknowledgment by all of us that dementia is an important issue and that more work needs to be done in this area.

Mr Cornwell's motion is framed in the way it is because the community has spoken to him about the immediate need for a low-level dementia sufferer facility, and I think Ms Dundas' amendment retains that specific reference. In light of what has been said by the Chief Minister and certainly by Ms Tucker, it is quite clear that there is a broader problem. The purpose of the original motion was not to be dismissive of the broader problem but to focus on one specific area. But given the commitment from the Chief Minister to look at the whole of the issue of caring for those with dementia and the fact that all members who have spoken in this debate have made it quite clear that the issue of facilities needs to be discussed, the opposition will be supporting the Stanhope amendment to Mr Cornwell's motion.

Mr Speaker, one of the issues that were raised by all groups at a small mental health forum I held a couple of weeks ago was what happens when people with a mental disability do age. We also discussed the problems that are facing a group like the Council on the Ageing, which was one of the participants at the forum. Not only were groups like the Schizophrenia Fellowship, the Mental Health Foundation, Centrecare and others telling me what was happening in their field but Jim Purcell, the chief executive officer of COTA, was listening. As he left, Jim said, "Look, that has certainly widened my perspective of what I need to be expecting to deal with into the future as the executive of COTA."

The issues that they raised are very close to the issues that have been raised here today—the issues of caring for those with a mental problem as they do grow older; the nature of the beds and how many beds there should be; and what happens when the parents of a person with a mental disability die. People with a physical disability were often unable to get a lease. When we were in office this issue of leasing arrangements was resolved, I believe, for the first time in the history of the ACT. Through community housing, through groups like Koomarri, people who normally would not have been able to gain access to a housing lease and sign their own contracts can now do so. That is another of the issues that COTA said that they were aware was coming up but perhaps they were not as aware of how major a problem it might be. That is a small summary of what occurred at the mental health forum that I held.

The opposition will be supporting Mr Stanhope's amendment. We welcome the government's initiative and we look forward to receiving a quick response from them that looks at how we respond to all unmet need, not just residential need. We certainly make the point that the community told us initially that a specific facility for low-level dementia sufferers is something that they see as an immediate priority.

Mr Stanhope's amendment to **Ms Dundas'** proposed amended amendment agreed to

Ms Dundas' amendment, as amended, agreed to.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women): Mr Speaker, I seek leave to move a tidying up amendment to the motion.

Leave granted.

MR STANHOPE: Mr Speaker, it has been drawn to my attention that an editorial amendment is required to make sense of the motion that we are currently debating—that is, we need to remove the words “That the Government” from Mr Cornwell's motion; they no longer apply and no longer make sense. This should have constituted part of Ms Dundas' and my amendments but was overlooked. I move:

Omit the first occurring “That the Government”.

Amendment agreed to.

Motion, as amended, agreed to.

De facto relationships—property matters

MR HARGREAVES (11.16): Mr Speaker, I move the motion standing in my name on the notice paper relating to discrimination in de facto relationship property matters, which reads:

That this Assembly calls upon the Commonwealth Government to accept a reference of power from the State Governments in relation to de facto relationship property matters regardless of the sex of the persons in the de facto relationship and notes the Commonwealth's willingness to accept a reference only in relation to de facto heterosexual couples entrenches discrimination against other couples.

I begin my remarks on this motion by sharing a quote from a recent debate in the Victorian Legislative Assembly about recognition of same-sex relationships.

Unless we overcome our tendency to diminish the relationships of those we may not like or understand, and unless we stop scorning and belittling them, shutting them out, and negating, punishing and treating them as relationships non-grata, we will be

8 May 2002

perpetuating a lie on ourselves and our community and depriving ourselves of the enrichment those people in their relationships can offer us.

This quote comes from Gordon Ashley, the Liberal member for Bayswater. In my view, it outlines perfectly the approach legislators should be taking on this issue.

It was with this in mind that the state and territory Attorneys-General called on the Commonwealth government to change laws relating to the division of property between de facto and same-sex couples. The attorneys wanted to see that, with regard to property matters, de facto and same-sex couples have the same rights as married couples, so they have asked the Commonwealth to take over legislative power. At present, married couples can seek orders from the Family Court for the division of property assets when marriage ends, whereas de facto couples have to rely on state and territory laws and take more expensive and uncertain actions in the Supreme Court.

Same-sex couples have few legal avenues for the equitable division of joint assets. While same-sex couples in the ACT have the same rights as other couples under the Domestic Relationships Act, custody applications and orders to divide assets must be sought from the Supreme Court. This division of jurisdiction is costly and time consuming in what is often a stressful and difficult personal situation. Superannuation assets present particular difficulties, given that Commonwealth superannuation laws do not recognise same-sex partners.

Although it is very frustrating to acknowledge this, the ACT has taken the property issue as far as it can. However, the move of all states and territories to cede power to the Commonwealth presents an opportunity to remove the discriminatory provisions that remain. The ACT does not have to refer power to the Commonwealth. The Commonwealth has the power to legislate for us without such a referral, but it cannot do so for de facto couples living in the states.

The Commonwealth is willing to accept a reference of power in respect of heterosexual couples, but refuses to accept a reference in relation to same-sex couples. Federal Attorney-General, Daryl Williams, indicated that the Commonwealth was not inviting references on same-sex de facto couples, and whilst states and territories were free to refer such powers, the Commonwealth would not exercise them.

This is an outrageous statement from the Attorney-General, the first law officer of Australia, charged with the protection of the individual. To continue to ignore the rights of same-sex individuals and their relationships is an appalling position of which no government ought to be proud.

Denying someone the right to be recognised as a committed partner to a relationship simply on the basis of the gender of the partners is no different from apartheid. It is absolute discrimination—not on the basis of colour but on the basis of sex.

Writing on the resistance to same-sex relationships in American society, Herma Hill Kay, Professor of Law at the University of California Berkley, made an observation that applies equally here. It reads:

Just as the existence of racially mixed families once challenged the legitimacy of white supremacy in ways that strengthened the social fabric in the United States, so may the contemporary example of stable same-sex families ultimately lead to a richer and more diverse social and cultural life.

Mr Speaker, I am pleased that the state and territory Attorneys-General have taken a stand against the Commonwealth. They have been unambiguous in stating that the Commonwealth, by not accepting a reference of power in relation to same-sex de facto couples, is discriminating against same-sex couples. It is time for members of this Assembly to make an equally unambiguous statement about where we stand on the issue. I note that the Leader of the Opposition has, in the past, rejected the attitudes currently being displayed by the Commonwealth.

Mr Humphries, in a speech in the Legislative Assembly on 12 October 1993, said:

It is one thing to be judgmental about some of the relationships and the lifestyles we are talking about here; it is quite another to say that people who adopt those lifestyles deserve no protection from the law. Disapproval of married couples, indeed, of homosexual relationships, is not a pretext for saying that such people have no rights under our law.

Mrs Cross spoke, last sitting, about the importance of raising awareness of discrimination issues generally, and assisting community education. I agree wholeheartedly with her statement, in which she said:

Discrimination in any form, because of individual, personal attributes is an anathema in society.

It is worth looking more closely at the record of eliminating discrimination here in the ACT. In 1994, the Assembly passed legislation that was acknowledged around Australia—and in other jurisdictions—as ground-breaking legislation in the area of providing access to equality in property rights for people in same-sex relationships.

The subject of property rights for persons in same-sex relationships has been an issue of concern around Australia for many years. Indeed, the issue of property rights for people in relationships who are not married, regardless of the sexual nature of the relationship, is a problem.

The previous ACT Labor government sought to address this injustice with a very innovative legislative approach—that was to create the concept of a domestic relationship which would cover the issue of same-sex property rights.

8 May 2002

At the time, the then leader of the federal National Party, Tim Fischer, described the reforms as an attack on the institution of the family. He also said it was a step towards a non-reproductive society, which had to be fought tooth and nail.

Fortunately, the then Attorney-General and Minister for Health, Terry Connolly, was able to reassure the public that this fear was unfounded. He said that the passing of the territory's Domestic Relationships Act had not had any effect on birth rates in Canberra. He said, "On the contrary, we recently opened our third maternity unit."

It is worth noting, at this point, that the Domestic Relationships Act, among many other social reforms, has had a number of very positive effects on tolerance and diversity in our community. Previously, because of fear of discrimination and persecution, many same-sex relationships in the ACT were hidden away. However, we have now reached a much more open and healthy situation, although I do not believe that all the problems have been resolved. Gay and lesbian people still face legal discrimination, homophobia and violence, on a daily basis.

The community has come a long way, but it still has a long way to go. That is why the ACT Labor government continues to be at the forefront of policy reform in this area. As the government has already said publicly, Labor believes that all people are entitled to respect, dignity, the right to participate in society and to receive the protection of the law, regardless of their sexual orientation or gender identity.

The government will implement policies and legislate generally to give effect to this belief. The government will establish a special inquiry to investigate and make recommendations in order that equal legal status for gays and lesbians is achieved in the ACT. We will introduce programs to fight discrimination against, and vilification of, gays and lesbians. We will also legislate for two people, regardless of gender, to enter into a legally recognised union.

It is time to act, at both a territory and Commonwealth level, because the law still discriminates against same-sex couples, in a range of everyday situations. This discrimination has profound practical consequences that can disrupt lives and relationships and lead to impoverishment of lesbians, gay men, and their families. Its effect is severe in times of crisis, such as when a relationship breaks down or a partner dies. The legal options available to same-sex partners to pursue basic rights are difficult and expensive. They require the use of higher courts that are slow and expensive to run. This hits hard those who cannot afford legal advice. It is a burden on those courts, and an impost on the taxpayer.

The Commonwealth government has to face up to the legal contradiction of recognising homosexuality, whilst denying the existence of gay and lesbian relationships. While gay and lesbian relationships, like heterosexual relationships, take many forms, the legal mechanism for recognition of those relationships should be the same as that which exists for heterosexual relationships.

The Hon. Justice Alistair Nicholson, Chief Justice of the Family Court, in September 1996, made the following statement in the Murdoch University Electronic Journal of Law:

To my mind, anyone who stands by the values of commitment, relationships and equal protection should support legislative measures that outlaw discrimination and recognise same-sex relationships. Otherwise, they are shareholders in unwarranted fear and prejudice, a stock that, unfortunately, is held dear by too many in this country. Inevitably, some of our politicians reflect these feelings, but I find it hard to believe that a majority of them do so, when and if they are confronted with the overwhelming logic of the contrary position.

Mr Speaker, this Assembly should take a stand against fear and prejudice, and pass this motion today. It should also be diligent in keeping the pressure on the Commonwealth to act quickly to address this inequality.

It is to the credit of the Standing Committee of Attorneys-General that they were able to present a united front on this issue. However, it is a bit sad that the Commonwealth says it will meet them halfway, in agreeing to the reference of powers from the states in respect of de facto couples, but not same-sex couples.

We need to be careful to take this thing in achievable bites. We need to be very careful that, when pushing the issue, we do not jeopardise one part of the issue in an all or nothing situation. The dialogue that we have with the Commonwealth ought to be underscoring the fact that their attitude is discriminatory.

I have a question to which I do not know the answer. Perhaps the current Attorney-General and the former Attorney-General will be able to shed some light on this. I wonder whether the refusal by the federal government to receive a reference of power in respect of same-sex relationships, but the acceptance of that same power with respect to de facto relationships, constitutes a breach of federal discrimination legislation.

The federal discrimination legislation says you cannot discriminate on the basis on sex. I wonder whether, by accepting one reference for de facto heterosexual relationships and refusing a reference of power on the basis of gay and lesbian relationships is a breach of the discrimination legislation at the federal level. I suggest it breaches the spirit of that legislation, and I am concerned.

I think the ACT needs to make a stand. However, we need to make sure that we do not get outside the loop of the states, because this is, in fact, moving forward. Nevertheless, we need to send a loud and strong message as to just how we feel about it.

Mr Speaker, I commend this motion to the Assembly. The Assembly has an opportunity to stand up against discrimination and vilification at every opportunity. This is our chance to do it, so we lead from the front yet again.

8 May 2002

MS DUNDAS (11.32): Mr Speaker, I rise in support of Mr Hargreaves' motion. I move the amendment that has been circulated in my name, which reads:

Insert after "discrimination against other couples." the following:

"This Assembly therefore calls upon the Government not to agree to any reference of power to the Commonwealth in relation to de facto couples unless it includes all couples regardless of their sex."

The Australian Democrats have spent 25 years advocating for equal rights for same-sex relationships. I am proud to be a member of a party with such a strong record on this issue.

As you know, Canberra has a diverse and active queer community. I intend to continue to argue in this forum that they need to be included equally in the laws that exist in the territory and the rest of this country.

Mr Hargreaves' motion has arisen out of existing anomalies in the governance of the property settlements of de facto couples. It is my understanding that, currently, the division of property between de facto couples in the ACT comes under the Domestic Relationships Act, and, whilst de facto couples can resolve issues of child custody in the Family Court, under federal law they have to resolve property issues in the territory Supreme Court. Thus, de facto couples often have to run around, going through both federal and territory courts, in order to resolve relationship issues.

This is obviously not the optimal solution. The Democrats support the general principle that this situation would be improved if the Commonwealth were to accept a reference of power from the states and territories in relation to property rights for de facto couples. However, I understand that the position of the Commonwealth is to reject the reference of power, if it includes the condition that same-sex de facto couples are treated equally to different-sex couples.

This is to be deplored for the direct and unmistakable homophobia that it is. Such a position by the Commonwealth is unacceptable and indefensible. Not only does it reinforce the discriminatory attitudes held by a few members of our community—it also prevents necessary and positive law reform for de facto couples.

I welcome Mr Hargreaves' comments about making a stand on this issue. Hence, my amendment calls upon the ACT government to stand firm against the discriminatory attitude of the Commonwealth and to not further entrench discrimination against same-sex couples in federal law.

It has come to my attention that, despite the eloquent words of the Attorney-General after I questioned him on the rights of same-sex couples and queers in the ACT, the ACT government is likely to accept a referral of these powers to investigate the relationship property rights of de facto couples, without the inclusion of same-sex couples. I think this

would undermine everything that the ACT government has said—even the sentiments of this motion.

If the Assembly and the ACT government believe that the Commonwealth's position is discriminatory and unjust, then to refer these powers anyway would be worse. The ACT would be giving tacit approval to the Commonwealth's stance and reinforcing the social divide and discrimination that exists. This is a basic human rights issue. We need to draw a line in the sand and stand firm. This government should not be agreeing to any proposal that is so obviously homophobic and discriminatory. That is why I have moved my amendment.

MR SPEAKER: Ms Tucker, in relation to your amendment, I have just received advice that it would be better if you did not move it now. You may wish to speak to the motion and to that amendment generally, but it would be better if you dealt with your amendment after Ms Dundas' amendment is dealt with.

MS TUCKER (11.36): Thank you, Mr Speaker. I will seek leave later to move my amendment. I will speak to the general motion at the moment.

The Greens are also pleased to support this motion. The Commonwealth government's attitude to same-sex couples, demonstrated again at the recent COAG meeting, is really quite appalling.

The reference of power is, of course, about how people are treated when their relationships break down. How shameful that the Commonwealth government will not give gays and lesbians equal, straightforward, access to the legal resolution of property settlements when their long-term relationships break down. I thank Mr Hargreaves for bringing this matter forward. We are happy to support it.

I will be moving an amendment to this motion. My amendment adds a paragraph relevant to the steps we can take, here in the ACT, to reduce discrimination. The Labor Party made an election commitment to establish an inquiry to investigate and make recommendations to achieve equal legal status for gays and lesbians in the ACT. This amendment lets the Assembly put its weight behind this project.

In his answer to Ms Dundas' question about progress to this end, Mr Stanhope indicated that he had already begun to look into the matter. So I think we have support here in the Assembly for this project—we just need to make sure we follow through.

Mr Stanhope acknowledged that Western Australia has recently surpassed the ACT in this regard. Our Domestic Relationships Act was previously a bit of a high-water mark, and our Discrimination Act makes it unlawful to discriminate on the basis of sexuality. But there is more to be done. It is especially needed in some more subtle provisions where same-sex couples are simply not acknowledged.

8 May 2002

Following work done by my Greens colleague in Western Australia, Giz Watson MLC, which led to the comprehensive law reform package there, I asked for a briefing on the status of ACT laws. In the briefing, I learnt that the project of law reform in the ACT to remove discrimination against same-sex couples had commenced some years ago. I am not precisely sure, but it may have been during the term of the third or fourth Assembly.

A range of discriminatory clauses having been identified, that work stalled. As I understand it, there was a lack of resources on the scale necessary to prepare amendments across all the laws. Someone who was involved in that process may be able to shed more light on what happened. If it was a lack of resources, then perhaps we need to re-resource our public service to a level to enable us to complete these important projects.

That work discovered quite a few surprising instances of discriminatory treatment of same-sex couples. For instance, ACT law does not prevent single or lesbian women from accessing IVF. Under ACT law, a woman who is the partner of an IVF mother would not automatically be recognised as a parent to her partner's child, whereas a man in a similar situation—that is, not genetically related to the child—would. There are numerous instances where the law is entirely silent about same-sex partners, thus denying same-sex couples the consideration and responsibilities for each other that heterosexual couples take for granted.

Even when it comes to the Coroners Act, when people are dealing with the death of their partner, same-sex partners are not seen to be family members, and are therefore not necessarily consulted about many of the decisions necessary at that time. When it comes to adoption, surely we ought to be looking for a safe and loving home environment—something same-sex couples are as able to provide as a heterosexual couple.

There are examples of this in the Guardianship and Management of Property Act, section 35; the Compensation (Fatal Injuries) Act, section 3; the Debits Tax Act, section 16; the Evidence Act, section 57; the Land Titles Act, section 79; the Transplantation and Anatomy Act—various sections—and the Workers Compensation Act, section 8. I have a list of further examples, if people want to see it.

As recently as the 1950s, homosexual life was portrayed as an aberration or illness—something to be ashamed of and hidden—to be cured with, for instance, electric shock treatment. As a society, we have slowly moved away from persecution and discrimination but, sadly, some people still hold these views. We have benefited from the great courage of the men and women who have struggled to attain equity in personal and political arenas and led the way, through gay and lesbian rights movements.

Acknowledging the commitment already made by the Chief Minister and the Labor Party to progress law reform for same-sex couples, I commend this amendment to other members as a statement of our support for the completion, as soon as possible, of this important work.

MR HUMPHRIES (Leader of the Opposition) (11.41): Mr Speaker, I do not propose to talk to Ms Dundas' amendment at this stage; I propose to talk to the substantive motion.

As Mr Hargreaves has outlined, the opposition has, in the past, supported legislation—in fact, it has initiated legislation on some occasions—to ensure that, in ACT law, discrimination should not occur against people on the basis of their sex or sexuality. It remains the case that we believe reform should occur, to ensure that the access of people in de facto relationships—be they heterosexual or homosexual relationships—is the same, to the extent that that is reasonable, and judged by this Assembly and the other legislatures of Australia to be appropriate.

As such, the opposition is supportive of the motion moved by Mr Hargreaves, although I must express some misgivings about the reference to the Commonwealth in the motion. I think that takes the matter too far and, in some ways, contradicts part of the intention of the motion. I will come back to that in a moment.

The Domestic Relationships Act was moved by the then Attorney-General, Mr Connolly, in, I think, 1993. It had the support at that time of the Liberal opposition. The view of the then government and opposition was that access to property rights at the end of a relationship, either through death or other events, should not be affected by the sex or sexuality of the individuals involved in that relationship.

I am proud to say that, some three or four years later, when the Liberal Party was in government, that legislation was extended. As Ms Tucker has said, for quite some time it remained the benchmark legislation in Australia with respect to treatment of de facto relationships.

MR SPEAKER: Can I interrupt. I do not want to interrupt the flow but you said at first that you were not speaking to the amendment. I am reminded that *House of Representatives Practice* requires you to speak to the amendment, because that is the question before the house. I will read it to you: It says:

When an amendment has been moved, and the question on the amendment proposed by the Chair, a Member speaking subsequently is considered to be speaking to both the original question and the amendment. Accordingly, the Member cannot speak again to the original question after the amendment has been disposed of.

That is without leave, of course.

MR HUMPHRIES: That might be a perfectly valid point of order, Mr Speaker, but Ms Tucker has just spoken without speaking to Ms Dundas' amendment as well, and I wonder why she did.

MR SPEAKER: Well, she did not say that she was speaking only—

MR HUMPHRIES: Well, I will not say it either. I withdraw the comment I made at the beginning of my remarks.

8 May 2002

MR SPEAKER: I did not want you to leave out of the debate anything that you might otherwise include. I would not like you to think that I acquiesced to a proposition that you not speak on a motion before the house.

MR HUMPHRIES: I rose to speak on this motion as soon as Mr Hargreaves sat down. You chose to call on Ms Dundas to speak next, to move her amendment. You then called on Ms Tucker to speak, and Ms Tucker chose not to speak on the amendment. In the same spirit, I am rising to speak on the substantive motion as well.

MR SPEAKER: The point I raise now is that the question before the house is the amendment, not the substantive motion. You cannot speak—

MR HUMPHRIES: I wish to speak on the substantive motion. I will sit down and wait until it is appropriate.

MR SPEAKER: Do not throw away your chance to speak to the substantive motion. Once you have spoken, as you have now, you will have to seek leave to speak again, in due course—other than to the amendment which we anticipate Ms Tucker will put before the chamber.

MR HUMPHRIES: Mr Speaker, you have advised me that I cannot now speak on the substantive motion unless I also speak to the amendment. I do not wish to speak to the amendment.

MR SPEAKER: No. I am not telling you that you cannot. I am saying to you that you cannot avoid speaking to the question that is before the house, if you want to speak now.

MR HUMPHRIES: I do not wish to speak to the amendment. I wish to hear Mr Stanhope's views about the amendment before I speak to that matter. Therefore, I cannot speak on the amendment at this stage. I do not know whether I will support the amendment or not until I have heard Mr Stanhope speak on it.

MR SPEAKER: Perhaps you should have waited until Mr Stanhope spoke.

MR HUMPHRIES: With great respect, Mr Speaker, you called Ms Tucker, who did not speak to the amendment either. In a similar spirit, I rose to speak in the same vein as Ms Tucker. I wonder why you did not take the point in relation to Ms Tucker that you have taken in relation to me.

MR SPEAKER: Going back to Ms Tucker's position, I do not recall Ms Tucker saying that she was not going to speak to the amendment.

Ms Tucker: No, I did not say that.

MR HUMPHRIES: She did not speak to Ms Dundas' amendment at all, as I recall.

Ms Tucker: No, but I did not say I would not. I was talking about the general issues, which could have been relevant to Ms Dundas' amendment.

MR SPEAKER: Order! Let us settle the argument. You can speak to the amendment, if you wish. That is the question before the house. But if you want to speak to something else, later on, you will have to seek leave. That is the point I am making.

MR HUMPHRIES: Mr Speaker, I do not wish to speak to the amendment and, therefore, I will sit down.

MR SPEAKER: Thank you, Mr Humphries.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.48): Mr Speaker, it is most appropriate for the ACT to call upon the Commonwealth government to accept a reference of power to enable partners—regardless of their sex—who have been living in a domestic relationship, to access basic principles of justice and fairness in relation to their property. This would accord with general legal principles that apply in the common law. It just means it will be more accessible, on similar terms to those applying to married couples under the Commonwealth Family Law Act.

The Commonwealth is happy to apply these principles to couples who live in a heterosexual relationship, but not to same-sex couples. It is a property matter governed by attitudes to sex.

Mr Humphries: On a point of order, Mr Speaker: I am sorry to interrupt the Attorney-General, but it does seem to me that the Attorney-General was speaking about the substantive motion, not about the amendment, which you have ruled we need to speak on if we speak at this time.

MR SPEAKER: If you want to attack the Attorney-General on the relevance question, you might try to do that. However, going back to the issue I raised with you earlier, I was just trying to help you understand that you were throwing away an opportunity and that, if you want to speak again, you will have to seek leave. No more than that. I am sorry I used too much—

Mr Hargreaves: He can do both—as long as he is addressing the amendment.

MR SPEAKER: You can speak on both—not just one. Mr Stanhope is speaking to the question that Ms Dundas' amendment be agreed to.

MR STANHOPE: Mr Speaker, I note the amendment Ms Dundas has circulated to the substantive motion. Whilst I understand very clearly the importance of the motion, I have a range of concerns about it. I propose to go into some detail on that in a moment.

8 May 2002

As I was saying, the Commonwealth is happy to apply principles in relation to the property of couples who live in a heterosexual relationship but not to same-sex couples. Quite obviously, as far as the Commonwealth is concerned, it is a property matter and is governed by attitudes to sex.

In 1994, the ACT enacted landmark legislation—the Domestic Relationships Act. That sets out the principles to be applied by the courts when dealing with property dispositions on the dissolution of domestic relationships. These principles are similar to provisions for property disposition on the breakdown of marriage in the Commonwealth Family Law Act 1975.

Domestic relationships include a relationship between two adults, other than in marriage, in which at least one of them provides personal or financial commitment and support of a domestic nature, for the material benefit of the other. They may involve any two people, regardless of their sex, or the presence or absence of sexual activity between them.

The Domestic Relationships Act was enacted because the matter was seen as a property issue, not a moral one. The legal principles involved already existed in the common law as constructive and resulting trusts. The legislation simply made it easier, and thus less discriminatory, for these people to apply for an order from the court, based on their contribution to the material benefit of the other party—not on their gender, or on any sexual activity.

At that time, the then opposition—the Liberal Party—supported the passage of the Domestic Relationships Act, recognising that personal moral opinion was not appropriate when dealing with the question of fairness and justice in relation to property. Excluding same-sex couples from an advantage that is provided to heterosexual couples is not only contrary to the spirit of the Commonwealth Sex Discrimination Act and anti-discrimination legislation in every state and territory, it is punitive to those who are acting in accordance with the law. A person may give up a career or opportunity to acquire an income, in order to enhance the career of a domestic relationship partner, or to promote that partner's or their family's wellbeing in other ways. This person may be left without redress or protection if the relationship ends. He or she is in a less favourable position than that of a spouse, the financial situation being directly related to his or her gender.

A non-discriminatory approach to the recognition of same-sex couples makes economic sense. Joint economic sharing and investment are extremely beneficial to the partners, and to society as a whole. Laws that encourage those living in a domestic relationship to act jointly in financial matters and in a manner that protects each of the partners, if they make economic sacrifices, are for the benefit of the community as well as the couple involved.

Such laws have implications during the relationship. Those laws also have implications if the partners separate, or if one dies. From an economic standpoint, application of the same principles relating to property of same-sex couples as those relating to married couples offers significant advantage to the community. It encourages these couples to

organise their lives in ways that maximise their joint wellbeing, ensuring them of some degree of economic protection if things go wrong. At the same time, they encourage them to fulfil the moral obligations which arise from long-term relationships. Indeed, it may persuade couples to remain in long-term, stable relationships, where they know they will benefit from the protection of the law and can organise their financial affairs accordingly. Where there are children, it promotes a stable family environment, with more likelihood of financial and emotional stability.

The majority of states recognise same-sex relationships—it is the Commonwealth that is lagging behind in its moralistic approach. It ignores the fact that the issue is one of fairness and justice in relation to property and has nothing to do with sexual activity. In the context of that sentiment, the Commonwealth is overtly adopting a moralistic approach to this issue. It has agreed to a referral of power from all states in relation to de facto relationship property issues, yet it explicitly refuses to accept a reference from states in relation to same-sex couples.

That, of course, is the point of the amendment Ms Dundas has circulated. Ms Dundas makes the point that if the Commonwealth government is not prepared to agree to a reference of power in relation to same-sex couples, then we should thumb our noses at the Commonwealth for the sake of the principle—that we should say to the Commonwealth, “Well, blow you! We, as a jurisdiction, will not agree to the referral of any power in relation to property disposition.”

Ms Dundas made a good point. She made the point that, as a matter of principle, this jurisdiction should not discriminate, and we should not be party to a circumstance which allows the Commonwealth to discriminate.

Ms Dundas, I think, suggests—and I accept absolutely the force of the position—that if you will not accept a reference in relation to property issues for all de facto couples, including same-sex couples, then really we do not want to be party to any such scheme.

There are a couple of difficulties with that approach. One of the difficulties is that, as a consequence of section 122 of the Constitution, the ACT is not engaged in a formal reference of power. We do not have the capacity to refer powers because the Commonwealth has constitutional power in relation to these issues—so far as the ACT is concerned, in any event. That is semantic and perhaps legalistic. However, it is a fact that we do not formally refer powers, because the Commonwealth has constitutional power under section 122.

There is another aspect, which is a matter of concern to me, which makes it difficult for me to support Ms Dundas’ amendment, although I accept its intent and support the principle Ms Dundas is seeking to express. However, there are some difficulties in relation to it.

8 May 2002

Members may not consider this particularly relevant, but to support that approach, in the first instance, would involve a winding-back of a position which I, as Attorney-General, agreed to at the last meeting of SCAG. All Attorneys-General around Australia, from every state and territory, plus the Commonwealth, agreed to a reference of powers in relation to de facto relationships. They expressed serious concern and alarm at the Commonwealth's position, and have implored the Commonwealth to reconsider its position in relation to a same-sex reference.

This issue has been on the agenda of the Standing Committee of Attorneys-General since 1992—Mr Humphries would remember it well. It is something that each of the states and territories has worked at, with the Commonwealth, for 10 years. Significant progress was made at the times that Mr Humphries and Mr Stefaniak were ACT Attorneys-General in relation to this issue. At the last meeting of SCAG this year, the decision was made, by every jurisdiction, that there would be a referral of power in relation to de facto relationships.

At the same time, the Commonwealth Attorney-General, Daryl Williams, indicated that the Commonwealth would not accept the reference in relation to same-sex relationships. That raised the ire and concern of every other Attorney-General in Australia. Every state and territory is now united in a determination that it is most appropriate for the Commonwealth to legislate in relation to these issues. That entails a whole range of reasons that go, effectively, to the enhancement of processes for those who need to utilise the law. (*Extension of time granted.*) At the heart of this is a desire for uniform laws across the nation in relation to this important issue, to enhance the circumstances, and the situation, for de facto couples.

The Commonwealth is responsible for the Family Law Act. It has constitutional power in relation to marriage, and it has constitutional power in relation to the dissolution of marriage. States and territories can legislate in relation to property issues. However, after years of Commonwealth policy-making, there has been consultation and consideration of a major issue in relation to property distribution as a result of the breakdown of marriage—that is the issue of reforms initiated by the Commonwealth government in recent years in relation to how to appropriately and equitably split superannuation.

This has always been the bugbear in relation to property arrangements after the breakdown of a marriage or de facto marriage. When individuals are faced with the dissolution or breakdown of a relationship, how do courts construct an appropriate, fair and equitable distribution of super? It is one of the intractable problems facing couples, of whatever ilk, who separate. You can split the house in half, you can make adjustments—say 60/40 in relation to all other property rights. However, it is incredibly difficult—almost impossible—to achieve in relation to superannuation, because they are rights that do not vest for years to come.

The Commonwealth has made major reforms in relation to superannuation. They are reforms that almost everybody, especially advocates for women, have welcomed. It is generally accepted that it was almost invariably—in relation to heterosexual relationships

at least—the female in the relationship who got the thin end of the stick in relation to the distribution of superannuation. This was because, traditionally, it was the male in a partnership who was in the paid work force, who gained longer accrued superannuation. In a heterosexual relationship, more often than not, it was the woman who stood out of the paid work force—for a range of reasons around family and home-making. Because her career was disrupted, she invariably did not contribute to the same extent as a male partner in relation to superannuation. So you come to the crux, and practical matters.

The Commonwealth currently has in place, under the Family Law Act, a whole new regime in relation to superannuation. Under that regime, the legal advice is that the states cannot implement this—only the Commonwealth. I have legal advice to that effect which I am more than happy to make available.

The thrust of it is that the new Commonwealth family law and superannuation legislation regime for the division of superannuation interests covers only married people. The advice I have is that this regime could be extended to de facto couples. That is a major advance for every de facto couple. Through the referral of these powers, they would have available to them the capacity to utilise laws in relation to the splitting of superannuation.

I do not think, for the sake of the very strong principle that Mr Hargreaves seeks to impress through this motion, that this jurisdiction believes it is inappropriate for the Commonwealth not to accept a reference in relation to same sex, as an expression of a moral view or position around same-sex relationships. Mr Hargreaves' motion delivers that point.

Ms Dundas' amendment would perhaps strengthen the point, but it strengthens the point at a cost to de facto heterosexual couples. I do not know that it is appropriate to deny all de facto heterosexual couples access to major reforms in family law for the sake of a principle that is perhaps, but not necessarily, enhanced.

Mr Hargreaves' motion makes the point. To what extent does Ms Dundas' amendment to the motion make the point more effectively? What is going to be the difference with regard to the Commonwealth's position? We express our opposition, and we do it quite clearly.

MR HUMPHRIES (Leader of the Opposition): I am advised that I need to seek leave to speak to this amendment. I have spoken to it before.

Leave granted.

MR HUMPHRIES: Mr Speaker, having heard the Attorney-General, I am not persuaded that we should support the amendment Ms Dundas has moved. The argument that Mr Stanhope would not wish the Assembly to reverse the position he has already taken at SCAG, is not an argument that carries a great deal of weight with me. In fact, I would advise Mr Stanhope that he should get used to the fact that the Assembly will spoil his plans on a number of occasions, if my time in government is anything to go by. However,

8 May 2002

the argument about effectively losing the opportunity to legislate in respect of heterosexual de facto couples is a persuasive one.

The Commonwealth is obviously willing to legislate in respect of that. The fact that that takes forward the position of people in de facto heterosexual relationships in Australia is an important step forward. I would urge the government not to miss the opportunity—not that, as Mr Stanhope has explained, we have a choice about the matter—to be part of the process of making that happen, at this stage.

I suppose there are no official figures to this effect, but I suspect the overwhelming majority of de facto relationships in Australia are heterosexual ones. It is important for us to make sure we have an opportunity to advance their position. So, Mr Speaker, this is an important advance. It may be that that can be added to, at some point in the future. That is the point at which we can come back to the debate in the terms of Ms Dundas, who has moved this amendment.

MS DUNDAS: I was going to close debate on my amendment.

MR SPEAKER: That is not open to you.

MS DUNDAS: It is not?

MR SPEAKER: No. You do not get to close debate on your amendment. Mr Hargreaves will get to close debate on his motion, but you will not get to close debate on yours, unless you have the leave of the Assembly to speak again.

MS DUNDAS: I seek leave to speak again on my amendment.

Leave granted.

MS DUNDAS: Mr Speaker, I thank the Assembly for allowing me to speak again on this motion. I accept—how could I not accept it?—the statement made by Mr Stanhope regarding the ACT's power to refer. However, I believe this Assembly has the power to make a strong statement on the very important issue of human rights.

Mr Hargreaves' motion is initially doing that by repeating the call from the Attorneys-General to the federal government to take a reference of power in relation to de facto relationship property matters, regardless of sex. My amendment reinforces that point. My understanding, as I have just said, is that the Attorneys-General have requested a referral in terms of both same-sex and heterosexual de facto couples.

I therefore believe that the wording of my amendment does not wind back the position of SCAG but reinforces it. As Mr Stanhope has indicated, the Attorneys-General have expressed their concern that the federal government would accept only part of the referral made by SCAG. I therefore believe my amendment does not contradict anything that SCAG or the Attorneys-General have done, but merely reinforces it. This is a key point.

I am disappointed to hear the Chief Minister quite happily dividing our community into different-sex de facto couples and same-sex de facto couples. If we are going to allow this referral to go ahead, it must be for all de facto couples. We cannot reinforce the divide that exists in our community. I believe my amendment makes this point very clearly to the federal government.

To me, this is a fundamental human rights issue. We cannot reinforce the divide in our community. I accept that we need to clarify the situation as to how the courts deal with the separation of de facto couples. That should be for all de facto couples, be they same-sex or not.

I urge the Assembly to support my amendment so we send a strong message to the federal government that this Assembly does not accept homophobia or such blatant discrimination.

MS TUCKER: I seek leave to speak to Ms Dundas' amendment.

Leave granted.

MS TUCKER: I am sorry about the process. I had not seen this amendment until a little while ago. That is the problem—we need time to consider this. That is why I waited to hear what the Attorney-General had to say—because he obviously has the resources to obtain support, and respond to the amendment.

I am concerned. This amendment is suggesting a very serious thing. Of course, I understand the point Ms Dundas is making—she feels it is further entrenching a discriminatory practice. However, I do not think it was fair to say that Mr Stanhope was happily entrenching that. From my understanding of his speech, he could see the dilemma.

I am not going to happily support Ms Dundas' amendment. I am obviously concerned, as I think Mr Stanhope, the Labor Party and Mr Hargreaves are, about discriminatory practices against people due to their sexuality. However, the questions I have which have not been answered by Ms Dundas in putting this amendment, which she should be able to argue, are questions about the constitutional issues of section 122. What does this actually mean for women, in particular?

I am happy to give Ms Dundas leave again for this one, if that is necessary. In the argument, she needed to have put what the impact will be, for example, on women. If I support this amendment, what am I doing in terms of those de facto couples who have been disadvantaged because of the current situation? I want time to consider that.

I do not want to support something that is going to further disadvantage women because of the current situation. Of course we do not want to entrench discriminatory practices, but we also need to not throw the baby out with the bath water. We need time to think

8 May 2002

about it. We need to weigh it up, in our best capacities and in our consciences, and decide what is the right thing to do. With this amendment, we have not had time to do that.

I have had a quick briefing here—talking to people. I need to talk to more people. I am not prepared to throw this out by supporting this amendment, when my understanding is that women in ordinary de facto relationships have been disadvantaged the most. By doing this, we would be preventing them from finally being treated in an equal way.

I do not feel I have had time to consider this. For that reason, I am not prepared to support it.

Question put:

That **Ms Dundas'** amendment be agreed to.

The Assembly voted—

Ayes, 1

Ms Dundas

Noes, 16

Mr Berry

Mr Corbell

Mr Cornwell

Mrs Cross

Mrs Dunne

Ms Gallagher

Mr Hargreaves

Mr Humphries

Ms MacDonald

Mr Pratt

Mr Quinlan

Mr Smyth

Mr Stanhope

Mr Stefaniak

Ms Tucker

Mr Wood

Question so resolved in the negative.

Amendment negatived.

MS TUCKER: I seek leave to move the amendment circulated in my name.

Leave granted.

MR SPEAKER: Ms Tucker, I have taken advice in relation to the amendment you have put before the Assembly. I draw your attention to standing order 140 and I will read it. Order, members! Please resume your seats for a minute. It reads:

Every amendment must be relevant to the question which it is proposed to amend.

It is clear from the daily program that the issue which has been brought before the house by Mr Hargreaves—and I quote—is about “discrimination in de facto relationship property matters”. According to my advice, the amendment you have brought before the house widens the issue significantly. It therefore breaches standing order 140. It says:

And calls on the ACT Government to progress law reform to remove discriminatory treatment of same-sex couples in ACT legislation, working in consultation with lesbian, gay and bisexual people in the Canberra community.

I take the view, and will rule accordingly, that this motion could stand on its own but that it offends standing order 140 and is therefore out of order.

Ms Tucker: I do not want to dissent, but am I able to speak to it?

MR SPEAKER: You can take a point of order.

Ms Tucker: I would like the benefit of some discussion, but I am not quite sure if that is proper.

MR SPEAKER: It is open to you, as it is open to anybody, to dissent from the ruling at the point the ruling is made. You can raise a point of order and I will do my best to respond to it. I believe I have covered all the issues that have been brought before me on the matter, Ms Tucker, but I am happy to listen to anything you have to say.

Ms Tucker: Is it a point of order? I am not quite sure. I was interested in your discussion this morning with Mr Pratt. Am I able to debate what you have just said? I thought the fundamental point was about discriminatory practices, and that therefore my amendment would be relevant.

MR SPEAKER: At notice No 2 on the daily program, it is described as “discrimination in de facto relationship property matters”. The motion itself goes to the issue of property matters, and I will read that to you. It says:

That this Assembly calls upon the Commonwealth Government to accept a reference of power from the State Governments in relation to de facto relationship property matters regardless of the sex of the persons in the de facto relationships....

On my advice, that offends standing order 140, and I am prepared to rule that way. I know that, in the heat of debate, amendments fly in this place. It might be useful if, when these amendments are being drafted, you consider taking some advice from the Clerk before putting them to the Assembly. Some of these details get lost in the enthusiasm for the issues before the Assembly. I accept that it is highly technical.

It is, of course, open to you to seek leave to move it as a motion on its own. However, members who attended the administration and procedure committee yesterday might not be too happy about that!

MR HARGREAVES (12.21): I wish to thank the Assembly for their welcome support of the motion. It is significant that we have been arguing only on the strength of the action to take towards removing discrimination, with some people wishing to progress cautiously and others wishing to take an all or nothing approach.

8 May 2002

Mr Speaker, personal preferences come into these things. I find discrimination of any form absolutely abhorrent. I know that view is shared by the Assembly—it is just a question of how we can eliminate it. I am very grateful for that support. I know the gay and lesbian community will also be grateful for that support.

The point has been made that we need to be a bit careful, when we progress down this track, that other casualties are not created. So I embrace a cautious, but firm, approach of progressing the fight against discrimination.

I thank Mr Humphries for his support of the motion. It is perfectly consistent with what his party has been doing in the past couple of years. I am grateful to my own party for its longstanding opposition to anything to do with discrimination.

I also want to express appreciation to Ms Dundas. We understand exactly where she is coming from. It is an honourable position to be coming from—it is just that the Assembly is not prepared to move as fast as she would like.

However, it seems we are all moving in the same direction, and that is to be applauded.

Question resolved in the affirmative.

Sitting suspended from 12.23 to 2.30 pm.

Questions without notice

Payroll tax

MR HUMPHRIES: My question to the Treasurer, Mr Quinlan, concerns payroll tax. The Victorian government announced in its budget delivered yesterday that it will further reduce the impact of payroll tax on Victorian businesses. As you would be aware, on 1 July this year there is to be a scheduled rise in the payroll tax threshold in the ACT, taking the threshold below which payroll tax is not paid to \$1.5 million total payroll. Can you confirm, Treasurer, that your government will increase the payroll tax threshold as planned on 1 July this year?

MR QUINLAN: The short answer is no. We will have to have a look at it. I understand from the last figures I got on payroll tax that we are not actually collecting as much as was anticipated in the budget, and there may be some reasons for that in terms of the level of employment being fairly flat in the ACT. It may be a process of management of payroll tax liability, and this could have something to do with the way we have structured ours.

As Mr Humphries would no doubt be aware, different states have different structures for payroll tax—different thresholds and different rates. So at this point in time I will not guarantee to include in the next budget something that you foreshadowed in your last budget.

MR HUMPHRIES: Mr Speaker, I have a supplementary question. Treasurer, is it reasonable to ask ACT businesses to construct their arrangements, including their payroll tax arrangements, for the coming year if they will not know what their liability for payroll tax will be until 25 June this year, just five or six days before the beginning of the new arrangements?

MR QUINLAN: This is a problem that we have discussed and that does concern us. But at the same time I have to say that what is implicit in Mr Humphries' question is that if you change the arrangements then business can change their structure to minimise their tax—I am presuming that that is what you are driving at. That to some extent is the problem that I mentioned in my answer to the original question.

I do have a concern that if we operate a payroll tax regime that has a threshold higher than elsewhere we will be encouraging the management of payroll tax, in that rather than genuine small businesses being exempt and the larger businesses paying there would be some other arrangement where larger businesses can structure themselves to look like several small businesses.

If the rationale behind a threshold is to assist smaller businesses in comparison to larger businesses then I do not have a deep concern that I am not giving advance notice that could in fact give rise effectively to manipulation to avoid tax. I cannot see any other major concern in this respect. But if there is one, I would be very open to hearing it as soon as possible because we are looking at the process.

Superannuation investments

MS GALLAGHER: My question is to the Treasurer, Mr Quinlan. This morning's 2CN program discussed the recent trend in market valuation of share investments. Treasurer, prior to your appointment in November 2001, you did stress the considerable impact of this event on the territory's superannuation investments and its associated impact on the territory's bottom line. For the benefit of the Fifth Assembly, what was the nature of the discussion, and how does it shed light on your earlier comments in recent debates here in the Assembly?

MR QUINLAN: It was exquisite timing on the part of the ABC to have a discussion this morning on returns on superannuation funds and investments with a commentator who seemed, at least in relation to superannuation, to agree with me.

Mr Humphries: At last. What a relief.

MR QUINLAN: And very recently.

Mr Smyth: Did you get his name?

8 May 2002

MR QUINLAN: His name was Phil Basche—nice man. It is important for us to accept that there has been a continued reduction in capital markets over some time. In the *Canberra Times* a few days ago the Leader of the Opposition was quoted as saying—if he did not say it, it is mentioned in the article in which he is mentioned, but he did refer to it on radio—that September 11 was the influence. This is not the case. Capital markets have been declining for some time.

The Standard and Poor's 500 index would show that over a considerable period there has been a decline in capital values, to the point that insurance funds this year will show negative returns. Certainly September 11 caused a sudden downturn, which was followed by an equal upturn to the line of best fit. But unfortunately over time the line of best fit has been a decline.

I am very grateful to the ABC and to the commentator, Phil Basche, for the discussion this morning, because it bears out the points we were trying to get through to those opposite yesterday. Mr Blessington's point that we should not have measured this thing in October but should have measured it in December dissolves to a nonsense. The commission of audit evaluated superannuation, got a negative \$44 million and said, "Hang on. We had better take account of that. We had better go to a reasonable assessment."

It went to a reasonable assessment of zero, which is not a bad assessment, given that many funds are looking forward to negative returns this year. If it was measured in December, you would have got virtually the same result. You might have got a higher figure than \$44 million, but then you would not have made so much of a discount on that figure.

I am eternally grateful to the ABC and to the commentator, Phil Basche, for verifying those matters we tried to put forward in this place yesterday.

MS GALLAGHER: Treasurer, how will you respond to Mr Humphries' little wager in the *Canberra Times* on Tuesday this week?

MR QUINLAN: Mr Humphries did talk about a wager in referring to the overall bottom line. Being a little wary of the last-minute accounting adjustment or some damn thing that might come out and corrupt the bottom line as it did in 1995-96, for example, I am willing to have a small wager that our investment returns for this year will be closer to zero than to the \$63 million that was included in Mr Humphries' budget. I am prepared to wager that.

Of course, the figure Mr Blessington put forward giving the \$59 million Mr Humphries has referred to ignores investment losses. As Mr Humphries has used that figure, I am assuming that he still believes to this day—he may have changed his mind after this morning's radio interview—that we are going to make a \$63 million return on our investments this year. In the words of Access Economics, the odd \$63 million is nothing untoward.

Mr Humphries: It is a pretty safe bet to make, isn't it, Ted?

MR QUINLAN: Yes, it is, but it is a reasonable challenge to make in light of the claims you made and the arguments you put forward yesterday, Mr Humphries. I reckon a bottle of Penfold's Bin 389 1998 would be okay.

Economic white paper

MR SMYTH: My question is also to Mr Quinlan, as minister for business. Mr Quinlan, the *Canberra Times* reported on Mr Stanhope's address to the ACT and Region Chamber of Commerce and Industry at the National Press Club as follows:

Chief Minister Jon Stanhope flagged a tight Budget yesterday, focused on employment opportunities. Addressing the ACT and Region Chamber of Commerce and Industry at the National Press Club, he said that the Government would remove duplicated initiatives, and there would be no "ad hoc" investments in new businesses. Any funding or regulatory reforms designed to assist business development would need to fit into the strategic framework of the Economic White Paper.

Treasurer, will your government leave all existing business programs in place, or will you make decisions on business programs for the next financial year without the white paper?

MR QUINLAN: To some extent I should leave Mr Stanhope to clarify what was reported in the *Canberra Times* on his behalf. However, let me just say generally that we have reformed advice committees that will interact with government. We have made them more representative of business rather than representative of a circle of friends.

Mr Humphries: So Jeremy Pyner has left us, has he?

MR QUINLAN: Well, they also needed balance, Mr Humphries.

Mr Humphries: He is no friend of this government.

MR QUINLAN: We did not dismiss out of hand all of those people who were on committees before.

Mr Humphries: Because you could not find anyone else to go on, that is why.

MR QUINLAN: We have. We created a representative balance. We rather figure that the trade union sector is representative and it is a stakeholder in what happens in industry in the ACT. Certainly, in the overall context, our door is not closed to business propositions during the development of the white paper.

8 May 2002

However, the points that Mr Stanhope made are valid. What we will do will be far more structured, and far more considered, than the adhocery that was the hallmark of the Carnell and, latterly, the Humphries governments.

MR SMYTH: I am not sure that he answered the question, so I will rephrase it for him. Do you consider that the government's business programs are in limbo until the white paper is produced?

MR SPEAKER: The question has been answered and you did not seek to ask a supplementary question.

Mr Smyth: But it has not been answered at all.

MR SPEAKER: Well, that is your view. Mr Quinlan seems keen to give you another burst, so I am happy to put up with it. Go for it, Mr Quinlan.

MR QUINLAN: Whatever words were used in the *Canberra Times*, I am reasonably certain what Mr Stanhope was alluding to in his statement: what we have said before is that we will eliminate the adhocery that was associated with the Liberal government's approach to business.

Mr Humphries: That is not the question that was asked. What about existing programs? What happens in the meantime is the question.

MR QUINLAN: In the meantime, there will not be the same adhocery that we have seen from the Liberal government. I spoke about it yesterday, I think. We will eliminate the "just do it and, if that falls over, just try again" approach. There will be a further structure to it. I discussed that yesterday. As I said, our door is not closed to businesses that seek government assistance, and in fact I have spoken to some already. There are funds available for business incentives, but they will not be used in the indiscriminate manner in which the past Liberal government used them.

Let's face it: such spectacular failures, which were your hallmark, were part of the reason that you were discredited and failed at the poll last year.

Roads—speed zones

MS MacDONALD: My question is to the Minister for Urban Services. Minister, are you aware of the recent opposition policy announcement—made in a recent media statement by the opposition spokesperson for urban services, Mrs Cross—that "the Liberal opposition will give 100 per cent support to permanent 50-kilometre per hour residential speeds"? Is the government prepared to give the same commitment?

MR WOOD: My comment would be: give us time. A process is under way; let's work through that process.

Mrs Dunne: Mr Speaker, I rise on a point of order. I ask for your ruling on whether or not Ms MacDonald was asking the minister for a policy announcement.

MR WOOD: I am telling you how we are administering these things.

MR SPEAKER: On the face of it, Ms MacDonald was asking Mr Wood what the government's position was.

Mr Corbell: Mr Speaker, on a point of order: as long as Mr Wood does not make any new policy announcement, the answer is entirely—

MR SPEAKER: He is not making any new policy announcement.

MR WOOD: I am reasserting what I have said at other times. I will tell the Assembly what the government proposes to do. A process is under way, set up by the former government, to consider whether we should move permanently to a 50-kilometre per hour speed limit in residential areas. That has been under way for seven or eight months, and it is a good process. To my memory it was supported by everybody in this Assembly.

I would ask that the process continue. We agreed with the Liberals. It was unusual for the Liberals to set in place a considered process. This is what that was, and we believe it should continue. At the end of this two-year period we should be in a position to make a considered decision.

Mrs Cross picked up some comments, which I have read, that came out of New South Wales and Victoria about results in other places, and we should take those into account. But, as we go through the evaluation process, we should take a lot more into account in regard to what is happening in our streets. For example, most of the residential streets in the ACT—not necessarily all of them—are fairly well separated from the main thoroughfares. We have got quite a hierarchy of roads. It is not a simple exercise to take what happens in New South Wales or anywhere else and translate that into what happens in the ACT.

More than that, in this trial we need to assess what is happening in the streets over a period—check whether there are more accidents and continue to monitor what is happening with speed—in a considered way. I believe there is a very strong reason to do that. If the Assembly wanted to go down this path, we could say tomorrow: let's go to 50 kilometres per hour. But that does not mean that the community out there will go at 50 kilometres per hour. We can say it, but it will not necessarily happen.

I put out a statement a little while ago that there was an average 1.8-kilometre per hour reduction in speed—1.7 in one aspect, 1.9 cent for another.

Mr Humphries: Is that good?

8 May 2002

MR WOOD: I said it was good. But, in fact, putting it in perspective, I was being optimistic and encouraging. If you think about it, it is an average 1.8-kilometre per hour reduction in speed when we set a 10-kilometre per hour reduction. You could say, “That’s not very much. You said 10, and that is all you got.” But it is moving in a certain direction, and it is important that we continue to move in this direction.

Let’s take the community on board with us. We will be more successful that way. If we make sudden or arbitrary decisions, we are less likely to carry the community. The process that you set up is a good way to carry the community. If we see it through the two years, we can get a greater level of support.

In the interim, a review I put out recently, when this was announced by Mr Smyth, said that at the outset 63 per cent of the community were supportive. Six months on it was 70 per cent.

Mr Smyth: It is probably higher now.

MR WOOD: Let’s build on that and take it through. At the end, if it all goes well and all the things fall into place, we will be able to carry the community with us.

I am a bit concerned that Mrs Cross and, I presume, the opposition want to pre-empt the conclusion of their trial. I do not think you have taken into account the factors I have indicated or a whole range of other significant issues that really ought to be considered in the trial. So it seems to me at this stage to be a fairly half-baked announcement on the policy. It is not the way the Stanhope government hope to operate; we would prefer to do it in a more considered way.

MS MacDONALD: Mr Speaker, I have a supplementary question. Minister, in light of what you have just said, what are these other issues that you claim the opposition failed to take account of in what you call a “half-baked, populist policy announcement”?

MR WOOD: There are a whole range of issues in the evaluation—Mr Smyth might know what was set out in the first place. Does the blanket 50 kilometres per hour include the school zones? Did you want 50 kilometres per hour around the schools? What about in some of the older suburbs?

Mrs Cross: We are not talking about the school areas. Come on, Bill.

MR WOOD: That is the way the document reads.

Mrs Cross: No. It does not.

MR WOOD: Okay, we do not take notice of what you write. Does it include major streets like Macarthur Avenue or Limestone Avenue? These are residential zones. Is 50 kilometres per hour considered preferable in those areas?

The point I am making is that there are a whole range of issues that need to be considered, and I think you ought to consider them and not make spur-of-the-moment announcements.

Griffin Centre enhancement

MS DUNDAS: Mr Speaker, my question is to the minister for community services. Minister, yesterday you indicated, after taking a question on notice, that the money allocated for enhancing the Griffin Centre had not been spent, as it was dependent upon the proposed QIC development, and that this depends on an approval of a draft variation to the Territory Plan. Any decision on this planning issue, then, could still be months away.

So, minister, is the government going to make any of the urgent upgrades necessary for OH&S and accessibility for people with physical disabilities at the Griffin Centre and other community centres?

MR CORBELL: I am not sure whether that is a question about all community centres in the ACT or simply the Griffin Centre under section 56. I will assume it is the latter and not the former.

Mr Speaker, clearly it would be unwise, in most circumstances, to expend significant moneys on a building which, at some stage—probably within the next year—is going to be demolished. However, if there are particularly pressing issues around occupational health and safety, fire safety or other matters such as that, which are deemed to be of such urgency that they cannot wait for a replacement building, then clearly the government is open to those points being made. However, as a matter of principle, it would be unwise to spend a lot of money on a building which is going to be hit by the bulldozers within 12 months.

MS DUNDAS: Mr Speaker, I have a supplementary question. Considering that you see it as unwise to expend the money because the building will be demolished, what will it take from residents of the Griffin Centre to prove to you that these are urgent needs? Do they need to sit in your office? Do you need to do a tour? What will it take to show that these are urgent requirements which cannot wait 12 months until a new building is provided?

MR CORBELL: They need to raise them with me, Mr Speaker. What I am saying is that those matters have not been raised with me.

Rugby world cup

MR PRATT: Mr Speaker, my question to the Minister for Planning, Mr Corbell, concerns the possible impact of the proposed western route of the Gungahlin Drive extension on the rugby world cup. Minister, in my supplementary question yesterday I asked:

8 May 2002

... given the widespread concerns in the community, can you guarantee that there will be no disruptions caused by the western route option to this very important sporting event?

You replied:

I can guarantee that there will be no threat to the viability of world cup games here in Canberra.

Minister, do you accept that there is a difference between guaranteeing that the western route will cause no disruptions to rugby world cup matches and guaranteeing that it will not threaten the viability of world cup games? Let us try this again. Minister, are you prepared to guarantee that the proposed western route of the Gungahlin Drive extension will cause no disruptions to the rugby world cup?

MR CORBELL: “Viability”, “disruption”—really, are we quibbling about words again? Quite clearly this government, unlike those opposite, is committed to providing a road corridor for Gungahlin residents—providing it in a timely manner and providing it in accordance with our election commitments. That is what we are going to do.

Of course there are issues being raised by the AIS; of course there are issues being raised by the ACT Rugby Union. That is why this government and I as the responsible minister have met with those individuals and those organisations on a number of occasions now since the election result in October. Let us not forget that the previous government was resoundingly defeated—

Mr Smyth: Mr Speaker, I take a point of order on relevance. The question was: does he understand the difference between disruption and viability? He hides behind the viability; he refuses to answer the question on disruption. I would ask that you ask the minister to answer about the impending disruption.

MR SPEAKER: Mr Smyth, you may use other words to describe the question—will any football game go ahead successfully or will motorists have to stop on the way to the stadium? We might have to turn all the traffic lights to green.

Mr Smyth: Of course, motorists having to stop would be a disruption, which is different to viability, Mr Speaker. I would ask that he answer the question.

MR SPEAKER: I cannot direct Mr Corbell to answer questions the way you want him to answer them. I just cannot do that. If you want to hand over your script to him and ask him to do so, you can try it on but I am certainly not even going to bother because I don't think it would work. It is up to him to answer the questions the way he wants to. If you don't like the way he answers the questions, you have other options open to you.

MR CORBELL: Mr Speaker, let us not forget that it was the Liberal Party that was resoundingly defeated at the last election on the issue of the eastern alignment. But they just cannot bring themselves to accept that fact. They cannot do it. Even though their

proposal was well thought out, well proposed and it was very clear what they were proposing to do, the electorate rejected it. Get used to it—the electorate rejected your proposal. Mr Speaker, it is very clear—

Mr Smyth: Mr Speaker, on a point of order: I stand to disrupt the minister's attempted answer because I would like a viable answer to Mr Pratt's question. That is the difference. We could have asked about why we lost the election but we asked about disruption versus viability. You, Mr Speaker, have the power to direct him to answer the question, should you so chose to do so.

MR SPEAKER: No, I can direct him to sit down. But if you want to keep pressing that he give you more information, I am happy to let him do so.

Mr Quinlan: Mr Speaker, on that point of order: can I just suggest to the Assembly that Mr Smyth was misusing the word "viable".

Mr Smyth: Mr Speaker, if I was misusing the word "viable" then Mr Quinlan agrees that it is not a viable answer to Mr Pratt's question, and I thank him for his vote of support. I would ask you to direct the minister to answer the question.

MR SPEAKER: Mr Smyth, theatre is not your best point.

MR CORBELL: Mr Speaker, all I can say is that the previous electorate felt that Mr Smyth, as a party minister, was disruptive and they decided he was no longer viable.

Quite clearly, issues surrounding the development of the Gungahlin Drive extension are under close consideration by the government. We have given a commitment that we will not see any disruption to the operation of the world cup, we have given a commitment to ensure that there will not be any impact on the viability of the world cup and we stand by those commitments.

MR PRATT: Mr Speaker, I ask a supplementary question. What impact will this uncertainty have on the government's efforts to attract more world cup matches to Canberra, including a Wallabies match? Will there be no disruption? What about the viability? What uncertainty will this have?

MR CORBELL: Mr Pratt, you have to listen to my answer. Just listen to my answer. Mr Pratt talks about disruption and viability. I just made it very clear—and I don't care what word you use—that we are committed to the world cup, that we are committed to making sure that the world cup happens in Canberra, and it is a pity that those opposite have decided to talk down the prospects of those sorts of world cup operations in Canberra.

Rugby world cup

MRS DUNNE: My question is to the minister for sport, Mr Quinlan. It relates to the rugby world cup. As minister for sport, Mr Quinlan, do you accept responsibility for ensuring the organisation of any of the ACT government's participation in the rugby world cup, and do you consider you have a role in making it run smoothly? If so, will you be participating in ministerial level discussions between the ACT Rugby Union and the Australian Rugby Union on matters relating to the world cup, including the possible impact of the western route of the Gungahlin Drive extension on the world cup?

MR QUINLAN: The answer is: if necessary. I have had discussions with the ACT Rugby Union. I have had discussions with the CEO of the Stadiums Authority. You may or may not be aware that they are taking a leading role in trying to attract quality games. The negotiations continue. Members need to understand that the games we get will be within the structure of the world cup.

When we are hunting for games, we will be looking for a seeded team to come to Canberra and use Canberra as their base in the early rounds and probably play a couple of games here. We hope that that seeded team is a quality team. We would then be looking to a couple of other games to come to town.

I am quite happy that the Stadiums Authority is capable of running for what may be four rugby games. You may or may not be aware that they regularly host rugby games now. They cater for capacity crowds quite successfully. Canberra Stadium and its management have been quite capable so far.

I have not interposed myself in the negotiations, nor have I seen any great necessity to do so. If there is a necessity to do so, then I will be involved. If you think it is beyond the wit of mankind to replace a dirt car park on the western side of Canberra Stadium with another dirt car park for a couple of weeks—and that is the biggest concern you have about the world cup—you have a very vivid imagination or not a lot to ask questions about.

MRS DUNNE: I have a supplementary question. Minister, in the discussions you have had with the ACT Rugby Union and the Stadiums Authority, what undertakings have you given to ensure the safety of patrons as they pick their way through the building site that will be the Gungahlin Drive extension?

MR QUINLAN: To the best of my recollection, none. As I said earlier, at this point it has not emerged as an earth-shattering—excuse the pun—issue.

Parking operations at Hall market

MR HARGREAVES: My question is to the Minister for Urban Services. Minister, the *Canberra Times* has reported that parking inspectors ticketed motorists who parked in Hall to go to the popular Hall markets. While I understand that parking is at a premium in the village on market days, is this the way that parking operations should work?

MR WOOD: It was not quite like that, Mr Speaker. Certainly, parking inspectors were out there, but at the invitation of both the Hall markets organisers and the Hall and District Progress Association, who each have a concern to see that parking is organised and regulated. Not only that, but I understand that the Hall markets group requested that service, because they wished to provide a good service to regulate parking, as this is such a popular event.

In good style, the inspectors ticketed four cars, but not with infringement notices. They were simply warnings that perhaps it would be better not to park at that location. I understand that, over some period of time, only a total of about six or so infringement notices have been issued. Just to fill out a recent report in the newspaper, it is a process that everyone out there is quite happy about.

Gungahlin Drive extension

MRS CROSS: Mr Speaker, my question is to Mr Corbell, regarding the Gungahlin Drive extension. Mr Corbell, what meetings have you had with the National Capital Authority about the government's proposed western alignment for the Gungahlin Drive extension? What advice, whether by correspondence or in those meetings, have they given you?

MR CORBELL: Mr Speaker, I have not had any meetings with the National Capital Authority. Officers of Planning and Land Management meet with the National Capital Authority on a regular basis and this is one matter that they regularly discuss.

There has been a range of correspondence between the ACT government and the National Capital Authority. As I am not familiar with the details of that correspondence, I am unable to give you a summary of that, at this stage, Mrs Cross. I will take that part of the question on notice.

MRS CROSS: Mr Speaker, I have a supplementary question. Mr Corbell, are you able to table, in the Assembly, by the end of today's sitting, details of the meetings you referred to which have been undertaken by PALM and other people—and relevant correspondence?

MR CORBELL: I will take the question on notice, Mr Speaker, and get back to Mrs Cross on that matter.

Midwifery program

MS TUCKER: My question is directed to the Chief Minister and relates to the proposal from the Maternity Coalition which will ensure that midwife-led care, as distinct from midwife care, is supported in the ACT. I understand that the Labor government's position is supportive of this option being available for women. There has been a lot of pressure due to the professional indemnity issue. A solution has been put by the Maternity Coalition in terms of how they could operate in the ACT. There would be obvious benefits if they were able to operate, which would mean having independent midwife-led care or at least midwife-led care available for women. I would like to know what your government has actually done to ensure that this choice is available for women.

MR STANHOPE: Thank you, Ms Tucker, for the question. I acknowledge that Ms Tucker did give me some notice that she proposed to ask a question on this subject.

As Ms Tucker has said, members will certainly all be aware of the enormous difficulties that have occurred with regard to public liability insurance and medical indemnity insurance. Indeed, in relation to independent midwives, I think it has been a longer-term issue than it has for others in the community, to the extent that, at this stage in Australia, there is no insurer prepared to provide insurance to independent midwives.

Independent midwives have been operating and continue to operate in the ACT. There have been independent midwife programs operating actively and successfully in Western Australia and South Australia. The situation across the country is now that in none of these jurisdictions will there be medical indemnity insurance available for midwives as from either the end of this month or the end of June.

That certainly is extremely unfair to midwives. My advice—and I accept the advice—is that the decision that the insurance companies have taken in relation to midwives is totally unrelated to the claims experience of midwives. This is one of the palpable injustices of the position that has been taken by the insurance industry around Australia. The claims experience and the claims history of midwives is exemplary, particularly when compared to other practitioners within the health profession—a very, very low-level of claims against independent midwives. It is, I think, very cynical and very unfair that midwives can no longer insure.

I acknowledge the extent to which Ms Tucker has remained active in relation to this issue and the constancy of her representations to me on the issue of midwives, an independent midwife program and the desirability of ensuring that independent midwives continue to operate here. The Labor Party shares those views that support this particular option and this choice for women in terms of confinement and in terms of their care during periods of pregnancy.

I do need to give some of this background. There has been, in the debate around lack of insurance for the independent midwives in the ACT, some comparison of their circumstance with that of the VMOs. The circumstance really is significantly different.

The government has agreed to underwrite VMOs to the extent that they work in a public hospital on public patients. Towards the end of last year, as a result of pressures on VMOs and specialists, the ACT government did insure them in relation to public patients whom they see in the public system.

The difference between that particular decision of the government and the circumstance of the independent midwives is that independent midwives are working within the community and with private patients. There is a similarity in the issue, but there is a marked difference, to the extent that the only support which the government is giving—and this matches the support that has been provided in New South Wales—is that we have underwritten VMOs to the extent that they undertake public work, that is, work on public patients within the public hospital system; whereas the independent midwives are, of course, private practitioners providing a service in a private capacity to private patients.

I don't in any way draw that distinction to undermine the importance of the issue and the fact that we do need to find a solution in order to ensure that this very, very valuable service—that is, home birth and access to midwives—is available.

I have asked the department to look at the issue, and the department have been working quite consistently, for the last six months, on the issue, seeking to find a resolution to the problem. We have developed a range of options. The department has met and received representations from the Maternity Coalition; so have I.

There was significant support by the Maternity Coalition for what they understood to be the Western Australian model that was being developed. But the model that was put to me by the Maternity Coalition was different to the Western Australian experience. I understand that that is no longer the situation in Western Australia. The Western Australian government was supportive of this particular option. The Maternity Coalition and the Western Australian government did negotiate around a circumstance in which the Western Australian version of our Maternity Coalition would be subcontracted out, with independent midwives providing a service. But the Western Australian government moved away from that as a result of the difficulties around professional indemnity insurance.

The Western Australian government has established a situation in which the independent midwives who are no longer able to obtain indemnity insurance are in fact now employed by the Western Australian department of health and continue to provide home birthing services but as publicly engaged midwives. Nevertheless, they still offer a home birth service.

Through the pursuit of all the options here in the ACT, that is the option that at this stage is most attractive to the government—a similar model to that. We are continuing to pursue that. We will now consult and negotiate on the prospect of a home birth service continuing to be made available to women in Canberra. But the model that is currently being developed is that the Canberra midwifery program which operates at the Canberra

8 May 2002

Hospital will develop and extend its midwifery-lead care to the community through a home birthing program.

The problems with professional indemnity insurance for midwives cannot be solved other than by the government making a policy decision to treat independent midwives in terms of their insurance needs in a way different from that which we have been prepared to provide in relation to the raft of other private sector organisations and businesses that have come to the government over the last six months seeking just this same sort of assistance. Other than acknowledging the importance of home birth, I have some difficulty in accepting that the government should move to simply pay the insurance premiums for independent midwives, that is, midwives operating a private practice, albeit with laudable community and other results and consequences.

There are some other options around a model of care that could operate through a hospital. For instance, there have been significant, serious discussions with Calvary Hospital, but to some extent the negotiations or discussions that have been conducted with Calvary—and we have confirmed this again today with Calvary Hospital—would require a significant injection of funds by the government to allow, in effect, Calvary Hospital to develop a second version of the Canberra midwifery program that operates out of the Canberra Hospital. I don't think it is cost effective. At this stage I cannot justify the additional resources to Cavalry Hospital to provide that particular support from there.

At this stage, Ms Tucker, we have been actively pursuing it. We have developed a range of options. We have now narrowed the options down to a preferred option, which is that we should negotiate, consult around the development through the Canberra midwifery program of a home birth option which would provide care, through the Canberra midwifery program, to public patients. In the context of negotiations and discussions around that, we would look to utilise the experience and skills of those that are currently independent midwives.

MS TUCKER: It may be a clarification question, but, if I understood what you just said, there would no longer be independent midwives; you would not be actually prepared to put independent midwives on contract, as visiting medical officers would be. Is that correct? You want the whole work to be funded from within the hospital and they would be direct employees of the hospital. You are not prepared to put them on contract.

MR STANHOPE: Yes, Ms Tucker, that is, at this stage, the preferred option of the government. We considered that. The issue around independent contracting doesn't overcome the professional indemnity insurance issues. That was the model that was initially favoured in Western Australia. It is a model which has been abandoned by both Western Australia and South Australia and it doesn't find favour with us.

There are a range of very good reasons for that. To actually contract the midwives as independent contractors doesn't deal with the indemnity issue. It means that the government would still have to underwrite the insurance needs of those independent

contractors, because nobody else will insure them. There is simply not an insurer in Australia prepared to insure midwives.

Ms Tucker: Isn't that the same as the visiting medical officers?

MR STANHOPE: Well, it's not the same with visiting medical officers, to the extent that they provide their services through their public practice. I take the point you made. I am sorry, I misunderstood the point you make. The great difference, of course, with VMOs is that there are insurers who continue to insure doctors and medical specialists. They are issues that we are working on.

I have no intention, through the debate that has existed for some months now in relation to medical indemnity insurance, of allowing for those responsibilities of medical practitioners to simply be shifted to the public purse. I think that is an untenable position as a long-term solution.

Much of the rhetoric in relation to issues around medical indemnity insurance has involved a quite blatant determination to see the public pick up what has traditionally or always been regarded as a personal responsibility of medical practitioners or professionals, however described; namely, all of a sudden, as a result of actions of the insurance industry, we—the community, the taxpayer—pick up responsibility for meeting the insurance needs of the profession.

The significant difference is that, for midwives—and it is sad and unfair—there is nobody prepared to insure them.

Land release

MR STEFANIAK: My question is to the minister for housing. Mr Wood, on 12 February you commissioned a task force headed by Christine Purdon to look at the issue of housing affordability in the ACT. There is a universal view in the building industry that there are not enough blocks on the market, especially within the price range of first home buyers. Mr Bob Winnel, the chief executive of the Village Building Co., recently wrote in the *Canberra Times*:

A government body supervises Gungahlin land releases, yet there are only 15 unsold blocks on the market at an average of \$180,000.

Mr Cornwell: How many?

MR STEFANIAK: Fifteen. Mr Winnel went on:

The whole ACT has just 157 unsold blocks. There is no affordable block outside Dunlop.

8 May 2002

Minister, given your interest in the issue of affordable housing, have you made representations to Mr Corbell to ensure that there are enough blocks on the market to meet the needs of home buyers with limited budgets? If so, are you satisfied with his response to your representations?

MR WOOD: When Mr Stefaniak indicated that his question was to the minister for housing, I was very pleased, because we have not had a question on housing in all the life of this Assembly. There have been very many questions, yet on the critical issue of housing this is the first one. Of course, it is really not a question about housing. It carries on an argument the opposition has had with Mr Corbell about land release. To my knowledge, Mr Corbell has answered that question once, twice, perhaps three times. The question has been answered.

It is the case that we have established a housing affordability task force. Mr Corbell and I were much involved in the setting up of that proposal. We are much involved in discussions about how it is to be done and what the outcomes might be. If you want to ask further questions about land release, Mr Corbell will give you the same answer again.

MR STEFANIAK: Mr Speaker, I note your comment that you cannot force ministers to answer questions in the way they perhaps should.

MR SPEAKER: Don't misquote me. You cannot make them answer questions the way you want them to.

MR STEFANIAK: Mr Speaker, I will ask a supplementary question. Minister, does the fall in housing affordability of 1.5 per cent in the March quarter emphasise the need for the ACT government to provide housing blocks within the price range of new home buyers.

MR WOOD: I think the other day Mr Corbell said we were releasing 450 first home buyer blocks in Dunlop. We are interested in it. We are concerned about it. It is something I never found you people concerned about. When you were housing minister or when Mr Smyth was housing minister, you did not show this sort of interest. It is interesting to see that you are starting to develop it.

Boys education

MR CORNWELL: My question is directed to Mr Corbell, the minister for education. Minister, many people in the community are concerned at the growing pressures in education and the growing rate of suicides amongst teenage boys. This occurs right across the country, but it is also the situation here. Against this background, during the term of the previous government, a report on the education of boys was commissioned by the department to examine the problems that exist among boys at school, to discover what their concerns are, and to determine what measures might improve outcomes. I have a few ideas about this myself, but never mind that now.

I understand that that report was scheduled for release last November. Minister, do you have the report. If so, when will it be released; what are its recommendations; and do you consider the issue serious enough to continue analysing it and to implement programs to address such a worrying situation?

MR CORBELL: I thank Mr Cornwell for the question. To my knowledge, that report has not been completed, but I will undertake to get further information for Mr Cornwell.

Clearly, the education of boys is a matter of concern. Boys do demonstrate, on average, lower levels of performance, particularly in general English skills. That is not unique to the ACT, but occurs right around the country. The national council of education ministers, MCEETYA, has discussed this issue on a number of occasions. Mr Stefaniak would be aware of that, as the former minister. I am yet to attend my first MCEETYA meeting, but I anticipate that it is a matter in which I will be engaged, at a national level, in the future.

The issue of problems with the education of boys needs a complex range of responses. There are no straightforward solutions to the problems associated with this issue. I think that it is important to note that this government does not support the view of the previous government that a boys-only high school is the way to address such problems. First of all, we believe that it is both extremely resource intensive and difficult to justify in a small jurisdiction. Equally, it has not been demonstrated that the result that we would be trying to achieve—an improvement in the performance of boys—would be produced by the establishment of such a facility.

This government has no plans to look at a boys-only high school, but the department is involved in a range of measures that respond to the data we receive through the assessment process for students. This process identifies issues of concern and provides information and support to schools and teachers, so that they can work individually with students to improve their performance.

In relation to the report, Mr Cornwell, I will get back to you.

MR CORNWELL: Could you indicate when this report will come forward, Minister, bearing in mind that, had it come through in November, which is some five months ago, some recommendations could have been implemented at the beginning of this school year?

MR CORBELL: No, Mr Speaker, I cannot provide a time frame to Mr Cornwell. This government is not automatically committed to all the initiatives of the previous government. I suspect that the particular issue that Mr Cornwell has raised concerns one of those initiatives to which we are not automatically committed. However, I think it is misleading to suggest that it is only through this report that we will be able to make progress on education issues for boys. Mr Cornwell has acknowledged that point.

8 May 2002

It is important to stress that boys education is an ongoing issue of concern. The department of education and I, as the minister, do focus strongly on the issue. We use the processes, particularly of the ACT assessment program, which is a testing program for years 3, 5, 7 and 9, to identify where the weaknesses are in the student body. Clearly, the results of boys do show up as being lower than they should be in a number of areas in those reports. We use that mechanism to respond to students on an individual basis in schools, making sure that students, their teachers and their parents are aware of the particular problems that each child is facing, and can put in place specific measures to help overcome any difficulties.

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

Commission of audit

MR QUINLAN: Yesterday, 7 May, Mr Smyth asked a question about the Auditor-General's report in relation to the special purpose review of part of the commission of audit report on the state of the territory's finances as at 31 October 2001, which was tabled on 9 April.

I advise that the scope of the Auditor-General's review was limited to item 1 (a) of the commission's terms of reference, which was to determine the financial results and the position at the end of October 2001. The special purpose review did not address any of the other parts of the commission's report.

The Auditor-General provided an unqualified review report. His opinion of those sections of the commission's report he examined was that the methodologies and procedures used to produce the information presented in chapter 4 and the appendices were reasonable.

I guess that says that he has audited that section of it. The other part contains the projections.

Mr Smyth: That is open to debate.

MR QUINLAN: He does not audit the budget, and this is virtually a mini-budget or a mini-assessment. So you have got all you are getting.

Child care—staff shortages

MS DUNDAS (3.32): I seek leave to amend the motion standing in my name on the notice paper.

Leave granted.

MS DUNDAS: I move:

That this Assembly:

- (1) recognising that the ACT childcare sector is experiencing a shortage of skilled staff;
- (2) recognising that the staffing shortage is due to structural problems in the industry, including wages that do not adequately reflect levels of training or responsibility;
- (3) calls on the Minister for Education, Youth and Family Services to table the terms of reference of the Departmental review into the ACT childcare sector, and to report to the Assembly upon completion of the review.

I note with interest that within hours of this motion appearing on the notice paper the government announced the review the original motion called for. I welcome their speedy response to the concerns raised by that motion. I hope the Assembly welcomes the opportunity to discuss the importance of child care, and perhaps it will provide the government, which seems quite willing to act on this issue, with some indication of members' views on this matter. In the spirit of working together on such a key issue for our community, the motion I have moved incorporates and reflects the steps the government has today taken on this matter.

Mr Speaker, fathers of today do assume greater responsibility for parenting than was the case in the past, but the burden of child rearing still falls disproportionately on mothers. For this reason, affordable, high-quality child care is fundamental to the rights of women to participate in the work force. If there are too few child-care places, women—it is usually women—are prevented from participating in paid work and from maximising their contribution to our economy and society through this work.

As many people have argued, it is not who cares for a child that matters but it is the quality of care that is the key. Our responsibility to all children in our community means that we must be sure that child care is of a standard that contributes to the development of children as happy, curious and well-balanced people. The only way we can ensure the long-term stability of the child-care sector and ensure high standards of care is by transforming the industry into one that provides long-term career paths for workers, coupled with attractive pay and conditions.

The legacy of sex discrimination is that of pitifully low rates of pay in many occupations that perform work traditionally done by women for no remuneration. Child care is now a profession, and a diploma is required for staff to be engaged at centres. However, pay rates of these highly skilled staff do not yet fully reflect the level of skill they bring to the job or the responsibility exercised by the people who care for the children of our community.

As a result, there is a great deal of anecdotal evidence that many graduates of the child-care diploma courses at CIT and graduates of early child-care studies either choose not to enter the child-care work force or leave the sector for better paying jobs elsewhere. It has been suggested that this may be leading to a crisis in child care. Maybe that is the case, but without this study, without data collection, we cannot be sure.

8 May 2002

The 1998 pay equity case in the New South Wales Industrial Relations Commission compared skills and wages of beauty therapists to those of mechanics, and compared the skill levels and wages of librarians with those of geoscientists and did a case study comparing pay rates of child-care workers in private sector long day care with engineering assistants in the metal industry.

These cases found that the work of female dominated occupations had been substantially undervalued relative to so-called male occupations requiring similar levels of skill. Although a number of factors contribute to this pay disparity, it is reasonable to conclude that sex discrimination is part of the story.

The solution to this problem is quite complex and will almost certainly require new approaches from the federal government. Child care must be accessible and affordable, so reform of career paths and remuneration must proceed with great care. The ACT government could progress reform of the sector, as they are doing, by undertaking a review of the problems in the sector and identifying priorities for reform.

It is obvious why a skilled diploma graduate worker would not want to stay in a job that pays only \$11.65 per hour. But we need to know whether this is the biggest reason for the shortage in skilled child-care workers or whether there are any other problems that need to be addressed. We also need reliable data on the scope of the staffing shortage and the number of child-care graduates who are leaving the sector.

Sustainability of the child-care industry is important, because if child-care places fail to meet demand, or if places become unaffordable for families who want to access care, it will be predominantly women who are denied the right to work.

No-one has properly costed the contribution of the child-care industry to Australia's economy, and the contribution to the lives of women on a personal level may never be quantified. An examination of these broader issues is what we are calling for today.

It is time we got the child-care industry on a sustainable footing, underpinned by a profession in which workers are recognised and respected.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (3.39): Ms Dundas' motion is a timely one and one the government welcomes. In recent months I have become increasingly aware of the difficulty child-care services are facing in recruiting and retaining staff, particularly qualified staff. This is a concern to me personally but also to the government as a whole.

I announced earlier today that the ACT government will be undertaking a project to examine the issues associated with recruiting and retaining staff in child care and related work force planning issues. This is work which has been under way in the ACT government for some time.

The inquiry I have announced into the issues of demand and staffing in child care in the ACT will be undertaken by Community and Health Works. Community and Health Works are an independent not-for-profit organisation. Board members are drawn from the community services and health industry and include union and industry representatives. The project will be undertaken in consultation with the child-care profession, the Liquor, Hospitality and Miscellaneous Workers Union and other industry stakeholders.

The aim of the project is to inform the national work force improvement project by providing a case study of ACT child-care services that investigates the extent to which supply of qualified staff meets the requirements of the industry. The inquiry will also look at possible implications for work force planning in child care.

My department anticipates that the inquiry will take approximately six months to complete, and at the end of the project we will have good quantitative data on a range of issues I would like to outline briefly to members today.

First, we hope to receive a summary of training available, with numbers and types of qualifications issued and graduates employed. We are seeking an analysis of separation statistics and current numbers of qualified staff and those whose training does not meet the qualification requirements. We are also seeking an analysis of barriers to recruitment and retention of staff, including the very important issue of rates of pay. Finally, there will be an examination of the implications for child-care services.

The issue of recruitment and retention of qualified staff is a national issue and was raised by the Commonwealth Child Care Advisory Council in its report to the ministers for families and community services in September last year. In addition, the issue was brought to the attention of community services ministers at their meeting on 1 March this year.

A national work force improvement project dealing with the recruitment and retention of qualified staff in child care is being worked on by the Children's Services Subcommittee of the Community Services Ministers Advisory Council. This is particularly important, because we must focus on systemic issues at a national level that affect the ability of the child-care sector to respond with appropriate levels of staffing and support for workers. We need to look at what we can do in the ACT, and that is the clear direction of this inquiry, but it is equally important to focus on how we can better contribute at a national level.

In the ACT we are very fortunate to have a dedicated and well-regulated child-care sector providing families with a variety of child-care options. Important contributors to the success of these services are the qualities the staff themselves bring to the services and the experiences they share with children.

8 May 2002

I believe this inquiry will assist the ACT to work towards retaining our child-care workers and enhancing their professional standing. Given the critical role child-care professionals take in caring for our children, it is important that we understand the issues facing child-care services in recruiting and retaining staff. It has always struck me that our community demands more and more child-care services. Patterns of employment and choices of lifestyle parents make demand that this option be available for them. Yet the industry has traditionally been seen as predominantly made up of women, and it is perhaps a little surprising that as a result the rates of pay have been lower than they perhaps would have been had men been involved in the work.

Given the critical role child-care professionals take in educating and caring for our children, it is important that we understand the issues facing child-care services in recruiting and retaining staff. It is also important that strategies to assist services address these issues and options for improved work force planning to meet the demand for child-care professionals are also considered and explored.

This issue is a serious one for the ACT, with child-care services, particularly centre-based services, experiencing difficulty in recruiting and retaining qualified staff to fill positions and the capacity of individual services to fully comply with the conditions of their licence being affected.

On that point, there is currently an exemption process to permit services not to engage qualified personnel if there are none available and they can demonstrate that. The rate of exemptions currently is extremely high right across the ACT. That is an indicator of the pressures services face.

The territory is taking positive steps to increase the number of places available in community centre-based care. Following the election in November, the new ACT government committed to an additional 30 places at Ngunnawal and 25 at Nicholls for the shortage faced by child-care providers in that growing area of the city. We are also committed to following through on the development of a new child-care facility in the Gungahlin town centre. But we cannot do one without the other. We need a commitment to improving the number of places available, but we also need to respond to the key issue of staffing those centres and those services when they have an increased level of demand.

The ACT centre-based children's services conditions for approvals in principle and licences require that one in every two staff in a child-care centre be qualified. That is an important requirement, but I stress that simply because an employee is not qualified in accordance with those conditions it does not necessarily mean they do not have the experience or the expertise needed to work in a child-care centre. Many workers in this industry have years of experience, frequently 10 to 15 years, but they have never received any formal accreditation. With the exemptions under the conditions of licence, the government takes those issues into account.

I am certainly going to encourage all child-care professionals and interested community members to participate in this inquiry. It is an important piece of work that focuses on an issue which has been left alone for far too long by previous ACT governments and national governments: recruiting and retaining effective staff in child-care centres.

Mr Speaker, the government will be supporting Ms Dundas' motion. I table a copy of my press statement and the attached terms of reference for the ACT child-care staffing project. I present the following papers:

Child care—A.C.T. Child Care Staffing Project—

Media release by the Minister for Education, Youth and Family Services, dated 8 May 2002.

Terms of Reference.

MR SPEAKER: There is a bit of a competition developing here to see who can get the loudest cry from a child in the gallery. Ms Dundas wins so far. Mr Corbell is running a close second. Mr Cornwell, try your luck.

MR CORNWELL (3.47): I thank Mr Corbell for tabling the terms of reference. Naturally, I have not read them yet, but I hope they will address the unmet care needs in the ACT.

Accurate, up-to-date information is not easy to obtain. I had a look at the Department of Education and Community Services annual report for last year and all I saw was that the Office of Child Care licensed 227 children's services. However, they included things other than child-care facilities.

I do not lay blame for my difficulty in finding information. The demand is constantly increasing and shifting. The biggest pressure is probably in Gungahlin, having moved over from Tuggeranong. It is also doubling back into older suburbs. Mr Corbell mentioned his own situation. I know that O'Connor and a few other places are having a resurgence of young people moving in and therefore young families. It is very much a moveable feast.

It is often very inconvenient for parents to travel out of their way to place their children in child-care facilities. These difficulties are now being compounded by staffing problems due to low salaries and serious perceived, real or imagined—I am not competent to judge—shortfalls in what people see as experienced workers, who, reasonably or not, are not prepared to accept low rates of pay. This is quite unsettling for parents who are putting their children into child-care facilities.

The difficulties are also being compounded by increasing demand from two-income families, which are now the norm as a result of changes in social aspirations and the reasonable wish to enjoy the financial benefits of the economic boom resulting from

8 May 2002

sensible federal government policies. The incidence of two-income families will increase further if paid maternity leave is introduced.

Unfortunately, something in the Australian psyche prevents us from recognising major problems until they land upon us. The medical insurance problems and what I can best describe as the tort rorts are but two examples of these difficulties. Let us try just once to address the child-care sector problems before they escalate.

As in the debate this morning on the dementia review, I urge the government not to let this issue drift on. I would like to see the review conducted in a reasonable time scale. The minister mentioned six months. I give you my undertaking, Minister, that we will keep you to this time scale. We will also ensure that the dementia review does not drag on.

I look forward to reading the terms of reference. The opposition is happy to support Ms Dundas' motion.

MS TUCKER (3.52): The Greens are happy to support this motion on child care, an issue everyone here acknowledges the importance of. As Ms Dundas said, you have to wonder whether salaries and the status of child care are related to the work of women. Work not just in child care but across human services generally is undervalued. Maybe it is a coincidence that this work is done mainly by women. Maybe it is a hangover of a culture that assumed that women's work should be done for nothing and is not valuable. The raising of children has traditionally been the role of women and still is in our society. The undervaluing of women's work has carried over to the work of caring for the children.

This motion is not just about undervaluing the work of women; it is about not understanding the value of caring for children in a way that promotes their wellbeing and facilitates their development so that they can reach their potential. I have worked in child care. The first qualification I received was in child care. I worked in child-care centres, in private homes and as a field worker for family day care in Canberra when my children were young, so I have had a fairly broad experience in the child-care industry.

My personal experience was shocking. I was appalled by the standards. I am sorry to say that, but that is the truth. I was part of the Australian Early Childhood Association's campaign to increase training for people who wanted to work in child care. When I first worked in the field there was very much a feeling that pretty well anyone could look after kids; that it was something that came naturally. Working in child-care centres, I was appalled to see the lack of professionalism in place. We saw improvements from the 1970s through to the 1980s. There are no three-year accredited courses for child-care workers, so we have seen an improvement in the training.

Child care could still be more highly rated as a qualification and training could be increased. Training is one of the most important tasks we have as a society. People taking care of other people's children have to be supported in their work. It is difficult work. It is

not easy looking after children. It is easy to keep children alive in a child-care centre, but we want more than that. We want children in child-care centres to be professionally cared for and supported in a way that will facilitate their wellbeing and allow them to grow to their potential. Parents have strong feelings about this as much as people working in the field do.

There is a lot of work still to be done in acknowledging the value of child-care work and the importance of that work for society as a whole. Salary and remuneration play a part in whether people want to work in the area. That has been covered by people here. It is a big part of the discussion.

The other thing I want to mention in this debate is access to child care and why people need child care. It is not just about working mothers or fathers. Child care is a really important intervention for families who are struggling, and we need to have a much greater accommodation of the role of child care. Child care can be regarded as respite care for those families that need it, particularly struggling families who need some time away from the children. The children need time away from the parents. Parents can be supported in their personal life issues much better if their children can be supported and cared for while they are dealing with those issues. In our system in the ACT there is some capacity for families to access child care for those reasons—not because parents are working but because there is a need for respite and support for both parents and children. This capacity needs to be improved.

The poverty task group reported on the importance of child care for parents, particularly single parents. Lack of access to child care is a major barrier to people improving their wellbeing and dealing with their life issues, particularly those related to poverty, as was highlighted by the poverty task group. People in poverty need support.

Thanks to the fantastic federal government, support for child care is diminishing. Operational funding was reduced several years ago. The ABS survey in 1999 found that 733,200 children were in formal child care and that 397,400 children would have been in child care had it been affordable, available when needed and close enough to home. Six per cent of parents said they wanted more or some formal child care. Thirty-three per cent said that the reason for not getting it was that it was too expensive, 14 per cent said there was no place and 12 per cent said there was no service they were aware of locally. Of the 6 per cent of parents who said they did not want formal child care, 82 per cent said it was too expensive, 10 per cent said it was not available when needed, and 8 per cent said there was a transport or distance problem. These statistics were reported in the 2001 Australia Institute of Health and Welfare welfare report.

The Department of Education and Community Services also did research on need in formal child care. However, they surveyed working parents, and only about their needs for work-related child care. They found in June 2000 a 22 per cent oversupply of work-related care for under-school-age children, which highlights the importance of the questions you ask, but also, more seriously, how important non-work child care is. For

8 May 2002

families and children at risk or under stress, it is also very important as time out and respite.

I welcome this debate. The issues are more complex than just the structure of the industry and salaries, important as that is. There are broader issues of access and trying to compensate for federal government policy, which is quite inadequate and has to be mentioned in any debate in this place about the children of our community.

MRS DUNNE (4.00): Although the tenor of the debate is important, I would like to reinforce that not all child care takes place in a centre-based environment. A very valuable sector of child care in the ACT is family day care.

Unlike Ms Tucker, I have had nothing but positive experiences of child care in the ACT, but perhaps I am a rare bird in that. Over 21 years I have used family day care and have had three carers for my five children. Those people have always made a significant contribution to the way our family runs. That is the case with most people who use family day care. There is no denying that, for vast proportions of the population, high-quality, appropriate care for children is essential to the running of a family.

I welcome this investigation to find ways to better address the needs of people whose needs are not being met. I am one of the fortunate few whose needs have always been more than adequately met by the child-care system.

I would like to reinforce the point Ms Tucker made that child care is not being valued enough because it is considered women's work. As a mother, like many people, I am concerned that one of the most valuable things we can do in our lives we subcontract to somebody else to do so that we can get on and do other things. We might subcontract our child care but often we do not subcontract our ironing. That says a lot about our priorities in life.

As Ms Tucker said, we need to continue to value the contribution people make to child care so that people providing child care are esteemed. At the moment they are not. There is low esteem, and that follows low remuneration. We cannot address the issues of access and meeting people's full child-care needs until we address remuneration.

MR SMYTH (4.03): As already stated, the opposition will be agreeing with the motion. It is timely. We welcome the fact that the minister has already put together a review, and we look forward to seeing the terms of reference for that review.

I think all will agree with what everybody has said here today. I have the honour of having been a child-care worker. My former wife and I practised family day care at our house and I was an accredited co-care worker. I can testify to the difficulties that face parents in searching for accommodation for their children while they go off to work or do other things they want to do. From the carers' perspective, I am aware of the need for standards, education, back-up and support to make sure that what child carers do for children when they are very young is seen as the important function it is.
Child-care

workers are part of the formation of young Canberrans, young Australians, young human beings.

It is important that we get it right. It is tremendous that all here are in favour of the motion, and I look forward to seeing the terms of reference and the outcomes of the review.

MS GALLAGHER (4.04): It has always amazed me that our child-care workers—who, I would argue, perform one of the most important jobs in our community—still have to struggle for fair wage justice and appropriate recognition for the valuable work they perform.

Today Minister Corbell has announced a significant inquiry into the ACT child-care industry. This inquiry will look into problems which have been evident in the industry for some time—issues such as staff, work force planning, demand, training, qualifications and wages. These are not new issues but they are ones that have not been looked into before.

I would like to focus on the issue of wages for child-care workers. I know it has been touched on by other speakers, but it is an important issue. A trained, qualified child-care level 4, someone who has been to TAFE and completed the diploma course in child care, earns about \$548 per week. After they spend two years in the industry working in a centre, this wage increases by about only \$18.50. Workers at the lower levels or on junior rates can earn as little as \$5.53 per hour.

In the ACT 98 per cent of child-care staff are women. So I agree with the comments of Ms Tucker and Ms Dundas on that. Again, a female dominated industry is one of the most poorly paid.

The relevant conditions and wage rates are found in the Child Care Industry Award 1998. After following the federal government's industrial relations agenda very closely over the past six years, I know that any belief that they would seek to address poor wages in child-care sectors would be sadly misguided. Rather, the child-care award, like all other awards, has been stripped back to the 13 allowable matters.

The federal government has argued for workplace agreements in child-care centres, and this has been encouraged as a solution in the *Child Care Beyond 2000* report which was put together by the Commonwealth Child Care Advisory Council.

I would argue that enterprise agreements are not the solution to the current difficulties faced by child-care services. In the child-care industry, an industry where wages are dependent on fees from parents, enterprise agreements and the ability of child-care centres to negotiate enterprise agreements with unions and staff become an equity issue. Any wages paid above award have to be funded by increasing costs to parents.

8 May 2002

On average, a child in a long day care centre full time—costs do vary—costs between \$200 and \$250 per week. If the Liquor, Hospitality and Miscellaneous Workers Union seeks to negotiate an enterprise agreement with a child-care centre, they do so knowing that there is a limitation: a parent's ability to fund the pay increase. It is also dependent on whether the child-care centre is full of children and thereby receiving maximum fees.

In the ACT the LHMU has managed to negotiate 17 EBAs. This is more than in any other state or territory. This is fantastic and shows that the union is organising and trying to improve the conditions of child-care workers. The fact, though—and I am sure the union will agree with me with this one—is that child-care workers and union members in centres with a relatively affluent parent community have achieved better wage and conditions outcome than those in less affluent child-care communities.

Because of this, EBAs in child care are an equity issue. Children from less affluent communities can only attract staff on minimum award conditions, whereas children from affluent communities can attract staff with better conditions and wages. The end result of this is that some centres have more difficulty attracting staff than others, and this can have an impact on centres and the children in those centres.

Another problem is that if centres increase wages across the board—that is, if there is wage parity—smaller child-care centres, centres in less affluent communities and centres operating in outlying suburbs can all be disadvantaged by this and forced to close, because parents would have to pay the increase.

No matter how hard the union pushes to improve wages and conditions, unless the federal government comes to the party and funds a wage increase, then chances are that some of these equity issues I have just spoken about will increase and some families will not be able to access child care. This is not something I want to see happen.

Let us look at the staffing problem in the ACT. Licensing requirements are that child-care centres employ qualified child-care professionals. These qualifications require a minimum of a diploma in children services or a child-care level 4. I know from my own experience as a parent and president of my child-care centre the recent difficulties we faced in employing a child-care level 4 at our centre. It took months, and even when we did find one we only had one part time.

Turnover in the ACT child-care industry is extremely high, running at about 50 per cent, which is higher than in the cleaning industry. Children's Services also faces a problem in attracting and retaining staff. In the 10 weeks from January to March this year 90 children's services positions were advertised in the *Canberra Times*. These positions were across all levels and sectors of Children's Services. Of the 37 diploma graduates exiting CIT in 2001, only six have engaged in work in Children's Services. It is believed that the majority enrolled at the University of Canberra in order to complete a bachelor degree in early childhood education.

I note that the federal government's latest report, *Child Care and Beyond*, found that a big problem facing child care is public perceptions about workers in the child-care industry and that work needs to be done to improve the status and standing of those caring for and educating our children in the early years.

I think the steps being taken by Mr Corbell to inquire into the issues faced by the child-care industry will begin to inform a debate that has implications for thousands of families in the ACT. This work will also help to inform the national debate. The issues are complex, and we need to look at them carefully. It would certainly help if the federal government would fund increases to wages whilst these issues were being looked at, but I think that is highly unlikely.

The ACT government has taken the initiative to look into child care in the ACT, and it is an important piece of work. I look forward to hearing back from the minister once the review has been completed. I would like to finish up by congratulating and acknowledging the continuing efforts of the LHMU in their attempts to organise this industry and to improve the wages and conditions of workers in child-care services.

Question resolved in the affirmative.

School retention rates

MR PRATT (4.12): Mr Speaker, I seek to amend the motion standing in my name on the notice paper.

Leave granted.

MR PRATT: I move:

That this Assembly:

- (1) notes the claims of the Labor Party platform during the 2001 ACT election campaign that retention rates in ACT schools were falling in recent years;
- (2) further notes that figures published last week by the Australian Bureau of Statistics (ABS) indicate that;
 - (a) retention rates in the ACT have been rising at seven times the national average; and that
 - (b) ACT retention rates are the highest in Australia;
- (2A) further notes the pleasing results demonstrating national leadership in the recently published literacy and numeracy tests; and
- (3) express confidence in the ACT school system as leading the nation in educational outcomes.

I move this motion because I represent the concerns of a community that wishes to see that the present ACT education system is not eroded or degraded. It is very important to right a wrong, to correct quite a strong misconception in the community and to ensure

8 May 2002

that the community now understand that they should have full confidence in the ACT education system.

Recently released ABS figures illustrating the continuing up trend of secondary school retention rates—that is, a repeating trend over the last five years or so—fly in the face of Labor’s 2001 election platform, which predicted doom and gloom about retention rates. The Assembly, I hope, will recognise the reality and encourage the government to continue the present direction of ACT education. That is, there is no need to make a massive diversion because of a doom and gloom prediction which was unfairly put forward.

The situation I refer to is that of 2001, when Labor—desperately seeking negative issues, I suppose—began a scare campaign about the state of education in the ACT. Let me describe how that campaign started and how it progressed.

Mr Stanhope in September 2001, then Leader of the Opposition, demanded of Chief Minister Gary Humphries, as reported in the *Canberra Times* of that day: “Why are school retention rates in free fall?” The truth is they never were in free fall.

A media release from the Labor Party of Tuesday, 2 October 2001 stated:

Labor’s plan will address the falling retention rates identified so graphically by the Australian Bureau of Statistics in its report *ACT Focus 2001*.

The release goes on to say:

They showed a six per cent decline in year seven–year 12 retention rates in just one year, the highest in the country.

Most telling of all, the official Labor Party election platform says:

ACT Labor will also address the problems faced by secondary schools and the reasons for the decline in retention rates under this present government.

The platform goes on to say:

Although still higher than the national rate, the apparent retention rate of students attending school full-time, from year 7-12 in the ACT was 87 per cent in 2000, a fall from 93 per cent in 1999.

I hope members of the ACT Assembly will note the use of the word “apparent”. It means that even Labor Party strategists at that time had doubts about falling retention rates. They wanted to hedge their bets so they said “apparent”. Was this wishful thinking, talking down ACT education for political purposes? Did they want retention rates to be falling? Did they hope retention rates were falling so just said they were falling?

Members of the Assembly should be aware that the then Labor opposition had no reason to fear the serious drop in retention rates they claimed. First, they relied on anecdotal evidence and did not check all the facts available. Second, they seized on, perhaps a little too anxiously, the ABS 2001 ACT scope report as a means of reporting doom and gloom. That report was simply an aberration in a long and continuous trending up of positive reports—a trend which has continued and continues now. Third, by seizing on the report, they were comparing apples with oranges.

When we examine the standing committee on education report No 9 of July 2001, it is apparent where the misunderstanding started. Labor’s doom and gloom statements, including “adolescents and young adults at risk of achieving satisfactory education and training outcomes”, and the reference to “apparent” falling retention rates were based on rather flimsy anecdotal evidence. For example, on page 20 of the report, section 3.42 states:

School retention rates that are available are based on apparent retention rates rather than on actual rates. To produce data based on actual rates would involve tracking each student, which would be a costly exercise ...

And of course it would be paid for by the ACT taxpayer. The report goes on:

Nevertheless, in the absence of more accurate data the apparent rates indicate a problem, which must be addressed.

The following paragraph, 3.43, is even more telling. It reads:

There is no consolidated data on the numbers of students who truant or are persistent non-attenders. This matter must be addressed.

Labor’s statements cast doubt on our fine education system and our educational outcomes. They worried parents of ACT students and added stress and doubt to the already ample workloads of ACT teachers by calling their professionalism into question.

Despite the evidence of a report produced by the education committee of this august Assembly, Labor spokespersons sought to create an urban myth, casting doubt on and disparaging the ACT school system, arguably the finest in our nation then and now.

I am highly critical of the then opposition for seizing on this inaccurate feedback and painting a negative situation which simply did not exist. A new ABS report shows that retention rates in the ACT have jumped by seven times the national average—great, reassuring news for ACT students, their parents and teachers! This means that the intelligent measures put in place by the former Liberal government, under then education minister, Bill Stefaniak, were working.

The ABS report of 2002 showed that more ACT students are staying at school, in both the public and private sectors, and that the ACT is some seven times the national average, with 112 per cent staying on from year 10 to year 12, when you include new enrolments.

8 May 2002

While we know that New South Wales students from Sutton, Hall, Queanbeyan, Yass and other feeder areas transfer into the ACT college system and many students from ACT non-government schools also do so, it is reassuring to know that the innovative and intelligent programs such as high schools for the new millennium created by the former Liberal government undoubtedly provided incentives for retaining students at school and preventing dropouts.

In conclusion, given this history, I call on the minister for education, Mr Corbell, to acknowledge that his party, when in opposition, slipped up regarding retention rates and, in recognition of the previous government's good strategy, as education minister, to ensure that the measures introduced by the former Liberal government, which proved so beneficial to retaining ACT school students in college, are retained and enhanced.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (4.20): This motion is important because it focuses on retention rates. Less important is that it is just a case of sour grapes from Mr Pratt. By his own admission in his speech, there was a reduction in retention rates last year. No matter how you attempt to portray that, Mr Pratt, it happened.

It was entirely responsible on the part of the then Labor opposition to raise the fact that there was a decline in retention rates. No matter how you try to put a spin on it, no matter how you try to excuse yourself, there was a decline in retention rates last year.

Mr Pratt: There was a minor aberration.

MR CORBELL: So there was a decline, was there, Mr Pratt?

Mr Pratt: A minor aberration over a very short time.

MR CORBELL: Was the minor aberration downwards or upwards?

Mr Pratt: A minor aberration against an upward trend over a long period of time.

MR CORBELL: You are trying hard, Mr Pratt. The only person you are convincing is yourself.

I certainly agree with Mr Pratt when he expresses confidence in the ACT school system as leading the nation in educational outcomes. It is good to see that level of endorsement and bipartisanship from the Liberal Party on this issue. But the real achievement is not the policy setting of any particular government. The real achievement is by schools and by teachers. We need to congratulate schools and teachers on their efforts, as evidenced in reports from bodies like the ABS and the Productivity Commission.

An important point about retention rate figures issued by the ABS and other bodies is that on occasion there is significant variation. That is what we saw last year compared to this year. The extent of this variation is a matter of concern for me and is something I have already indicated I would like to see more closely examined. The Department of Education and Community Services is currently researching this matter. They will be providing me with further advice.

I would like to point out the difference between how this government looks at retention rates and how the previous government viewed them. What makes the Labor government different is that we deeply care about the small percentage of students who do not complete year 12 or vocational education. We do not seek to play the situation down. We do not seek to say it is an aberration in an upwards trend. How is that for a spin? Instead, we seek to acknowledge that it has occurred and take steps to address it.

In January both the Liberal federal minister, Dr Nelson, and Mr Pratt were quoted in the media as questioning the need for students to continue at school to year 12. So it is quite extraordinary that, in the same environment as the potential minister for education says he does not believe that all students need to continue to year 12, he criticises our comment about poor retention rates. Perhaps he is just trying to justify his broader ideological agenda.

Unlike the federal Liberal minister, Dr Nelson, who obviously saw the value of higher education at least, and our local Liberal member, Mr Pratt, the ACT government believes that all children should be encouraged to pursue their schooling till at least year 12 or a vocational equivalent. Only by doing that are we giving and equipping young people with the skills they need and giving them the best chance they can have to become effective citizens and participants in our community.

Because a percentage of students show up in the retention rates as not completing year 12, the government is committed to expanding support for those students who are at risk of not completing. We are continuing to support programs aimed at helping students to make the most of their educational opportunities, and we intend to continue this focus in the upcoming ACT budget.

We intend to make every effort to support those students who are not making the most of their opportunities while at school. That is why we are supporting programs aimed at those students, and that is why I am asking my department for further research into the fluctuations that occur.

We need to emphasise that every student should be seeking to get to year 12 or vocational equivalent. Only in that way are we going to get the best possible outcome for those young people.

8 May 2002

To try to downplay variations in retention rates and to say that it was an aberration in a upward trend really is just sour grapes on the part of Mr Pratt. It ignores the reality that a small but nevertheless significant group of students need more assistance, and this government is committed to providing that assistance.

MS TUCKER (4.26): Mr Pratt's motion is mainly about his concerns around the political issues related to what he perceives to be claims of the Labor Party and his own understanding of ABS figures on retention rates. The issue of retention rates is important. It is a pity it has been politicised in this way. You can argue about retention rates as much as you like. I will read the section on retention rates from our report *Adolescents and young adults at risk of not achieving satisfactory education and training outcomes* in July 2001:

Retention rates to Years 11 and 12 provide another indication of the extent of the drop-out rate before completing Year 12. Retention rates are estimated on the basis of the school census in August. Retention rates to Year 11 in government schools are significantly above those to Year 12 in the following year indicating a proportion of students do not proceed to Year 12.

Of those who do proceed to secondary college, approximately 15 per cent or 1,000 do not proceed to Year 12. In the last three years a total of 20 per cent of enrolments in Year 11 (or 1,350 students) did not receive a Year 12 certificate the following year.

Information provided by the Minister for Education reveals that in August 1998, the apparent retention rate to Year 11 in ACT government schools was 125.6 per cent but in the following year the retention rate to Year 12 (at August) was 110 per cent. This disparity in retention rates to Years 11 and 12 in succeeding years indicates a significant attrition rate of students leaving school before the end of Year 12. Some 16 per cent of the Year 7 cohort of 1994 did not remain in college until August of their Year 12. It amounted to about 12 per cent of the Year 11 enrolments in 1998. In other years, the proportion has been as high as 15 per cent. Over the last decade it has varied between 10-15 per cent.

Another period when students drop out is between enrolment in Year 11 at the February census and the August census of the same year. However, comparison of the February and August census figures for Year 11 suggests that only a small number of students (usually less than 50 students or about 1-2 per cent of students who enrol in Year 11) do not continue beyond August of their first year in college.

There are much greater differences between the number of students enrolled in Year 11 in August and the number enrolled in Year 12 in the following year. Over the last four years the difference between Year 11 enrolments in August and Year 12 enrolments in the following February has varied from 103 in February 1998 to 263 in February 2000, and 176 in 2001. While some may have gone to non-government schools or transferred out of Canberra, the numbers leaving are of concern.

Some students who remain in college to Year 12 and until the August census still do not receive a Year 12 Certificate. There is some variation from year-to-year, but from the information published by the Board of Senior Secondary Studies and the

Department of Education and Community Services' annual reports it appears to be of the order of 3-7 per cent of students who enrolled in Year 11 in the previous year.

Overall, the Council of P&Cs reported that data provided by the Department of Education and Community Services indicates that, over the last decade, approximately 20 per cent of students who enrol in Year 11 do not receive a Year 12 Certificate in the following year.

We know that about 20 per cent of students do not get the year 12 certificate. We need to talk about the dropout rate before year 11, Mr Pratt, not different versions of retention rates. We know there is a problem for about 20 per cent of students. We need to do the work to understand how we can better support those student in our schools.

That is why we had the inquiry into adolescents and young adults at risk of not achieving satisfactory education and training outcomes. It was a response to that issue. I have heard this new Labor government say they will progress the report of that inquiry and report to this place on its recommendations. We know that the department is working on a response to the report, which highlighted the issue of kids at risk in our school system.

I welcome a debate about retention rates and kids at risk. In my view, it is unnecessary to try to sidetrack the debate with debate about who has the right percentage. That does not matter as much as the fact that kids need help and families need help. It might be interesting for members to reflect on the fact that the national youth affairs research scheme report *Under-age school leaving* (Brookes et al. 1997) establishes numerous factors as contributing to underage school leaving. These are continual experience of academic failure, inflexible curriculum, teaching strategies, alienating school environments, family conflict and breakdown, low self-esteem, poor student/teacher relationships, disinterest in education, and disruptive behaviour, complemented by the factors of homelessness, poor parenting, family conflict, poverty, inadequate behaviour management, devaluing of education, student behaviour, substance abuse, and educational structures, curriculum, procedures and staffing.

Schools in Canberra are struggling with these issues every day. Schools and teachers are doing an incredibly good job under stressful circumstances. That is why the Labor Party, before the election, supported by the Greens, did not see free school buses as the priority of education spending. We have to look at the issues affecting the 20 per cent of students who are not having a successful and fulfilling experience, for all the social reasons as well as the difficulties in schools. Schools are not resourced well enough, even though they do a fantastic job under the circumstances.

I agree that we need to be talking about these issues. I do not think it is correct to refer to them in simplistic terms about having confidence in the ACT school system as leading the nation in educational outcomes. For whom? Are we saying that we lead the way in educational outcomes for children who are homeless? What are we talking about here? Are we saying we lead the nation for those students who come from families that have a reasonable income and a reasonable education level? Is that what we are talking about?

8 May 2002

That could quite well be true. I certainly have confidence in the way our schools are working. I am glad to see this new Labor government is taking education more seriously, and I hope to see us doing much better in supporting children at risk.

Mr Pratt wanted to add a bit about literacy and numeracy. Numeracy and literacy are vitally important, but once again it is the demography of Canberra—the combination of class, affluence and education—that gives rise to the results.

If Mr Pratt is saying that good retention, good reading and good writing are proof of schools that deliver the best educational outcomes in the land, then we need to look at a much more complex picture than that. In fact, there are real dangers in narrowing the outcomes of education to that degree. That is well researched and reported on in a lot of academic work. I have quite a number of studies that I am happy to refer to Mr Pratt if he is interested in reading up more on why that narrow notion of education can be to the detriment of a broad educational experience which will have an important outcome for society as a whole.

MRS CROSS (4.35): The ACT has long had the best retention rate of high school students in Australia. Contrary to members who like to look at the negativity of retention rates, we must highlight the fact that we have been very successful, in no small part due to the efforts of the former Liberal government. Contrary to Labor myth and legend, the legacy of the former Liberal government in this area is impressive. Recent reports—independent reports, not Labor's pretend independent reports—clearly show that truth.

A number of common denominators contribute to the wellbeing of young people. Most often an education to the end of college that will provide the opportunity for a meaningful job will contribute to good physical and mental health, encourage stable family relationships, encourage a strong connection with the community and largely prevent involvement in criminal activity.

Short of calling education a magic bullet, school retention rates are vital to our young people. Consider the common characteristics of ACT prisoners in a recent year. Among, others, common factors are that over 90 per cent were male; just over half did not complete secondary school; more than half had a juvenile record; three-quarters were unemployed at the time of committing their offence; more than three-quarters had a history of illicit drug and alcohol abuse; and a third had previously been imprisoned.

When we consider this profile, a cycle of behaviour emerges. For one reason or another a child, in most cases a boy, drops out of high school. They are then unable to get regular employment and may begin using alcohol and illicit drugs. Often because of this, they become involved in criminal activity as a juvenile and then continue that lifestyle as an adult.

Obviously, not all those who leave school before the end of their college years will become criminals. Instead, they will be able to make the most of their opportunities and become connected with their communities. However, just as clearly, some do not. For

them, a complete education is the key to breaking a destructive cycle that will rob them of many of life's opportunities and much of life's enjoyment.

A detailed look at other youth issues such as illicit drug use and suicide also indicates a number of common denominators. Once again, a completed secondary education is a key prevention component. In recent years across Australia, the response by government has changed from just treating the symptoms of community problems to focusing more on early intervention and prevention.

The Australian Institute of Criminology has studied and reported on the value of early intervention programs in the United States. Their research shows that early intervention can return up to \$11 in benefits for every \$1 spent on programs targeted to help young people gain a good education and settle into the work force. The institute also estimates that the cost of criminal events in Australia is between \$11 billion and \$13 billion each year. The cost of illicit drug use to the community is about \$2 billion.

Prevention comes in various forms, shapes and sizes, but one of the most overlooked yet most basic and most effective areas is equipping our young people with an education suited to their individual needs—one that provides appropriate knowledge and life skills. Not always, but on most occasions, that will mean retaining students to the end of college.

Canberra has the highest retention rate and the highest quality of education in Australia. It is no accident that we also have the lowest youth unemployment rate, the lowest youth suicide rate and a juvenile crime rate below the national average.

On a final point, I note in a report recently released by the Chief Minister's Department, entitled *Youth in the ACT: a social and demographic profile*, a series of conclusions about the challenges facing Canberra's youth. Of the 20 points on the list, nine refer directly to education, five refer indirectly to education, three refer to mental health issues, and one refers to criminal behaviour. The report shows clearly how Canberra's youth compare very favourably with the rest of the nation and are well placed to adjust to expected changes in technology and the new economy in years to come.

It is clear that education outcomes are of vital importance to our young people. It is just as clear that our youth did well under the former Liberal government, despite Labor's best efforts to talk down our education system during last year's election. I note the education minister's comment that what my colleague Mr Pratt said was sour grapes. That is not the case.

The minister is attempting to bask in the glory of the former Liberal government's education efforts and successes, for which I applaud my colleague Mr Stefaniak, during our six years in government. Minister, enjoy it now. The honeymoon period is nearly over, and you will have to come up with some original ideas rather than repackaging Liberal ideas with Labor titles. I commend Mr Pratt's motion.

8 May 2002

MS DUNDAS (4.41): I rise to speak on retention rates. The motion Mr Pratt has moved refers to ABS figures released at the end of February, not last week as the motion reads, and what they show. Retention rates for students from year 7 to year 12 in the ACT, according to the ABS, are at 89.3 per cent. This rate is to be commended, as it is a full 10 percentage points higher than that for the nearest state. However, the 2001 rate was the first increase since 1991 and lower than retention rates measured in 1991, 1996 and 1999. This situation should not be seen as an excuse for complacency. We should always be striving to improve it.

I point out to Mr Pratt that “apparent retention rate” is a technical term of the ABS. All the Labor Party documents Mr Pratt talked about referred to an ABS term. The ABS term is described on the ABS website as “the number of full-time school students in a designated level/year of education expressed as a percentage of their respective cohort group”. The website goes on to say:

Care should be exercised in the interpretation of apparent retention rates since a range of factors affecting calculation have not been taken into account. At the Australia level these include students repeating a year of education, migration and other net changes to the school population. At lower levels of disaggregation, additional factors affecting the data, such as enrolment policies (which contribute to different age/grade structures between States and Territories), inter-sector transfer and interstate movements of students have not been taken into account.

Part-time students are currently excluded from apparent retention rates; the effect of this exclusion varies between States and Territories.

The statement in Mr Pratt’s motion that retention rates in the ACT have been rising at seven times the national average and that ACT retention rates are the highest in Australia is not a false statement. However, as has been brought to the attention of this chamber, it is quite misleading.

I now move to the second part of the motion, which refers to the ACT schools system. As many in this Assembly know, I am a proud product of the ACT public school system. Since joining the Assembly, I have had the pleasure of attending graduation ceremonies at Lake Tuggeranong College and my old schools of Giralang Primary and Kaleen High. It was a privilege to be a part of these ceremonies and to see the joy, optimism, and success of children and young people as they were about to face a new school or a new life outside the education system.

For these students, as it was for me, teachers are a big part of our development of self and wellbeing. In my pool of teachers was Minister Wood just before he was elected to the First Assembly.

Mr Wood: I taught you well, didn’t I?

MS DUNDAS: Yes, Mr Wood.

Mr Wood: I got you into politics too, didn't I?

MS DUNDAS: I wouldn't say that.

Teachers are a core part of the education system, but teachers here and interstate are increasingly becoming overstretched in their daily work environment. They are now expected to fill a large number of additional roles, including coaching sporting teams, fundraising, maintenance, playground duty and assisting in after-school care. Often they become de facto social workers and, as we have seen in some New South Wales schools recently, they are playing the role of security guards and police.

Teachers also require additional resources for early intervention for children with learning difficulties to ensure better long-term outcomes. Teachers are now educating a broader range of students, especially in the public school system—students with learning disabilities and students with physical and mental disabilities—often without the infrastructure and support they need. This is a matter I have brought to the attention of the Assembly a number of times.

Whilst I have, as Mr Pratt's motion indicates, confidence in the education system of the ACT being strong, I still believe that a lot of work needs to be done. Our focus should be on finding out where the gaps are and where the problems are and, as has been mentioned by a number of speakers in this chamber, working on them. We cannot rest on our laurels, and we should not be applauding ourselves when so much still needs to be done.

In conclusion, I add that those who believe education to be expensive should consider the cost of ignorance.

MR STEFANIAK (4.47): I agree with Ms Dundas on one point: there is always more to be done and always more you can do. We should never lose sight of that fact. There is nothing wrong, though, with congratulating, and expressing confidence in, a system that leads the nation and has done so for many years. Mr Pratt's motion is very good in that regard.

The motion highlight that one year the retention rate was down and that more recent figures indicate a very high retention rate of seven times the national average. When there was a glitch and the figures were down, we still were very much in front of every other state and territory.

Mr Corbell keeps referring to figures "last year", as if last year was 2001, and saying that this year the retention rate is so much higher. Ms Tucker mentioned that the report was in 1999 and that the "next year" when the figures were well and truly up again was 2000. I could be corrected on that. It might have been 2000, in which case the most recent figures are for 2001. Certainly, it was when the opposition were in government and I was minister for education. I was very pleased to see the increased retention figures in the latest ABS survey, whether they were for 2000 or 2001. It will be interesting to see what

8 May 2002

these figures are a couple of years down the track, reflecting the position under the stewardship of the current government. I would hope that they would still be high.

Ms Tucker talked at length of retention. Because of a number of factors, students do not all stay at school till the end of year 12. However, in the ACT the vast majority do. We have incredibly high retention rates. They are invariably over 100 per cent, because so many students from the non-government sector, when they finish year 10, come over to the government sector. Whereas 43 or 44 per cent of year 7 to 10 students are in the non-government sector and about 56 or 57 per cent in the government sector, only 29 per cent of year 11 and 12 students are in the non-government sector and 71 per cent are in the government sector. That is because of the quality of our college education system. Students also come from New South Wales to our excellent college system.

I point out to Ms Tucker—she may have forgotten, and Mr Corbell should be aware of it now he is minister—that when some concerns were expressed about students falling through the cracks and leaving school early I said to the department, “Let us do some work and find out why.”

Canberra is a small enough community—a city state—to allow us to find out why students leave. All the colleges were asked to provide information on why students left. That information should be available to the new government and to the new minister. I hope it will be useful in ensuring that something is done to help students who do not leave for a valid reason—such as leaving town, family reasons, or deciding to go into the work force and perhaps take up an apprenticeship or a traineeship—but just drop out. That was the point of the work done by the education department in conjunction with the colleges.

Mr Pratt’s motion “notes the pleasing results demonstrating national leadership in the recently published literacy and numeracy tests”. I was delighted to see those results. They refer to 2001. They were due out in about November. There was some glitch, and the minister changed our decision on what information parents should get. I am uncertain what he is giving them now, but I hope he does not water that down too much, because it is crucially important that parents receive information on how their child is going. I do not see any great drama if they have some idea of how their school is going against a system average. I have never believed that that information should be sprayed across the press, so do not say that I support a league table—far from it.

You need to continue testing. That is essential. That was a highlight of the previous government. We introduced testing. It is now in place right across Australia. We now have national benchmarking. It is absolutely fantastic to see how well our students go. That is a validation of the work done by our students, our teachers, our system.

Ms Tucker said that for socioeconomic reasons Canberra was obviously going to do better than other areas. Ms Tucker might think some areas are more disadvantaged than others. None of the schools in those areas would be necessarily last or towards the bottom in all the various strands of literacy and numeracy assessed. The whole idea of the testing

was to ensure that areas where schools were not performing as well as in other areas received extra resources and extra assistance, perhaps in different ways of teaching.

It is pleasing to see the always high, but increasingly high, percentage of students attaining the benchmark, or indeed exceeding it. The whole point of testing was to raise literacy and numeracy standards across the nation and here in the territory to ensure that kids who were missing out did not. Some students in high schools still miss out, because the results for them are not as good as they should be. I hope that is something the current government will continue to address, because there is still more work it can do. The national averages are very pleasing. Those results are across the board.

Class sizes help. I think we will see further improvements in literacy and numeracy as a result of the initiative we took as a government to ensure that class sizes were not more than 21 for kindergarten to year 2. This year all class sizes should be no more than 25, and that will go down to 21. The current government, if it lives up to its election promise, will extend that to year 3. We will see what happens. Small classes in kindergarten to year 2, those most crucial early years, will assist in raising standards. Those standards will then continue to show up as those students and those cohorts move into high school.

The Chief Minister, when he was in China, rightly said he was proud of our excellent ACT school system. He did not speak of the doom and gloom Labor came up with in the lead-up to the election. While overseas, he talked up our education system, as he should, contrary to talking it down as he did last year.

It is an excellent system and always has been. The innovative college system makes us somewhat unique amongst states and territories. The system not only leads the nation but has produced individual who have attained top-class results in competitions with other students across the world. Quite often Canberra students come first, second or third in competition with students from around the world.

Validation of our system can be found in the fact that 40 per cent of our students who leave year 12 go on to a tertiary degree and, of the remaining 60 per cent, nearly all end up with good, satisfying jobs. Quality institutions such as the Canberra Institute of Technology assist students. (*Extension of time granted.*) At that level, we see diplomas leading to degrees. Institutions like the CIT, in conjunction with Canberra University, put us at top of the scale. That is validation of the very fine system in the ACT.

The third part of Mr Pratt's motion, expressing confidence in our school system leading the nation, is something we should support fully. Nothing is ever perfect. There are always problems. There are always people who fall through the cracks, and we need to do the best we can to ensure that we help those people and minimise the number of people who fall through the cracks. We should seek and constantly attempt ways of further improving the quality of our system. Literacy and numeracy testing has quite clearly done that.

8 May 2002

In vocational education and training, some 700 students in our college system took advantage of our initiatives in 1995. There are now 4,000 or 5,000 doing vocational education courses. Fifty per cent do at least one vocational education course. That is a further means by which our students can benefit from good-quality education. They are just a couple of things that have occurred in more recent times to enhance the quality of the education system.

Education changes; it does not stand still. Whoever is in government needs to be constantly vigilant to ensure that we continue to deliver quality education; that it is properly resourced; that it does not stand still; and that if new things need to be tried and introduced they are.

I support Mr Pratt's motion and commend him for bringing it on for debate.

MS TUCKER: I seek leave to speak again and move an amendment which has been circulated in my name.

Leave granted.

MS TUCKER: I move:

Add the following paragraph:

- (4) recognising that students facing disadvantage in our community need additional support to complete Year 12 or vocational equivalent, calls on the Government to respond to the recommendations of Report No 9 of the Standing Committee on Community Services and Recreation on adolescents and young adults at risk of not achieving satisfactory education and training outcomes.

I think members are clear on what I am doing here. I referred to this matter before I circulated my amendment. We are proud of our education system, but we are also very aware of the issues for disadvantaged students and disadvantaged families. We had a debate in which we agreed as an Assembly that it would be useful for the government of the day to respond to particularly important reports of the Assembly.

At 5.00 pm, in accordance with standing order 34, the debate was interrupted. The question that the Assembly do now adjourn having been put and negatived, the debate was resumed.

MS TUCKER: We agreed that it would be useful for this government to respond to particularly important reports of the last Assembly. My amendment makes that request and makes the motion more valid.

MS MacDONALD (5.01): I rise to support Ms Tucker's amendment and to speak to the motion moved by Mr Pratt. The ACT does have a proud record of retention rates. Many people this afternoon have spoken about that record. There are a number of reasons why

the ACT has a proud record of retention rates. In large part it is due to the fact that in Canberra parents of students going into high school have a higher level of education and are keen to encourage their children to stay on. That has always been the case in the ACT because of the high number of public servants within the territory.

As has been said, we can never afford to let our retention rate slip. We cannot be easy about our good record. We can always do more.

The Labor Party has a proud record in this country of encouraging education and training. It was the Keating Labor government that recognised the importance of students staying on at school until the end of year 12. With apprenticeships and traineeships falling at the time, students who left at year 10 without having something to go into did not have a future.

I applaud what the minister, Mr Corbell, said about not just retention rates to year 12 but also equivalent training. This is incredibly important. As I have mentioned in this place before, Canberra has the highest rate of students in the country going from year 12 to higher education—that is, university. The rate is just under 30 per cent, according to the 1996 Australian Bureau of Statistic census figures. That leaves at least 70 per cent of students who do not go on to university from high school. So what do we do with those students? As Mr Corbell said, we need to look not just at year 12 retention rates but also at equivalent training.

Ms Tucker mentioned that we should help students with disadvantage. She talked about the report last year that showed that 20 per cent of students did not get their year 12 certificate. This is of great concern to me and to people within the education sector. If students start year 12 but do not complete and do not get anything else instead of year 12, their prospects are much less than those of others.

There is no disagreement amongst the Labor Party in expressing confidence in the ACT schooling system. We have an excellent schooling system here. But there are a lot of areas which are lacking. There are also a lot of areas in the vocational educational and training sector that are lacking. Mr Stefaniak talked about the numbers of students in years 11 and 12 in the college sector who have gone on and done a vocational course. A lot of students are using those courses as time fillers, in my opinion.

The ACT college system is not necessarily the best place to do a vocational course. You cannot get a school-based new apprenticeship with great ease here. I have had two meetings this week about how to assist school-based new apprenticeships in the ACT.

While I agree that our teachers and the education system in the ACT are excellent and lead the country in a lot of ways, there is always more we can do, especially in the vocational education and training areas and looking after those students who come from a less advantaged background.

8 May 2002

MR PRATT (5.06): I support Ms Tucker's amendment. The Education Committee has discussed retention rates from year 10 to year 12. Our vocational education and training system needs to be looked at. We believe it needs to be revamped. We think it is a very important vehicle in the retention of schoolchildren beyond year 10. We also need to revamp the identification process through years 7, 8 and 9 to assist children, to counsel them, to seek pathways for them beyond year 10 and to ensure that we do everything we possibly can to retain our schoolchildren.

For those reasons, I support this amendment. I will have a lot more to say at other times about vocational training. For now, I am quite happy to reinforce support on this side for the amendment.

Amendment agreed to.

MR PRATT (5.09): The minister pooh-poohed what I said about the aberration in retention rates as simply an exercise in sour grapes. I repeat that it was simply that—an aberration.

If Mr Corbell bothers to examine the trend in retention rates over the last six to eight years, he will see that the statistic he referred to is merely a minor blip on a long trend line. His criticism of me seizing on and defining that blip as an aberration rather than admitting himself that that is exactly what it was is a disappointing response from the minister.

The minister implied that I am concerned only about retention rates or literacy and numeracy rates and that I do not give much of a fig about how we might focus on children at risk or children in year 10 we might need to focus on to retain their presence in school. This is an absurd comment by the minister. Of course, I am concerned about those issues.

I was a bit surprised that Ms Tucker claimed that I have politicised the retention rates issue rather than focusing upon what matters for the greater good of the community. I fail to understand why Ms Tucker should criticise me for calling Mr Corbell and the government to order in relation to the debate on retention rates. Ms Tucker is perhaps being a little bit inconsistent, and that disappoints me. In this place last year, when the then opposition criticised the then government about retention rates, I understand that Ms Tucker did not respond. She did not call the opposition to order. There was thundering silence.

I do not understand why Ms Tucker should criticise me for what she sees as my focus on literacy, numeracy and retention rates or why she believes I think these things are far more important than getting to grips with the other issues we have to get to grips with in education. She points out the obvious, as did Mr Corbell—that perhaps I need to focus on children at risk and those in danger of falling out after year 10. I know that and I do not need to be told how to suck eggs.

Of course, a screaming priority is to focus new intervention strategies on children in year 10 in danger of falling out. To that end, I am pleased to see Ms Tucker's amendment. I think that is a constructive and a positive way in which we can address the retention rate problem. We do not have that much of a problem anymore, but it is always going to be there. As a number of speakers have said here today, we can never stop striving to make our education system better. Hopefully, we can all work together to try to achieve those sorts of ends.

Retention, literacy and numeracy rates are a very important guidance vehicle. Ironically, I must agree with Ms Tucker's notion that they should not be politicised. You are right, Ms Tucker. They should not be politicised. They are an important guidance. Our work will never stop in seeking new and imaginative ways of exercising strong interventions in our schools to seek out and provide sympathetic and constructive assistance to our children who are in danger either of not achieving or of falling by the wayside. That does not apply just to year 9 and year 10 children in danger of not going on to year 12. It also applies to children at risk, who come from broken families, who are probably seen as disruptive in schools and who need a lot of attention.

These are things which are multi-partisan. I look forward to working with all of my colleagues in the Assembly in striving to achieve new initiatives and improvements in our education system to ensure that all our children are well looked after and that the maximum number go on to year 12.

Motion, as amended, agreed to.

Personal explanation

MS TUCKER: I would like to make a clarification under standing order 46.

MR DEPUTY SPEAKER: Proceed.

MS TUCKER: In the course of the debate before lunch today on discrimination against same-sex couples, I made statements which I was later informed were not correct. The error was in information supplied to me pursuant to a departmental briefing. We have checked and I want to clarify the record.

I listed legislation which I said was still discriminatory. To make it clear, I mistakenly said that there were provisions that discriminated against same-sex couples in the Coroners Act and the Guardianship and Management of Property Act. That was not correct but I was correct in saying that examples of such discrimination are in the Adoption Act, the Artificial Conception Act, the Casino Control Act, the Compensation (Fatal Injuries) Act, the Debits Tax Act, the Evidence Act, the Land Titles Act, the Law Reform (Miscellaneous Provisions) Act, the Workers Compensation Act and the Transplantation and Anatomy Act. I apologise to members for the mistake.

8 May 2002

MR DEPUTY SPEAKER: Thank you, Ms Tucker. My compliments on a good explanation without debating the matter.

Ansett Airlines—effect of demise on Canberra

MS MacDONALD (5.16): I move:

That the Assembly:

- (1) notes and expresses great concern at the demise of the great Australian airline (Ansett) after 66 years of operation;
- (2) further notes the ongoing impact on the thousands of Australian employees but particularly those employees from the ACT and their families;
- (3) expresses concern at the flow-on effect that the Ansett collapse is having on the tourism industry and other businesses in the ACT;
- (4) further, expresses concern at the ongoing vacancy of the former Ansett call centre in Tuggeranong;
- (5) calls on the Minister for Economic Development, Business and Tourism to report to the Assembly on what action is being taken to assist the former Ansett employees and businesses in the ACT affected by the airline's collapse.

The last flight for Ansett, from Perth to Sydney, marked a dark day in Australia's history. It was a dark day for Australian aviation and for Australian business, but most of all it was a dark day for ordinary Australian workers.

Despite the insensitive labelling of "white elephant" by New Zealand's Prime Minister, Helen Clark, Ansett was more than just a longstanding Australian business. It had become an Australian icon. It employed more than 16,000 Australians and had served customers proudly for 66 years.

Last year Air New Zealand made a decision to gut Ansett, stripping away its assets in a desperate bid to save itself from its own economic mismanagement. Despite Air New Zealand's protests and game play we now know this to be a fact. Air New Zealand ran Ansett into the ground.

Ansett engines worth millions of dollars suddenly found themselves sitting in Air New Zealand hangars, and money which should have been security for Ansett employees was shifted and unavailable when the curtain came down. It was then just a matter of when, not if, the axe fell on thousands of Ansett employees. That is what the Liberal Party would have you believe.

The federal Howard government were told what was coming with Air New Zealand and they did nothing. They left it to their beloved free market, and we now see the dire consequences before us. John Howard and John Anderson refused to put in place legislation that could have stopped Air New Zealand's asset stripping. They refused to immediately put measures in place to protect workers entitlements. It is a great pity that

Stan Howard was not a part owner of Ansett. We may have seen some action from the Prime Minister if he had been.

I would suggest that there had been no scrutiny when Air New Zealand purchased the remaining 50 per cent of Ansett from News Ltd. This was in spite of a viable bid from Singapore Airlines. News Ltd and the Australian government were not interested in looking at whether or not Air New Zealand could keep Ansett running as a viable asset, providing jobs, providing competition for other airlines in this country and making sure that the people of this country had access to reasonably priced air fares.

When they refused to take action, they effectively turned their backs on thousands of Australians who must now be wondering where their next pay packet is coming from. For those who have had to endure the emotional torment of the uncertainty of unemployment, it has been a gut-wrenching feeling. I am fortunate to have worked with Canberra's Ansett employees for five years. I am now being approached on the street by friends in despair about their situation.

Ansett employed well over 200 Canberrans. That is 200 Canberra families who relied on the pay packet to buy groceries and put kids through school. It is 200 Canberra families who were planning retirement with their superannuation. John Howard, John Anderson and the Humphries government sat back and watched while those 200 Canberra families had all that ripped away from them.

The Ansett call centre at Tuggeranong employed 150 people. Those employees were from all over the ACT but many were from the Tuggeranong Valley. The call centre at Tuggeranong was an important employer in a part of Canberra with a longstanding need for a progressive and service-based employer. Another 45 people were employed at the Canberra airport, and retail outlets and the AIS office employed another 15 to 20 people.

Former Ansett employees feel totally abandoned and have been made scapegoats for the mismanagement of Air New Zealand and, before that, News Ltd. But more importantly, they wanted and expected the Howard and Humphries governments to do something when the airline first collapsed, but they saw nothing.

The Ansett call centre in Tuggeranong was a growth business in the heart of the Tuggeranong Valley. Instead of protecting local Canberra jobs, Mr Smyth and his local and federal Liberal colleagues chose to justify their inactivity. This is one the most disgraceful examples of abandonment of Australian workers and families in recent times.

The federal government has abandoned thousands of employees and their families, and the ACT Liberals have abandoned ACT Ansett workers. The former minister, Brendan Smyth, loves to talk about his influence in federal circles but has been shown up for the ineffectual member he is. As transport minister last year, Mr Smyth sat on his hands and did little. There was never a better time for Mr Smyth to flex his supposed political muscle. But instead of a strong man act, we witnessed a political wimp.

8 May 2002

But that is hardly a first for the ACT Liberal Party. During recent sitting weeks the Opposition Leader has stood here in the Assembly and boasted how he was able to secure an urgent—I repeat the word “urgent”—meeting with the federal communications minister after just a 4½-month wait. That is right—a 4½-month wait for an urgent meeting for the aspiring Senator Humphries.

News reports over recent weeks are now beginning to show the human face of the Ansett tragedy. At least three Ansett employees have committed suicide since the collapse of the airline. Facing terrible and sudden financial difficulty and ensuing relationship break-ups and the collapse of Ansett, their livelihoods and their families was too much for some, I am sad to say.

The Liberal Party boast about their commitment to private enterprise and about their commitment to providing fertile grounds for jobs growth. They also talk about their fantastic economic record. It always amazes me that it is supposedly the Labor Party that economic mismanages and that we should only ever allow the Liberal Party to hold on to the economic purse strings. We can see them for exactly what they are in this recent Ansett tragedy—beholden to the big end of town and absolutely unfeeling for the average worker.

If the Liberals were genuinely committed to jobs and private enterprise, they would have been screaming for John Howard and John Anderson to do something, to do anything. Instead, they sat by meekly watching jobs die, and the Canberra tourism industry with them.

Today we saw the real commitment to Canberra tourism from the Liberals, when they used question time to place a question mark over our ability to stage rugby world cup games. Instead of promoting Canberra and pushing our tourism industry, they are prepared to undermine our city and tourism employees for their own silly games.

We have inherited a set of books in shambles. The opposition does not even know what they left in the kitty. But I can tell you that the Liberals made promises and did not have the nous to fund them. They were a government on the way out and they threw money everywhere in an attempt to pork barrel and hang on to power.

But of course money goes only so far. The Liberal government chose not to pay CTEC bills. Some of them were two years outstanding. The Stanhope Labor government has come in and gone about delivering on election commitments and tidying up the Liberals’ mess. Clearing up Canberra’s tourism mess has been just one task.

Quite frankly, the Liberals should be ashamed of themselves. They could have helped Canberra tourism. They could have helped keep Ansett in the air or they could have helped keep Kendell in the air rather than giving money to an airline that had never operated as a carrier in this town—that is, Hazelton Airlines. They chose to divert funds to two players—Kendell, which had a long history in this town, and Hazelton. Where are Hazelton now?

Mr Smyth: So we did back Kendell then?

MS MacDONALD: You did back Kendell, but split the funds. The Liberals could have helped 200 Canberra families keep an income. They could have helped keep the call centre in Tuggeranong going, but they did not do that. They did nothing.

And who suffers? Former Ansett employees do. To date, Ansett's former Canberra employees have received no superannuation. They have a paltry four weeks payment in lieu and an eight weeks redundancy payout, which John Howard said was "an acceptable community standard" in the SEESA plan.

Some people, some of them my friends, had been working for this airline for over 30 years. They have nowhere else to go. They were told, "You can have four plus eight weeks payout, which is an acceptable thing." I would suggest that nobody in this place or in the place on the hill would find that acceptable. but Many have still not received even these payments.

Who can forget the images we saw in the newspapers and on the TV of hundreds of Ansett employees who saw their job as more than just a means of earning money, as they hugged each other and cried and spoke about Ansett's demise as being like losing a family? I know that that is how they feel. Time and time again I have seen Ansett employees giving up time and not taking their leave. They gave up their New Year's Eve as the year 2000 came in so that the entire place did not collapse, and they did not get any special payment for that.

Some good news has emerged over the last 24 hours or so. Former staff have been able to secure preferred buyer status for a combined buy-out by Kendell-Hazelton which must fly into Canberra. They have two weeks to get the bid finalised. That means the remaining 20 baggage handling Canberra jobs now look more hopeful. The only disappointing aspect of this move is that it has taken a consortium of Ansett employees to provide hope and to get this far while the Howard government continues to sit back.

I am grateful the ACT Treasurer has taken his job seriously and is focusing efforts on getting Canberra tourism pumping again. It is a great tragedy that the Stanhope government was not in power before October 20 last year. We may have been able to do more. Certainly we would have been able to do more than the Humphries government bothered to do.

MR SMYTH (5.28): It seems that we have reduced ourselves to the Mark Latham school of bluster, which says that if you say something it must therefore be true. It is a shame that Ms MacDonald made assertions that she had to contradict herself on later in her speech. She asserted that we did nothing. Then right at the end of the speech she said that there were packages for both Kendell and Hazelton. This inconsistency from Ms MacDonald calls into doubt her knowledge of what happened and her commitment to her own motion.

8 May 2002

Paragraph (4) of the motion expresses concern at the ongoing vacancy of the former Ansett call centre in Tuggeranong. We heard very little about that part of the motion. Paragraph (3) expresses concern at the flow-on effect the Ansett collapse is having on the tourism industry and other businesses in the ACT. Again, Ms MacDonald virtually ignored that point in her speech.

Ms MacDonald took a characteristic swipe at the Prime Minister because he happened to disagree with her. That is politics, I guess. But if we want to talk about the demise of Ansett, about the impact on staff who lost their jobs, who lost their livelihood, and who may have had their futures severely damaged if they have not been able to go on to other jobs, we need to do it in a spirit of honesty rather than making assertions that do not hold water.

I rang and spoke to the Kendell Airline employees. I went and met them at the front of this building. I went out and joined one of their “get behind Kendell” promotions at the airport. I rang their homes and spoke to their partners, when they were out waiting on tables. I rang them on their mobiles when they were in restaurants because they had nothing better to do. For Ms MacDonald to accuse me of sitting on my hands when she has no idea what I did is unfair and unfortunate. It is from Mark Latham school that substitutes bluster for concrete evidence and fact in parliamentary debate.

The demise of Ansett is unfortunate. I hope, like others, that we will see a new airline rise from the mess that has been created.

Ms MacDonald asserted that we sat on our hands and did nothing. I have been able to get just one of the press releases that were put out at the time. It speaks of a \$250,000 contribution towards Hazelton advertising. That is hardly a case of us sitting on our hands. It talks of an additional \$200,000 for the Canberra Tourism and Events Corporation to run a campaign encouraging people to refocus their travel destinations and to bolster the tourism industry. That hardly amounts to sitting on your hands. It talks of a further \$100,000 to the national capital tourism education project, to stimulate tourism activity and to bolster those in the tourism industry who were affected by the collapse of Ansett. That is hardly sitting on your hands.

When you stand in this place, you need to get your facts straight. When we talk about unemployment, I must remind Ms MacDonald that when we came to office in 1995 unemployment in the ACT was at 7.1 per cent. It is now just above 4 per cent, which is a fairly good achievement, I would have thought—something unmatched in any other jurisdiction in this country. Again, get your facts straight.

We need to talk about individuals. I will talk about the people I spoke to and how they had their aspirations dashed, how they had their plans shattered, how they had their mortgages put at risk and how their relationships were affected. They told me. They spoke to me.

Ms MacDonald: Yes, and they spoke to me too.

MR SMYTH: I am glad they speak to you, but you cannot come in here and make an assertion that is not true. You need to get your facts straight, because we will pick you up on them if you do not.

We need to talk about the flow-on effects on the tourism industry. I think we have all heard Steve Byron of the capital airport group on radio on TV talking about some of the effects on the airport industry. That is why we were working towards the Impulse deal, which unfortunately did not work out the way it could have. The potential for air trade was something that we sought to bolster. We wanted to make sure there was choice of airlines, because that is good for Canberrans and for consumers and tourists. We wanted to make sure that the number of seats would meet the needs of the convention trade, the needs of casual tourists, the needs of Canberrans travelling and the needs of business people coming to this city.

We wanted to make sure there was also a choice in price. With competing airlines, you can have that. That is what we still hope for. I wish Virgin Blue all the best. I hope the number of their flights continues to grow. I hope that Ansett workers manage to resurrect the airline so that we get the benefits and they get the benefits as well.

We had to look at the effect on tourism, and we did that. I go back to the press release. We immediately gave additional money to CTEC to make sure that they had the ability to do extra promotions in the lead-up to the Christmas period. We had a round table upstairs in the hospitality room, which all of the industry were invited to attend, so that we could lessen the impact of the downfall of Ansett on the rest of the tourism industry. From the figures, it would appear that we had a successful outcome.

But there is more to do. In the current financial year's budget, if memory serves me right, we put an extra \$1.2 million into tourism. Why? It is important. We wanted to help build up one of our more successful and more important industries that is a huge employer in the ACT.

Paragraph (4) of the motion expresses concern at the ongoing vacancy of the former Ansett call centre in Tuggeranong. I have concerns about that too. In the period when Ansett went belly up and the call centre shut down, I spoke to several firms that were interested in looking at whether they could take over the call centre, with the assistance of public servants from the business area of the Chief Minister's Department, and we were looking at a number of options that, unfortunately, did not come off. We spoke to the federal government about those options. Again, unfortunately, they did not come off. But we were out there doing what we could in the context of our resources and our power to make sure that we could get on with what it was we were doing to minimise the impact.

I remind this place that it was we who set up the call centre, in an attempt to bolster employment in the Tuggeranong Valley. We are very proud of that and other things we did to make sure that buildings were built and roads were put in place to give the

8 May 2002

infrastructure to increase employment in the Tuggeranong Valley. Again, that is hardly sitting on your hands.

There is another thing Ms Macdonald forgot. I saw Mr Quinlan speaking to her about some of her blunders. During these problems, we had bipartisan support for the funding. Much of this happened in the lead-up to the election. At that time people were grateful that this occurred.

I have heard a lot of criticism of the Australian Liberal government, but I have not heard a single word of criticism about the New Zealand Labour government, their role and what they are going to do to fix the problem. In Ms MacDonald's summation, she might say a few words about Helen Clark. What happened there? Did federal Labor think to lobby New Zealand Labour? Did local Labor think to lobby Helen Clark for the New Zealand Labour government to include Ansett in their rescue package for Air New Zealand? I would be interested to find out whether the Labor Party talked to their colleagues, but I do not think I will get an answer.

The fifth paragraph in Ms MacDonald's motion calls on the Minister for Economic Development, Business and Tourism to report to the Assembly on what action is being taken to assist former Ansett employees and businesses in the ACT affected by the airline's collapse. I would be interested to hear what that is. We asked him questions about business policies today, and he did not seem to know the answers. The answer to yesterday's question was: "You will have to wait till next year." We are getting used to waiting till next year with this current government.

I have just been handed another press release that it would be useful to refer to. It is headed "Kendell Breakthrough: Airline to Resume Canberra Flights". If you listen to Ms Macdonald, we were sitting on our hands. It just happened—\$250,000 of ACT taxpayers' money suddenly found its way into the coffers of Kendell so they could do some marketing.

Ms MacDonald: Where are Hazelton now, Mr Smyth?

MR SMYTH: Ms Macdonald, I will table these press releases so you can read them. You need to check your facts before you come into this place and say the things you said. The press release reads:

Mr Humphries said the ACT Government offered the airline \$250,000—the same amount provided to Hazelton Airlines last week to resume Sydney-Canberra flights—to help meet the costs of providing and marketing the services.

That is hardly sitting on your hands.

This is an important motion. From time to time big companies do go to the wall. I seek leave to table press releases headed "ACT Government's aviation and tourism package" and "Kendell Breakthrough: Airline to resume Canberra flights".

Leave granted.

MR SMYTH: I present the following papers:

Airlines—Media releases by Chief Minister—

New Airline for Canberra—ACT Government's aviation and tourism package, dated 27 September 2002.

Kendell Breakthrough: Airline to resume Canberra flights, dated 2 October 2001.

Mr Wood: Is Impulse there too?

MR SMYTH: I can talk to Impulse. I am glad that Mr Wood raises Impulse, because in our efforts in government to build up a new industry we were trying to diversify the employment base of the ACT, to bolster the ACT against downturns in federal government spending and local government spending in the recessions that occasionally come along and make sure we had other things we could build upon. That is what we sought to achieve when we went for the Impulse deal. We set milestones which Qantas tell me—and I have heard confirmation that Qantas have now told Mr Quinlan, and he accepts it—they expect to meet.

If you have been watching the progress of the hanger at the Canberra Airport, you will see that we now have a state-of-the-art facility that will provide us with the basis of a new industry. Hopefully we will get simulators that will make Canberra a hub. We all talk about Canberra being a hub. This is the sort of infrastructure you need in place to make that occur. We went out and got it. Did it work out the way it should have? Not quite but, as the Australian aviation industry and indeed the world aviation industry have proven, aviation is an industry that fluctuates quite a lot.

If you want to talk about Impulse, Mr Wood, I am happy to talk about Impulse. Impulse attempted to provide choice, more seats, price, diversity, job creation and a new industry for the ACT—something we are proud of. At the end of your three years perhaps you will be able to look at the new industries you have helped create in the ACT so that when an Ansett does go bust we have other firms, other industries and other opportunities for the workers who suffer in a personal way when a firm goes under, and we have something for them to go to, to retrain into, to move across to, so that they have the opportunity to continue their lives as they should be allowed to do.

The Liberal Party of the ACT does note and express great concern at the demise of Ansett Airlines. I think we all do. We agree with the paragraph of the motion that refers to the ongoing impact on thousands of Australian employees but particularly those employed in the ACT. We are concerned about the flow-on effects that collapse has had on the tourism industry and other businesses. Although we were sitting on our hands doing nothing, it was great to see the half a million dollars and our other initiatives to promote tourism in the ACT.

8 May 2002

I have concerns, as my party does, about the ongoing vacancy of the former Ansett call centre in Tuggeranong. I wish the Labor Party and the minister luck in securing a solution and creating an opportunity there. That is what we want. That is what we set out to do.

Like Ms MacDonald, I call on the minister to tell us what action is being taken to assist former Ansett employees. I hope he has a good news story. They deserve all the sympathy we can give them, all the empathy we can muster and all the support we as a territory of people who care can give them to help them find new jobs. The opposition will be supporting the motion.

MS GALLAGHER (5.43): I rise in support of Ms MacDonald's motion, and I thank her for the opportunity to speak on this matter.

The collapse of Ansett Airlines is an Australian tragedy, but I think the terminology "collapse" hides a little too much of the Howard government's culpability and responsibility for the matter. The term "collapse" connotes an unavoidable accident, a tragedy no-one could foresee. It connotes suddenness; it connotes extreme weakness.

I do not think the workers who lost their jobs in Ansett accept any of these terms as reflecting the company they worked for. I do not think their conduct displays extreme weakness. I think, and so do many other Australians, that this company was allowed to fold because of flawed government policy.

Workplace relations minister Tony Abbott had the gall to accuse the staff and unions of Ansett of being responsible for the collapse. This is the government which abandoned the so-called carcass of Ansett at the beginning and tried to abandon the retrenched workers, who it believed should have to fight for every cent of their entitlements.

Let us look at the people who have suffered because of Ansett's demise—the now former employees. Let us look at the struggle the employees have had to access their entitlements under another policy flaw of the federal government. It was not that long ago that the federal government stepped in to save employees in the National Textiles saga. The government found money for the sacked employees but can offer only \$10,000 to workers in similar situations under legislative changes.

It denied the seemingly more legitimate policy alternative of employer-funded entitlement schemes or even jointly funded schemes. Instead, it preferred to blame the victim while secured creditors made off with the settlement.

It is estimated that the average Ansett worker was due 43 weeks redundancy entitlements. These are entitlements, workplace rights, which would help every single Ansett employee and their families pay the bills and find new work.

Many of the workers here in Canberra were members of the TWU and the ASU, which fought hard, and continues to fight, for Ansett workers. There can be no doubt that this was a disgraceful situation, however. The unions and their members were at least able to

squeeze some concessions out of the government and employers. Submissions to the ACCC were the beginning of what continues to be a heartening campaign by community representatives. Here in the ACT the TWU is continuing to fight to ensure the viability and continuation of Kendell services.

The work of the TWU locally was also taken up by unions at a national level. A national website was established by Australian unions to help Ansett employees gain new work. The site is called Ansett Job Assist. If any member of the Assembly has not seen this site, they should do so. This sort of action demonstrates a deep commitment to the people and families affected, a commitment which I feel certain many employees wish the federal government would display.

Ansett workers have been forced through an ordeal which offends the majority of Australians. In looking at the continuing issues here, we should also look at the broader economic impact on allied industries and other workers' jobs. Tens of thousands of jobs are now at stake in hospitality, tourism and retail. Let us look, for example, at Launceston. The LHMU reports that business in the area has plummeted because of the reliance on air travel. This has impacted on wages, which are impacting on families and other parts of society.

There is another issue for workers, not only in the ACT but elsewhere. Under the Liberals' Workplace Relation Act, some unscrupulous employers are reportedly using the crisis as justification for low wages and bad conditions, telling their workers that the Ansett crisis is dictating their employment.

This Assembly has an interest in the progress of events and the outcome following Ansett's demise. It has an economic interest but, far more importantly, it has an interest in the many workers and families who have been affected by a government policy and a failure by the government to act when circumstances demanded an immediate response. It would be fantastic if the federal government in Australia could walk away from the Ansett failure as cleanly as the workers who fought for their jobs and their airline with such passion, commitment and energy. Unfortunately, that is not the case.

MR PRATT (5.47): I stand to speak against this motion, because it is grossly unfair and it will not help or turn around the suffering of those who have lost jobs in Brindabella or anywhere else. Ms MacDonald's attack is emotional and is simply an ideological attack on the federal government. Why this place is being used as a boxing ring for an attack on the federal government is beyond my reasoning.

We in Brindabella understand the pain and the emotion of those suffering because they have lost their jobs. I clearly recall the lengths my colleague Mr Smyth went to last year in meeting for long hours in many places to try to do something for those who were facing emotional and financial collapse as a result of the Ansett collapse.

8 May 2002

The collapse of Ansett and the consequential collapses of Kendell, Hazelton and the call centre in Tuggeranong were far beyond the control of the ACT government and well beyond the control of the federal government. The Ansett collapse was an example of gross mismanagement on the part of Ansett. It had simply gone a bridge too far.

It was not due to the failings of the federal government or any state government or due to any policies pursued by this jurisdiction or any other jurisdiction. It was an internal matter based on decisions made by Ansett, based on decisions made by Air New Zealand and perhaps based on the silly idea that Ansett had in the first place to amalgamate with Air New Zealand.

Why can the Labor Party not see this? Why can the Labor Party not see that it would have been irresponsible for the federal government to dole out taxpayers' funds to bail out a sinking ship that was well and truly going down the gurgler.

Ms MacDonald should talk to her colleagues before getting up and having a crack. Before getting up and doing a Mark Latham, she should talk to her colleagues. Mr Quinlan, for example, had agreed to the rescue package organised by the then Liberal government.

Mr Quinlan: So it was bipartisan, was it?

MR PRATT: Correct. Absolutely right. You have just reinforced that point, Mr Quinlan. It was a bipartisan exercise. Why does Ms MacDonald not understand that?

This is a shallow motion. It is ill conceived. It is based on emotionalism. It is based on a lack of research. It is therefore unfair and it is not going to help those in Brindabella who have suffered. There must be more constructive ways in which we as an Assembly can get our act together and assist those who have suffered.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.51): I am glad Mr Pratt has seen the light and that this is not the federal parliament.

Mr Pratt: I have seen the light.

MR QUINLAN: You have come a long way in a short time then. You are against the motion and Mr Smyth is for it. I guess this is a conscience issue on the part of the Liberal Party. Both Mr Smyth and Mr Pratt referred to Mark Latham, I dearly look forward to a debate between either of them and Mr Latham to see how they stump up. I think Mr Latham is one of the finest intellects in politics today. He has a huge—

Mr Smyth: The deformed man comment is a sterling example.

MR QUINLAN: If you want to divert to the deformed man, it was not a deformed man; it was a man with deformed ideas. It is your mob that twisted that to try to make an issue out of it. I think that was pretty tacky. But tacky is as tacky does, and under John Howard some pretty tacky politics have been played in this country over the last few years. There is no reason to believe it will change. That swipe at Mr Latham is pretty damn tacky.

I commend Ms MacDonald for her obvious concern for Ansett employees. Quite clearly, she delivered her speech on this motion with some emotion, to her credit. She demonstrated that she genuinely cares for people.

I was fascinated by Mr Smyth's response that Ms MacDonald should get her facts straight. He said, "You cannot come into this place and say things that are simply not true." Hello! \$344 million. How many times? This is rank hypocrisy, Mr Smyth.

MR DEPUTY SPEAKER: Careful.

MR QUINLAN: Yesterday I got away with saying that anybody who said Labor delivered a \$344 million deficit was an outright liar, because that is the truth. There did not seem to be any objection. The position could not be defended. When Mr Smyth talks about Ms MacDonald getting her facts straight, when the arch-verballer in this place is Gary Humphries and when Mr Smyth is a poor imitator of that verballing process, it smacks of hypocrisy.

Assistance for Kendell and Hazelton was certainly a bipartisan move. I agree with Mr Smyth. It was a sensible move taken at the time. We have one survivor from that, and I hope that they grow and prosper. It is quite clear from the figures I have seen that airline ticket prices, under effectively a single airline, have gone through the roof.

Mr Wood: And service has gone through the floor.

MR QUINLAN: Service has gone through the floor, price has gone through the roof, and the number of flexible tickets, standby tickets, has shrunk to be virtually non-existent. That is the impact of the loss of Ansett on Canberra. Prices have had an impact upon group travel.

Sections of the tourism industry that use airlines the most are group travel and the convention market. We have a little catching up to do in convention facilities. The convention facility we have is not up to national standards. Other cities have built new ones and are attracting convention business. If they are on air routes on which there is a degree of competition, say from Virgin Blue, they stand a good chance of attracting a lot more business, at Canberra's loss.

I was pleased to observe that as a lead-up to the federal election our local senator, Senator Margaret Reid, made a commitment that the federal government would put funds into the Convention Centre here. We hope to be in a position in the not too distant future to call that commitment in on behalf of Canberra. It was made, and repeated, and I expect the

8 May 2002

President of the Senate will be in a position to back it up and to support the town that she represents on Capital Hill.

I have probably spent as much time on tourism as I have on any other area in the spectrum of portfolios I hold, bar maybe Treasury. That has been in an effort to bring together the various stakeholders to work in a constructive fashion, to get the layers to work together and to integrate promotion. I think we are on the way in our negotiations with the national attractions on cost sharing on promotion. They are the flagships of the ACT, but they have tended to work in isolation from us. We intend to work with them in a more integrated fashion. I have met with that group in meetings towards that end.

We are also trying to set up a more representative process for the tourism industry so that we can get the best value and the best attraction in this town to bring in as many tourists as we can and hopefully make Kendell Airlines viable and attract a few more flights from Virgin so that there is some competition in flights to Canberra so that we do not see \$600 plus fares to and from Melbourne and \$400 plus fares between here and Sydney. The prices are astronomical, and it will have a very serious impact upon Canberra unless that scenario changes.

I hope that the Commonwealth and the minister for territories and the minister for transport recognise that the process that exists now is not only having an impact upon Canberra but is similarly having an impact upon regional Australia. They suffer also, and hopefully something can be done to reintroduce a level of competition that will get us back to sane airline prices, if we cannot replace the now defunct Ansett.

MR PRATT: Mr Deputy Speaker, I seek leave to speak again briefly.

Leave granted.

MR PRATT: Thank you, Mr Quinlan, for your gracious support. I want to clarify the fact that I support this motion. Perhaps I was swept away by Ms MacDonald's attacks.

MR HUMPHRIES (Leader of the Opposition) (6.00): I think I should say a few words, Mr Deputy Speaker. I will not speak for long. I will just say a couple of things.

Mr Wood: I hear that all the time.

MR HUMPHRIES: You hear it most often from Mr Stanhope, who says he wants a brief extension, and then two extensions later he is still going. I will not use my time, provided I am not interrupted.

I reinforce the comments made by my colleagues Mr Smyth and Mr Pratt that it is the grossest distortion of the facts to suggest that the former Liberal government was inactive on the collapse of Ansett Airlines in 2001. In fact, there have been fewer more appropriate and speedy reactions to this sort of crisis than there were in the case of the ACT government in 2001.

Mr Smyth has already outlined what the government did at that time. It put in place a package to support both Kendell Airlines and Hazelton Airlines. It put in place a \$200,000 package for the Canberra Tourism and Events Corporation to make sure that a campaign was run to revive visitor numbers to the ACT, and it provided a further \$100,000 to the national capital tourism education project, which was very important in bringing many young people to the national capital.

To describe a package of that kind as being inadequate, particularly when at the time it had the full support of the Labor opposition, is a little bit much. I credit Ms MacDonald's comments to the fact that she was not fully briefed on that matter and perhaps was given information that did not give the complete picture on what was going on. The full picture is very different.

It is particularly unfortunate to set the bar at a level that says that if a government attempts to take a step to save an enterprise or to save the jobs of people in a particular enterprise and fails to do so it must therefore be at fault. To set that standard for any government anywhere in Australia is extremely dangerous.

The next time a major national company fails in the ACT, and we call on the ACT government to save that company or at least save the jobs of the people in that company in the ACT, if we take Ms MacDonald's remarks at face value, the government of the day will be left with an impossibly large task. That would be the new standard, if Ms MacDonald's remarks are to be taken at face value. I think she may repent those remarks at leisure.

I reinforce the fact that the opposition supports this motion. We see it as tragic that Ansett Airlines has failed. We regret that we were not single-handedly able to save Ansett Airlines here in the ACT, but I am very satisfied that we took the very best steps possible to save the jobs of a large number of people in the ACT and indeed succeeded in that respect, in that a number of jobs were sustained in this territory as a result of those steps.

I hope that the measures Australian governments generally can take over the next few years will reinforce the safety net around the airline industry and reinforce the sense of sustainability of that industry. By the same token, in the last two or three years, a significant number of Australian companies have failed—from HIH to One.Tel to Ansett Airlines, and so the list goes on. Now a number of insurance companies are facing difficulties.

It is impossible to expect government to be able to save the jobs of all the people in all of those companies. In some cases it is possible to save some jobs. In some cases it is possible to bail out those enterprises for a period of time, sometimes permanently. But it is impossible to set the standard that government's responsibility is to make sure that no company ever goes under and takes the jobs of people with it. I hope we understand that we can do so much and are able to take those steps when they are appropriate.

8 May 2002

MS MacDONALD (6.05), in reply: In closing this debate, I would like to clear up a few items. I accept that the former government did make efforts to assist Kendell and Hazelton employees. They did that, I acknowledge, with the support of the opposition at the time. It has always been my belief that it was a mistake to give \$250,000 to Hazelton, because Hazelton were not a player in the market. While you may wish to establish competition through a strong player in the market, Kendell was a floundering player. Because of the loss of their parent company, they were struggling to maintain themselves in the Canberra market. Introducing another player that was also floundering because it had the same parent, and a player that had not been part of this market, was a mistake.

I have had disagreements with lots of people about that, but it is still my belief that giving money to Hazelton was a bad idea. I repeat: where are Hazelton now? They are not here anymore. I know they promised a lot of things, but then who would not when you are looking at the lucrative Canberra/Sydney market. That is what they were looking at, and that is all they were providing for. They were not providing for regional routes, which is what Kendell had done previously and what Kendell have the potential to do.

Mr Smyth and Mr Humphries made comments about me not having much knowledge about this, and Mr Smyth made comments about how he personally spoke to lots of people. For five years I worked for the Australian Services Union as the organiser in Canberra. I visited Ansett weekly when their call centre was based in Deakin. I visited management as well as the airport and the AIS and all the other Ansett retail centres.

I can name scores of people who worked at Ansett. I still see them, I still know their names and I still feel absolute misery at the fact that many of them do not have a job. The person I saw on Monday night when I was at a dinner—and he was partner to someone else—still does not have a job. Prior to him working with Ansett he worked with Qantas. He has worked in the aviation industry pretty much all of his life. That is what he is trained to do.

Mr Humphries is right. Every government needs to do the best it can to try to prevent job loss. I am not saying that single-handedly the former Liberal government could have saved Ansett. There is no way that that is the case. But the federal Liberal government overlooked a lot of things in allowing Air New Zealand, an airline smaller than Ansett, to purchase Ansett. Air New Zealand did not have the funds. There was no checking of whether they could do it. It was just done on a blind agreement.

Apart from the person I saw on Monday night, a very good friend of mine with many years of experience has only recently got a job. I know one person in Canberra who had bought a unit just before Ansett collapsed. I wonder what happened to that person. I know people who were working at the airport in associated industries such as cleaning and who no longer have jobs because Ansett is no longer there and because the Ansett terminal has been closed for such a long time. I am very happy to see that the terminal has now been opened for Virgin's use. It is great that Virgin now have access to the terminal and do not have to load and unload their baggage outside on the footpath.

It is of great concern to me that we still have a vacant call centre. It had been open for less than two months when Ansett went under. It was not the only call centre Ansett had just opened. I believe they had opened one in Adelaide as well, but I do not believe Mr Smyth was responsible for that one opening.

Worldwide, there is a downturn in the tourism market. This is a slump which a lot of people around the world are experiencing. I hope it is something that we can get through soon. There are a lot of lessons to be learnt from what has happened to Ansett. I hope that future governments, including my government, can learn from the mistakes that have happened with the Ansett collapse. I commend the motion to the Assembly.

Question resolved in the affirmative.

Drugs and other substances—use

MS TUCKER (6.12): I move the motion circulated in my name, which reads:

That this Assembly, recognising the need for a co-ordinated, cross-sectoral approach to understanding, reducing the incidence of, and reducing harm associated with problematic use of drugs and other substances in our community, and seeking to draw together the knowledge and experience of the community service sector (including non-drug specific services), government, and people who have experienced personally or by association problematic use of drugs and other substances, calls on the Government to, by the end of August 2002:

- (1) establish a Task Group on problematic use of drugs and other substances, modelled on the collaborative approach of the 1999-2000 Poverty Task Group;
- (2) develop the terms of reference and appropriate plans to resource for the Task Group in consultation with relevant community members and groups;
- (3) provide a progress report to the Assembly.

Mr Speaker, this motion calls for the establishment of a substance abuse taskforce. This idea first came up in June 2001 when I was chairing a meeting, in the Assembly reception room, of a number of community groups who wanted to have a discussion about the broad impact of drugs and substance abuse. That forum was called “Drugs affect all sectors of our community”. There was a good turnout of people to that meeting, which, from memory, was called by Families and Friends of Drug Law Reform. The groups represented there included the Tuggeranong Community Service and the Australian Education Union. Also present were the Director of Marymead, Sue Mickleburgh; Bishop Pat Power; Margaret Morton, from the Association of Carers; Lisa Oxman from Vision for Youth Through Knowledge and Education, which is VINE, and a public servant from City Mental Health.

The idea of a substance abuse taskforce was first thought of at that meeting. It was seen to be a very good thing that those groups had got together, even for just one meeting, to talk about the impact of substance abuse. It was also a really good indication of how widely the impact of substance abuse is felt. For example, Maureen Cane, from the Tuggeranong Community Service, basically talked about how it impacted on the work of

8 May 2002

those services. Fiona MacGregor, from the Australian Education Union, talked about the issue of substance abuse in schools—not just in terms of students who are abusing substances, but also in terms of students whose carers abuse substances.

When talking about substance abuse and the impact it has on people, we do not talk merely about the person who is, unfortunately, abusing a substance—and also we should not talk just about the crime associated with it. We need to know that every person who is abusing a substance probably has people caring for them and loving them—or they, themselves, are caring for and loving other people. There is a circle of people around every person who has these kinds of issues.

In some ways, it seems to be stating the obvious, but I think we need to remind ourselves that people do not take on this kind of self-destructive behaviour when they are feeling okay about themselves. These people are in despair of some kind. I guess that is why the community was interested in having a taskforce approach. Unfortunately, a polarised debate occurs often in this society, especially around controversial issues.

The idea of a substance abuse task force was supported by the inquiry I chaired into adolescents and young adults at risk of not achieving satisfactory educational and training outcomes. From memory, it was also a recommendation of another committee—at the moment, I cannot remember exactly which one it was—but there has been a lot of discussion about this over the last year or so.

We are well aware of media reports, just this week, on young people and drugs. Statistics are emerging on the disturbing use of a range of substances, from tobacco and alcohol consumption to use of injecting drugs.

Ironically, on the same day the article about use of substances by students was published, there was an article drawing attention to the medication of preschoolers. That is a reminder that there is a whole range of drugs and other substances which can and do cause problems, depending on their use.

The link should be made between those two phenomena. If we are seeing a growing number of preschool children being medicated, we need to be asking the question: what does it mean for children and their capacity to gain resilience and become people who can cope with life issues, if, even at preschool age, they are being medicated in some way for behaviour that is probably just childhood behaviour?

I want to make the point that we are not talking only about the use of illicit drugs. There have been, and will be again, many opportunities to specifically debate illicit drugs, law and policy—the sharps end of the issue, if you like. Whilst the task group we are proposing would consider illicit drug use, we need to see the problem more broadly. The enormous personal, family and social cost of drug law has been fairly well documented. That relates to the life of crime, driven by demand for money to feed the habit, the harm inflicted on others in the community, the corruption that comes, as a matter of course, with illicit substances, the lives wasted by imprisonment, and the tragedy for so many

people when they lose a loved one, in one way or another, to drugs and addiction. All these things we need to address.

It is facile to draw a hard line between illicit drugs and other substances. There is a complex set of issues linked to the problematic use of a wide range of drugs and other substances. There are the direct issues, such as illness, crime, depression, poor educational outcomes and family dysfunction. However, there is a range of underlying causes and ongoing consequences, such as mental illness, poverty, family violence, homelessness, racism, trauma and chronic illness that need to be factored into the equation.

The biggest challenge lies in finding ways to work across agencies and services to support people. It is not as if we are starting from the beginning. There are many effective government and community programs that deal with substance abuse. There are many well-informed committees and working parties to draw on. I expect people who work in the ACT government will have more possibilities in mind.

There have been a number of Legislative Assembly reports that would inform such a project. The Health Committee, of which I am chair, is just beginning an inquiry into the health of school-aged children. There is also a substantial body of research, and many innovative schemes around Australia and overseas, that we can draw on.

The main task is about pulling together the information as to what is going on in Canberra—who is doing what—and on building some agreement on what we can do now. Partly, it is about getting out of the limits of the purchaser/provider paradigm and thinking in terms of community development, education, employment, law and the administration of justice, health, community services and housing.

The idea implicit in this motion is a fairly open process, using the kind of staged research and analysis that was undertaken by the poverty task group which the last government—to its credit—set up. The poverty task force was successful both in the way it worked and in the results. A similar approach here would ensure some degree of mapping what is going on with people and substances, what is being done at present in and around Canberra, what kinds of links we can establish quickly, and what we can aim for.

One of the very interesting things in the poverty task group report was the potency of people's stories—for example, what growing up with so little in a world where so many people have so much, really means. Poverty is partly about exclusion, and so is mental illness. Race can be about exclusion and, sadly, beliefs are, more and more, about exclusion.

If this substance project is to work, we must include in it the stories of people's lives and the small solutions, as well as the big picture. That is why the process has to be built on negotiation. We will not manage effective social planning if it does not fundamentally involve the people it is affecting—the people involved in substance abuse and drugs—and the people dealing with those people. This substance task group would thus make

8 May 2002

a big contribution to a social plan, something to which the Labor Party has declared a commitment. If government is to put together a social plan, or at least become more coherent in its social planning, then it does need Canberra people to come along and go with the ride.

If it is going to happen in the next couple of years, then we had better get on with it now. I commend the motion to the Assembly.

MS DUNDAS (6.21): I rise to support this motion, as moved by Ms Tucker. The problem with drug addiction is one that affects many families. I would suggest most families would know someone who was affected by drug addiction, be that alcohol, tobacco, cannabis or other illegal or legal drugs.

The Australian Democrats are strong advocates for a harm minimisation approach to substance use. I believe it should be noted and remembered that harm minimisation is still the official policy of the Australian federal government, despite the current “tough on drugs stance” of our tory Prime Minister. Here in the ACT, we have generally taken a more progressive approach to drug use. The setting up of this task group may be able to provide some recommendations and find out where we can improve.

This task group will, no doubt, show that there are still people slipping through the gaps. There are gaps in our system. Community organisations have spoken to me about some of the current gaps. I will mention them now to highlight them, so they can perhaps be addressed when the task force is established.

The heroin drought that occurred last year has seen an increased use of amphetamines. Amphetamines have very different effects from heroin, and their use has more severe mental health problems, especially substance-induced psychosis.

There are also problems associated with injecting. It is true that some injecting drug users are psychologically addicted to the act of injecting, so when they are no longer heroin dependent, or if heroin is not available, they may try injecting other drugs which they are unfamiliar with, leading to an increased risk of overdose—or just a change of drugs rather than a cure.

People with dual diagnosis are continuing to have problems with inadequate integration of the relevant services. It is also true that the particular needs of women in treatment are often unmet, especially in relation to their responsibility for children and the fear of having their children taken from them.

Accommodation issues are another area that affect people with problematic drug use. There seems to be a lack of accommodation services for clients with alcohol and drug-related problems, especially for men in that state. Separate from that, whilst people are in detox centres, they are often faced with the prospect of either losing their public or private rental housing or the storage of their belongings.

Residential-based rehabilitation can take weeks or months, and the retention of housing is a very important part of that. I believe that provision of financial support for people going through rehabilitation, to enable them to recover accommodation costs, could be a helpful solution. A halfway house could be provided for those awaiting a bed in detox. These people can then be moved from the streets to places of safety.

Those, just briefly, are some of the problems and gaps that I, as a member of the Assembly, have been made aware of in the last six months, but we know of many more. The recent statistics on young people and drug use in schools should also be explored, especially around legal drugs, alcohol and cigarettes, because those statistics in themselves are quite concerning. Also, there are many young people who drink, but fail to recognise that alcohol has a major detrimental effect on their health and social wellbeing, whilst young people who smoke recognise that cigarette damage is quite harmful.

I welcome this motion from Ms Tucker. I hope the task group will be able to work through these problems and provide some very clear and strong recommendations to the government and this Assembly.

Sitting suspended from 6.25 to 8.00 pm.

MS GALLAGHER (8.00): I thank Ms Tucker for moving this motion on what remains an important area of social policy and on an imperative for government to ensure that this difficult area of government and community responsibility is treated according to the realities of drug use, addiction and abuse rather than with knee-jerk solutions.

The motion presents a measured and considered approach to the issues. It proposes a consultative and collaborative approach, which we believe not only will contribute to the empirical data resources on drug use in the ACT but will, undoubtedly, help government implement effective strategies to deal with the health concerns of individuals with drug problems and address the social costs of drug use.

It must be made a priority that statistics and personal accounts of drug use be reliably compiled so that government can support people dealing with addiction in an appropriate way and provide a system recognising the need for a harm minimisation strategy. We must also act to ensure that community safety and, most importantly, the personal safety of users is prioritised. We must focus on risk reduction and prevention. I believe that consultation of the sort proposed here will reveal that this is the most appropriate way to progress the issue.

We must also recognise the different type of abuse and differing social standing of drugs of choice. Strategies for lowering the use of tobacco and alcohol have been successful in the recent past, especially amongst young people, with a highly publicised and supportive approach. We do need to reduce the supply of harmful drugs, but we must also reduce harmful drug use. Recent policy changes at a national level to a tough-on-drugs stance

8 May 2002

highlight the need for this Assembly to provide an alternative that is free of moralism and preaching and recognises the realities.

Zero tolerance is not a policy I support; it does not work. Seizure of drug traffic has not stopped the use of drugs, and the threat of harsher penalties forces many people to hide their use from agencies rather than seek help and support. We need to bring drug use into the mainstream of health treatment. Keen observers of debates in the ACT will recognise that the government is already moving on this issue.

The Chief Minister recently linked the work of government with general practitioners dealing with opiate dependent patients. This program includes methadone provision, counselling, outreach and referral services, which all provide a constructive basis on which opiate dependants can relate with the broader community. This recognises that it should not just be families, church groups or overworked community groups who must carry the burden but society as a whole, with government as coordinator and facilitator.

We ignore the problem of drug and other substance abuse at our own risk, and we will jeopardise the lives of many Australians unless we act. The Assembly is aware of the Department of Health and Community Care's ACT secondary schools alcohol and drug survey. Its figures say a lot about the changing patterns of drug use and a decrease in the use of illicit drugs, particularly marijuana. But there are continuing patterns of abuse, which will lead to problems for users in later life.

The survey report notes that in 1999 one in four students used an inhalant—that is, a spray can, glue, paint or a thinner—which will have very serious and obvious health repercussions in later life. It is mainly a cheap alternative for younger students, who may not be aware of the long-term effects. This is clearly an unacceptable situation but, if anything, the issue of inhalant abuse demonstrates that education is not the only thing that is needed and some drug problems are not reducible to supply questions that can be dealt with realistically. We need to address the marginalisation these young people are experiencing and incorporate them into a constructive and healthy way of life.

An important first step in this process is for government to recognise drug use and abuse as primarily a health issue. I also support Ms Tucker's comments about using the knowledge and experience of the community service sector. This sector is knowledge rich. My only hesitation is that we ask too much of this group without being able to compensate them appropriately for their expertise.

We clearly need a holistic approach to the drug problem. Drug use cannot be separated from family concerns, poverty, social marginalisation or disempowerment. Everyone has a stake in this debate. Educators have an interest in ensuring that schools are vibrant places of learning where drug use is explained rationally and the problems of students are discussed and resolved and their individual stories and issues recognised. Families have an interest in ensuring that young people have the ability to integrate themselves into peer groups without undermining family relations. Drug support groups must be recognised in this debate, as they are the ones who confront the issue every day and recognise many of

the realities of drug use. And, of course, government has a very important role to play—as a leader and also a listener.

I hope this motion will allow information gained from all jurisdictions, and from international experience, to be effectively brought together to effect a caring and compassionate policy renewal for the ACT. I look forward to seeing the benefits of this engaging and cooperative approach reinforced by overseas experience. This motion addresses with maturity the reality that government alone cannot solve the drug problem.

MR SMYTH (8.06): Mr Speaker, the Liberal Party will be supporting this motion. I particularly thank Ms Tucker for recognising the success of the poverty task group set up by the previous government and the approach that it took. That approach was to get everybody into the tent, have them realise, with maturity of debate, what was wrong in our community and have them come up with positive ways of addressing those problems. The various volumes of by the poverty task group do that. They set out a model that could be used here to look at how to reduce the harm that drugs do to our society.

On both days of the mental health forum there was a call for the many different sectors to “break down the silos”—an expression often used—and start working together. For instance, somebody caught with a dual diagnosis problem who is being treated partly by drug and alcohol services and partly by mental health services needs a holistic approach if they are to be better off, play a part in society, be themselves, get rid of their drug afflictions and minimise the impact of their mental illness.

The health community says that we have to do it together, and what Ms Tucker is trying to say in her motion is that we have to do it together, otherwise it will not work as effectively as it could, and in that I agree with her. The answer to the question we have was answered in the way the poverty task group put together its reports. The positive of the poverty task group was that it looked at it as a broad problem; it looked at a city, a community. It took a variety of approaches to the various issues and brought down a number of reports, with a final report to tie it all together. That is the sort of approach I would like to see taken here.

I listened to Ms Tucker and then spoke to her about the motion, particularly the words “and other substances”. It is the other substances we often forget; they get overshadowed by the dramatic nature of illicit drugs and their effects. But it is often the other substances, as Ms Gallagher has just pointed out—things you can easily acquire in a shop or perhaps at home in the kitchen that you can sniff or use in a variety of ways—that we need to look at. More importantly, there are alcohol and tobacco issues. Alcohol and tobacco cause more deaths, put a greater impost on our health system and destroy the lives of many more Australians than they have to.

I look forward to that broad approach, but such an approach must have a broad membership. It is a big tent we are erecting here and I hope that, when the government sets up the task force, they will invite people of all views who will say, in a sign of maturity, that as a city state we can solve this problem together.

8 May 2002

It will not be easy, and it will not be short term. To fully remove or just minimise the effect on some individuals may take 20, 30 or 40 years. But we can make a start and do it together. The tent the Minister for Health sets up will have to be big and, as far as those invited to sit inside it go, very interesting. Those invited will have to show the dedication and maturity that members of the poverty task group showed, and whoever Bishop Power chooses to lead that group will have to show great stamina and leadership to bring all of us together.

It is only with a broad range of programs that we will be able to address the scourge of drugs. It does not matter where you sit on the spectrum: if you are for total abstinence, you have a role to play; and if you believe in harm minimisation or a form of legalisation—perhaps through a safe injecting place or, at the far end of the spectrum, a heroin trial—you have a role to play as well. It is only with a broad range of programs, stretching from enforcement to education and from rehabilitation to detoxification, that we will be able to come up with solutions to these problems, which have vexed many countries around the world.

Perhaps we are setting the bar too high, but I do not believe that is the case. One of the things that underlie a city like Canberra is the respect citizens normally show for one another. If we can engender that respect in the people who will form the task force, then our city will have the opportunity to again show that we are clever, caring and able to work together respecting each other's views in making sure that this happens.

We will be looking at prevention, minimisation, the reduction of blood-borne diseases, the enforcement of policing, detox, rehabilitation and how to deal with those suffering from dual diagnosis. Is new legislation what we need? We need more drug education, and we need cooperation. Some of the answers to this will be in planning, some in housing and some in the education of our young. Some of the answers lie in helping those in rehabilitation gain the life skills that will enable them to break the cycle, get back into society and participate in it at whatever level they choose. Of course, some of the answers lie in education and making sure the young are alert to what it is we do.

It is important that we look across the board, and what I heard from Ms Tucker and Ms Dundas was that everybody seems to think that we need to take a broad approach. It cannot be confined to the illicit drug argument. We must also look at the legal drugs—the alcohol, tobacco and other substances whose revenue governments are addicted to and about which governments have the opportunity to make decisions. How will they fund their budgets? What about the impact that would have on the health dollars we have to spend? The opportunity is ultimately there to make some brave decisions or meet the challenges that a task force might present to us.

But it has got to be holistic, and it has got to be across the board. All of the portfolios have a part to play in this. I remember with great pleasure a question we were asked when we were in government on needle stick injuries. The Chief Minister, Kate Carnell, thought the question was to her; I thought, as urban services minister, it was for me;

Michael Moore, as health minister, thought it was for him; and I think Bill Stefaniak made a move because, as education minister, he thought it could have been for him. We all saw that we had a role to play, and there are a couple of good examples of this in things we did in the previous government.

The first was that we commissioned Ecumenical Housing to do a review of our big flat complexes to work out what it was that made them less than desirable places to live. They gave us enormous advice—I know Mr Wood has seen the report—about how to make those places livable and how to give the residents of big flat complexes their own space and a sense of security so that they are able to live normal lives instead of, in some cases, having to live in less than successful neighbourhoods. We have started some work on that, and there is more to be done. I am sure Mr Wood will rise to the challenge.

The other example was the launch, by Mr Humphries as police minister and me as planning minister, of the designing out crime manual. This built somewhat on the work of Ecumenical Housing; it certainly fed into it. But we know so much more about creating a safe physical environment in which people can live. It is really important that Mr Corbell, as planning minister, is involved in this process. That is why I started by saying that this has got to be a big tent. Everyone should have a view and every view should be expressed, and we should be able to bring those views together respectfully and do something incredibly successful.

Mr Speaker, you will be aware that recently I held a mental health forum. The groups that came forward there spoke about some of the problems that they face. They talked about breaking down the silos, saying that someone with a mental health problem would often be afflicted with a drug and alcohol problem as well. One problem would trigger the other, and that would often lead to circumstances where they came into contact with the law. One of the people present told us she had spoken to the police about how to make it better. The police have to be involved in this. They have a view to express about how they would like to deal with these problems, and we have to listen and learn from them what it is that they need to be more successful in the jobs that they would certainly do. *(Extension of time granted.)*

One thing to come out of Operation Anchorage—and those who were arrested—was that suddenly we had some knowledge about who was perpetrating burglaries in the ACT. It was thought initially that they were all coming from interstate, but that was not true. Something like 97 per cent of them were Canberra born and bred. We had a profile of a burglar: most were young males using drugs. While 67 per cent owned up to using, the police estimated that 95 per cent were probably users.

Cabinet said, “Hang on. Here is an opportunity to bring together this information.” We asked the CEOs of Chief Minister’s, education and health and the Chief Police Officer to get together and find out what these people had to tell us—what we could learn. It actually worked very well. That is the sort of work that will have to be done by this task force on drug use when it is set up because there is knowledge there now and there is much that we can learn.

8 May 2002

I would like the membership of this task force, when it is set up, to be as broad as possible. It needs to encompass the whole spectrum of views on drug issues and the whole spectrum of views on how this city should behave. We can all make things change.

Ms Tucker raised a point about parents who abuse substances and the effect that has on their children. I have been meeting with a number of community groups, and that issue has come up in some of the after-school care programs and other programs. They say it has a substantial impact on their young ones, who are going to have problems in the future. Taking the chance to break that cycle with the early intervention that we spoke about in the context of our budget would be a very valuable outcome that I will be looking for in this area.

Another area is the reason why people get into drugs. We must look at the fundamental reasons and the impact of things—as Ms Dundas pointed out—like access to suitable accommodation or crisis accommodation when you get into trouble. In particular, we must look into services for men and some of the shortfalls there.

Mr Speaker, the opposition will be supporting this motion. It is timely, and the results that have come from the poverty task group tell me that, as a model, it can be very successful. I back up Ms Tucker's idea that it be very broad and that it look into both illicit and other substances. With that in mind, the Liberal Party will be supporting this motion.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (8.19): Mr Speaker, I am pleased that Ms Tucker has brought this motion on the issue of drug abuse and addiction to the Assembly today. As Mr Smyth has just said, we are not just talking about illicit drugs; we are also talking about the other major drugs of choice, alcohol and tobacco, and their use and misuse. Even that is a euphemism; I should say use and abuse.

Earlier this week I announced the results of a survey on the use and abuse of alcohol, tobacco and illicit drugs by secondary school students. When we reflect on the extent to which our children are associated with alcohol, tobacco and illicit substances, many of us are genuinely shocked, distressed and even frightened.

Since taking office last October, my government has been active in addressing issues relating to drugs, as everyone will be aware. In the last month or so I have written to the Prime Minister, to all the premiers and to the Chief Minister of the Northern Territory about the prospect of our developing a supervised prescription heroin trial in the ACT. It is a policy position that the Labor Party adopted and will continue to pursue.

Such a trial would be more relevant if another state or jurisdiction were prepared to partner the ACT in the trial; that is why I wrote to my interstate colleagues. It would be more legitimate and scientifically valid if more jurisdictions than just the ACT were prepared to go ahead with such a trial. I am still awaiting responses from the Prime

Minister and, indeed, all my state and territory colleagues on the prospect of a scientifically based prescription heroin trial of registered addicts in the ACT.

This government also supports a supervised place for illicit substance abusers to go when they wish to inject or ingest their substance of choice or abuse. I do not resile from the view, which I have often expressed, that we should be expansive and think laterally about the way to deal with illicit substance abuse within our community. I believe that there are very good reasons for establishing such a place in the ACT.

New South Wales have proceeded with the trial of a supervised injecting place in Sydney. The government's position on the establishment of such a place here is that we should take advantage of the outcomes of the Sydney trial before making a final decision about whether or not to proceed. We had all hoped and expected that the Sydney results would be finalised this year. The fact that New South Wales have extended the assessment of their trial by some time—it may even be up to a year—has at least caused me to stop and think. But at this stage we have done no more than that in response to that delay.

I am disappointed that the New South Wales trial will not now be concluded for a year beyond what we were anticipating, and the delay is frustrating. Nevertheless, we remain committed as a matter of principle to such a place being established in the ACT. All the signals to date coming from the New South Wales injecting place have been incredibly positive. As Mr Moore was wont to say, it would offer the best imaginable gateway for addicts of illicit substances to treatment, counselling, detoxification and simple health services in relation to their addiction and the issues that flow from being addicted to an illicit substance.

It is generally accepted that there has been a drought in the supply of heroin to Australia over the last couple of years, and to some extent that has skewed the debate, in that there have been far fewer overdose deaths than usual over the last 18 months or so. I do not have the precise figures, but I understand that the rate of ambulance call-outs for illicit drug overdoses has dropped by up to 80 per cent.

If the number of overdose deaths and the amount of heroin on the streets has declined significantly, in the minds of some that should be taken into account in our consideration of an injecting room trial. It is relevant; it is something we should take into account. But I am advised by the police and workers in the areas of drug support and drug use that matching the decline in the availability of heroin has been an increase in the supply and availability of other substances, particularly amphetamines and cocaine. These substances present users with a whole range of other matters for concern and consideration, including their health.

I believe the heroin drought will end. It is a belief I have, based on nothing other than a cynical view of the nature of humankind. I believe in the inevitability of a return to the streets of Canberra—and Australia—of significant amounts of heroin. I have been told that that is already happening. Despite that, through needle exchanges and pharmacies, we have still distributed about 700,000 needles over the last 12 months. Supply of

8 May 2002

needles to injecting drug users has dropped by about 10 per cent—which takes account of less heroin being on the streets—but, even in the face of a significant decline in the availability of heroin, we still distributed between 650,000 and 700,000 needles in the ACT—I do not have the precise numbers. So, there is still an enormous problem confronting us and for governments to deal with.

In the face of that, the government has been progressing initiatives in relation to the heroin trial and to the safe injecting place—an initiative that I reactivated after the re-energising of the legislation for a safe injecting place. The safe injecting place advisory committee has been re-formed. A number of the previous members of that committee are no longer available or have moved on, and we are in the process of appointing a number of new people to it. It has quite specific terms of reference, which it achieves under its legislation.

In discussing how to take on illicit drug and other drug use in the ACT, the government has to some extent been considering the formation of a task force. It is something that Ms Tucker has raised previously. It is a suggestion I was attracted to and indeed have acted on to the extent that I have already given notice—I do not know whether formally—to make a ministerial statement next week about the establishment of a drug task force. I will be doing that on Tuesday or Thursday next week.

The ACT government has already moved down this path. We have already developed terms of reference for the establishment of a drug task force; it is something we have been working on for some time now. I am pleased that Ms Tucker has been able to bring forward this motion. (*Extension of time granted.*) I am very pleased to acknowledge the extent to which Ms Tucker has driven the notion that the ACT develop a task force to deal—in the holistic way Mr Smyth described, using a broad community response—with drug and alcohol use and abuse in this community. I have no difficulty in accepting the motion; it reflects very much what the government is committed to. And I have no hesitation in acknowledging Ms Tucker's role in it.

A number of worrying indicators in the research available to us suggest that injecting drug users are becoming younger and younger, people are still dying every day from smoking and alcohol related diseases, hepatitis C is still the major notifiable disease in the ACT and is on the increase and amphetamine use is also on the increase. Amphetamines are insidious and more often than not generate aggression in users. The police report to me that the increased use of amphetamines has presented them with a range of problems that heroin use does not present.

We need to take account of this. The community generally applauds the heroin drought in the ACT, but that has led to increasing use of cocaine and amphetamines and to the increased injection of cocaine and amphetamines. Injecting those substances to get a certain effect, these users inject far greater amounts and far more frequently than heroin users do, who might inject only once or twice a day. Cocaine and amphetamine users sometimes inject 10 to 12 times a day, such frequent injection of those substances causing enormous physical damage. Workers in the field have told me that some users are

destroying their limbs, which become non-functional as a result of the extent and the regularity of the injections they inflict on themselves.

The police advise me that they have significant problems controlling people under the influence of amphetamines and that, more often than not, amphetamine induces aggression and activity in a user rather than passivity, a feature of the use of heroin. There is a whole range of issues that we do not talk about as much as we should.

Nearly one in five deaths in Australia is drug related. The research available to me indicates that in 1998, 22,500 Australians died from drug-related causes and 175,000 Australians were hospitalised as a result of conditions caused by harmful drug use. It is estimated by our health researchers that drug use causes at least \$18 billion worth of harm to the Australian community a year.

Of the \$18 million cost of drug abuse to the ACT community, as estimated by our health research, \$12.7 million is the result of the abuse of tobacco. There is a range of tangible and intangible costs, and they do not include the costs related to passive smoking, which American researchers estimate to be at 10 per cent of the costs of active smoking.

This may reflect my views and where I come from, but I believe there is undue attention given to illicit drug use. As I have just said, most people who die or are injured from drug use or abuse do so as a result of smoking and alcohol related diseases. In fact, for decades the three leading causes of disease and injury in Australia have been associated with smoking. Tobacco smoking is the greatest single preventable cause of premature death and disease in Australia. To put it starkly, in Australia tobacco kills more people each year than the total number of people killed by alcohol, illicit drugs, AIDS, murder, suicide, road crashes, rail crashes, air crashes, poisoning, drowning, fires, falls, lightning—

MR SPEAKER: The member's time has expired.

MR STANHOPE: I seek a very short extension, Mr Speaker. Two minutes.

MR SPEAKER: I have difficulty because the standing orders do not allow for another extension, unless there is a motion.

MR STANHOPE: I will let it go at that, Mr Speaker. It is fine with me. I have got two paragraphs to go—a beautiful rhetorical flourish—but I have made my point.

I support the motion. The task force will be implemented. The terms of reference will be announced next week, as will the formation of the task force.

MR HUMPHRIES (Leader of the Opposition) (8.35): Mr Speaker, the Liberal Party supports the motion, as members have heard. The flattering thought that we are picking the model of the poverty task group is one that compels us to see this as an appropriate way of dealing with a problem as difficult as the abuse of drugs.

8 May 2002

It is possible to approach this in a number of ways. For example, the New South Wales government, after the last state election, conducted a drug summit as its way of embarking on the process of reform or experimentation in the area of drug abuse. Having observed that process and having seen the exercise that was undertaken in the ACT between 1999 and 2000 by the poverty task group, I believe that the process outlined in this motion is infinitely more able to address the issues and problems drawn attention to by this motion than is a drug summit.

To refresh the memories of members, in March 1999 a task group was appointed at the instigation of the ACT Council of Social Service. That was followed in May 2000 by a first paper, a report of the poverty task group on community consultation. The core of this exercise was that there should be the broadest possible opportunity to seek the views of people with relevant experience and opinions on the incidence of poverty.

The task group itself was very large; it consisted of 20-25 people. That is larger than you would normally expect to be functionally effective, but in this case it worked well because an extraordinarily broad range of views and backgrounds was represented on the group. Membership changed at various points, but every appropriate attempt was made to capture a relevant view about what was going on in the community with respect to poverty.

It produced that report on the community consultation phase of the exercise in May 2000 and followed that with a number of papers that looked into other phases. Importantly, there was an empirical, scientific attempt to gather information about the incidence of poverty. That was conducted by NATSEM, the National Centre for Social and Economic Modelling at the University of Canberra. There was also a report of the results of service provider data collection. Data from a number of service providers in the ACT was incorporated and used as a basis for making assessments. That was followed, in December 2000, by a final report of the task group outlining a series of recommendations.

The government responded in April 2001, and the May 2001 budget contained a number of initiatives that were picked up directly from the recommendations of the task group. It took a long time. It took the best part of two years from go to whoa. It was a very large body, and it was quite expensive. But it met community expectation that these problems should be examined carefully, dispassionately and thoroughly, and it produced some enduring answers to the question of poverty in the ACT.

I will not pretend that an enduring answer to the question of the abuse of drugs will be easy to come by. It is a question of tremendous difficulty, as has been outlined in the debate tonight, and I do not expect any one body—no matter how well constituted and with however much time or however many resources—to get to the bottom of issues that bedevil all of Western society at the present time. But I think the approach adopted by this motion is the right one to take. It is better than the one-off, glare-of-publicity approach of the drug summit in New South Wales in 1999. It is a slow and systematic

approach, but its very lack of spectacular activity is in a sense the key to its success. There are a couple of essential conditions for this to work well.

First, it should not be seen as the repository of all knowledge on the subject or as the only way in which action can be taken. The issue of drug abuse in this community is too serious for government not to be able to make some decisions about in the meantime. I do not think that every question raised in this place or in the community about the issue of drugs should be met with the comment: "There is a task group on drugs. Wait until that comes up with an answer, and then you will see what we are going to do." Action by government is still necessary in this area because the buck stops with government.

Second, the breadth of membership typified by the poverty task group must be represented in this task group. I do not think that this body should consist of what I will kindly describe as the usual suspects. It must capture a broad range of community views. There was not as clearly delineated a group of vested interests that needed to be captured in the poverty task group. It is possible to construct a task group for this area consisting, for example, primarily of service providers or advocacy groups. I suggest that would be a mistake. The group needs to be broad enough to make sure that the community's views are represented by it. Nobody should be able to say that their view is not being heard.

Without being too prescriptive or getting too much into the personality of individuals, I would see a person like Mrs Rhonda Obad as being an appropriate person to include on this: an ordinary citizen who has become extraordinarily involved in working to fund drug resources and drug facilities in the ACT. She has done an enormous amount in this area in moving forward ideas, and I think that kind of person would be appropriate to have in a setting like this.

I emphasise again that I do not think the government can afford to let this process replace action or decision-making. It cannot afford to let this process be driven bureaucratically or by a limited number of key stakeholders or vested interests. It has to be a broad-based process, and it has to capture the community motivation for change and for improvement.

The Chief Minister made a couple of remarks that I want to respond to. He referred to the attempt he made earlier this year to activate the heroin trial, at which time he was very critical of the federal government for failing to provide support for a heroin trial. It needs to be observed that, when the call went out from the ACT government for support for this concept, it was met with as vigorously slammed a door from a number of state Labor governments as it met from the federal Liberal government. The New South Wales and Queensland governments certainly opposed it, and my recollection is that the Tasmanian and Western Australian governments did likewise—and there may have been others as well. So the lack of vision, if that is what it was, does not all belong to one area of politics in Australia.

Mr Stanhope also lamented the delay in the assessment of the New South Wales injecting place trial in relation to deciding what happens in the ACT. I also lament that fact, but my visit last week to the safe injecting place in Sydney suggested to me that there is a real

8 May 2002

question mark about how relevant the experience in Sydney will be to what happens in the ACT.

The clientele of that facility in Sydney is very different to the one that might be expected in the ACT. The dynamics will be different. (*Extension of time granted.*) The experience there is likely to be different to the ACT experience and, after discussion with the people there, I think that the relevance of this experience to a heroin trial in the ACT is very limited indeed. People I spoke to did not see their facility as being in any way related to the concept of a prescribed or regulated supply of drugs to registered addicts. They did not see the concepts working hand in hand or capable of operating from the same facility. So, I question the link that the ACT government has made between these things.

Mr Stanhope: I haven't, Gary. You misunderstand our position on this.

MR HUMPHRIES: All right, I look forward to you clarifying your position. But you have indicated that you will not proceed with an injecting place in the ACT until the New South Wales trial is over.

Mr Stanhope: That is true.

MR HUMPHRIES: I am not sure what relevance there is that means you need to wait.

Mr Stanhope: But not a heroin trial.

MR HUMPHRIES: I am pleased to hear that, Mr Stanhope, because I do not think that that should be a precondition at all for the trial proceeding in the ACT. I have said this before and I will say it again: the essential precondition within the ACT is that we ask the ACT community what it thinks about the matter. Having said that, that is the only precondition that I think ought to stand.

As I said at the outset of my remarks, I do not think that any one task group, no matter how well composed or resourced, will have the answers to these issues. They are difficult issues that have defeated much better people in other places. We need to involve the broader community in the process of discussion about these issues, and we need to have a process which is broad enough and well enough placed for us to be able to understand how communities will deal with these issues as solutions are brought forward. Of the many choices available to us I think this is the best one in the circumstances. Once again, I indicate the support of the opposition for this motion.

MS TUCKER (8.48), in reply: I would like to respond to a couple of things, particularly Mr Stanhope's response. He is saying that the government supports this motion, but he has said that he will announce next week such a task force's terms of reference. My motion asks that the terms of reference be developed with the community. There has to be community involvement and ownership of this process right from the beginning if, indeed, it is to be modelled on the poverty task group, which is what my motion calls for.

I have had some discussion with Mr Stanhope's staff, so I have a sense of the thinking of government on this, and I would like to know that Mr Stanhope will take into account what this motion is actually asking for. As I understood it—and I might have misunderstood it—the thoughts coming out of your office, Mr Stanhope, were that you already had the terms of reference, which is what you said, and also that your idea for the model was more of a top-down approach. It was not like the poverty task group model.

Because you have not specifically talked about the model tonight and have talked about the terms of reference as being ready, I am concerned that you might not really take into account this debate tonight. I hope that is not correct, because this idea originally came from a meeting of a wide range of community groups, which I talked about in my original speech. After that time there was discussion, and you came to that meeting, Mr Stanhope. I have on my notes that Jacqui Burke, Wayne Berry and Jon Stanhope were at that meeting. So you will be aware of the beginning of this idea. Pat Power spoke at that meeting as well, and he talked about the poverty task group.

A point has been made by other speakers tonight about the process of this sort of task force being almost as important as the recommendations that come out of it. It is in the nature of community development and community building to have a really broad ownership. I urge Mr Stanhope to not just pick something like a more top-down model of a ministerial advisory council—which was the original thinking, as I understood it, from his office—but to open up thinking on the exact form this task force will take, taking into account what people have said here tonight because we reflect the views of the community.

There is consensus that we need to have community ownership and really broad participation. Even if it is a bit cumbersome and messy, it is really valuable. As Paolo Freire once said, if we do not work with the people but try to do something to the people, regarding substance abuse, we will end up with what he called “alienated and alienating ‘blah’.” That is a really important consideration in anything that we do, but particularly in this issue because there is so much of the human experience in it.

Question resolved in the affirmative.

Australian War Memorial

MR SMYTH (8.52): Mr Speaker, I move:

That this Assembly in acknowledging the success of the Australian War Memorial in winning back to back the title of ‘Best Major Tourism Attraction’ in the Australian Tourism Awards, calls on the Government to:

- (1) acknowledge the success of the Australian War Memorial in twice winning Australia's most prestigious tourism award;
- (2) write on behalf of the Assembly congratulating the Australian War Memorial and in particular its staff for their efforts and success; and
- (3) hold a civic reception to honour the Australian War Memorial and to publicly thank its staff.

8 May 2002

Oddly enough, the motion grew out of a dinner and a lunch. Mr Quinlan attended the dinner. The lunch was the Trends lunch on Friday that St George put on, where we talked of tourism. Brian Kennedy, the director of the National Gallery of Australia, spoke at both meetings. He spoke with a certain sense of sadness, but also with a sense of fun and challenge. The initial speech was called “Who gives a rat’s about the arts?”

The speech last Friday was in a similar vein. Brian lamented the fact that, in Canberra, we have institutions that are Australia’s best, and yet they never receive acknowledgment. He said our sporting heroes are given—quite rightly—civic receptions and receive the adulation of the community, when we should be proud of all of them. I have to ‘fess up here and say that perhaps I, as minister for tourism, did not do enough to praise the Australian War Memorial.

Mr Speaker, the Australian War Memorial has won, back to back, the title of best major tourism attraction. That is a significant achievement. If, or when, the Brumbies win back-to-back Super 12 titles, no doubt there will be a reception. The Australian War Memorial, and what its staff have done, is comparable. Yet it has perhaps gone largely unnoticed by the Australian population in general, and by the Canberra population in particular.

It is important that we acknowledge these institutions, because Canberra is the cultural home for the icons of the nation that protect our cultural history, and the people who work in these institutions are our families and friends. They are our neighbours, and fellow residents of the ACT. The support for tourism and cultural endeavour, and the recognition beyond the field of sport that Brian Kennedy called for, is what I am responding to today.

The War Memorial is perhaps the unique building of its kind in the world. It is unique in that no other memorial, or military museum, has managed to blend both functions into one building as successfully as the staff at the Australian War Memorial have done. That is done in such a way, and with such sensitivity, that every item on display becomes, in its own way, a memorial to the endeavours of the men and women who have served us so lovingly and generously over the past 100 years.

The upgrades in the last half a dozen years, with almost \$30 million of investment in the physical structure of the War Memorial, allows the 900,000 to one million visitors a year to enjoy it even more. They are served by a staff whose dedication is recognised in these back-to-back awards, with the War Memorial being the best major tourism attraction in Australia.

I think it is important to recognise them and their particular achievements—I spoke to the minister before I moved the motion—because they have done something significant. I believe it also sends a message, beyond the praise that we give to our sporting heroes, that there are other special Canberrans. In that way, we can bolster and reinforce the work of those who work in our tourism industry—in restaurants, hotels, taxis, bars, theatres,

and cultural venues. We can tell various segments of the community that we respect and honour what they do and that, as a community, we are proud of them.

I hope that, in years to come, the whole city will turn out, as it currently does for our sporting heroes, to honour heroes in the fields of cultural activity, academic pursuit, literary pursuit, educational activity, health, scientific and artistic endeavours—our community-based heroes. There are heroes in the fields of music, volunteering, architecture, folk history, accounting and engineering. There are military heroes, peacekeepers, students who endeavour, multicultural and indigenous heroes. There are heroes at both at the national and local levels. There are a number of ways to do this.

As minister, one of the things I was able to implement was the concept of heroes walks. It should not just be sportsmen. The first one, oddly enough, will go to the Raiders and the Brumbies. That is appropriate, but I hope we have an academic walk, linking the university to the city. I hope we have a poets corner that honours our poets. I hope we end up with a walk that honours volunteers. I hope we have a walk somewhere, or a series of memorials or places or something, that will honour the planners who helped set up this wonderful city.

I assume all members have seen the street signs that honour the recipients of the Victoria Cross and the George Cross. These signs have created a huge amount of interest in those men. As to public art, Ainslie's Sheep, in Garema Place in City Walk, is incredibly important. All these are things we can do.

It is important to start with an acknowledgment of what has happened with the War Memorial. They have done it particularly well, and they have done it back to back. I wish them well in this year's awards, at the end of the year. As I said to Mr Quinlan, Brian Kennedy again pricked my conscience on Friday. I hope the government will accept this. Mr Quinlan has told me he does not have a problem with it.

The question is: what do we do? I expect the first one would be quite small. It might be appropriate, given the number of invites that may go out and the number of acceptances that may be received, for it to be confined to the reception room. We could invite Steve Gower and his staff over, and, as an Assembly, thank them. I think it would be very gracious to write to them on behalf of the Assembly. I hope the Chief Minister would sign such a letter, congratulating them. We would then hold a reception here in the Assembly, their building. We would honour them in the place where they live—in the place that represents them—so that we, as a community, can acknowledge them.

I hope that, in years to come, we have to move this out into Civic Square. I hope that, whether it be somebody who volunteers and in some way serves their community, or a student who strives and does incredibly well, we will honour them in a similar way. I hope that, as a community, we show that we can be proud of the very many facets of this city that make it so special.

8 May 2002

Mr Speaker, I am fairly confident that the Assembly will support this motion and that, in the future, as a community, we will honour those who have done well. I hope we do that as a community, with a sense of pride, and that we do it because they honour us with their achievements and their presence. We should honour them by saying that we, as a city, as a territory, are proud of them. I commend the motion to the house.

MS DUNDAS (9.00): I thank Mr Smyth for bringing the fabulous achievement of the Australian War Memorial to the attention of this Assembly. I add to this debate by reminding the Assembly of the outstanding work of not only the paid staff at the War Memorial, but also of the volunteer staff. Both paid and unpaid staff should be included when we talk about staff on this motion.

The volunteers at the War Memorial do an amazing job as tour guides. They help out in a number of different ways and play a significant role in the make-up of the War Memorial and in the achievement of winning back-to-back tourism awards. If we acknowledge the staff of the War Memorial for the great work they have done, we must remember to acknowledge the unpaid staff as well.

MR QUINLAN (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (9.02): We are quite happy to accept this motion, as amended. The War Memorial has won the award for best major tourist attraction in Australian tourism awards, in a couple of years. It has, in fact, won other awards. In 1998, in the Australian internet awards, it had the best government website. In 1999, it won a silver award in service charter awards for excellence. In 1997, Professor Peter Edwards, the War Memorial's former official historian, was awarded the Colin Roderick Award for the best Australian book of 1997—*A Nation at War*.

Visitor numbers have increased, so the War Memorial is an attraction that is assisting Canberra in its tourism thrust. It has been increasing ever since 1994-95, when the record was broken during the 50th anniversary of the Second World War. Apart from that special year, there has been steady growth in attendance at the War Memorial.

The War Memorial is one of our four major tourist attractions. As I said earlier in the day, in this place, we are building relationships with those four major attractions. We are working towards promoting visitation to Canberra, and to all attractions at all levels—so they will be bouncing off each other. We want to provide attractive packages that will offer a complete and rewarding visit to tourists who visit this town.

However, while we congratulate the Australian War Memorial on winning the big one—the gold medal—we must not overlook the CIT, our own tech. The CIT won the industry education award, for the third time. There are numerous local ACT award winners who contribute greatly to our local tourism industry. The Australian War Memorial and the CIT have received congratulations from both government and CTEC, but the recognition has not been public. It is possibly time that we did recognise them publicly.

If we do it this year, I do not know what we will do if they crack the hat-trick—whether we would go around again, or what. In my notes, I have a reminder to remember the volunteers that work there, as well as Steve Gower and his staff. They seem to be a dedicated cadre of people who enjoy what they do, so we are very happy to accept this.

There is ever the caveat. We do not want to devalue the currency in relation to receptions, so they become as much a photo opportunity for us as a recognition for the people being honoured. At a recent one—I won't say which one, and I won't say who—there was a crack made about politicians in the glow of success. People can become cynical about the process.

I believe we ought to run a tasteful reception for the people from the War Memorial. I will check when the next awards are to be run. I will then try to find out whether they are going to win it for the third time in a row. If they are not going to win it for the third time in a row, I would like to have the reception now. If they are going to win it for the third time in a row, we would like to have the reception later. Maybe we had better play it safe. I am very happy to accept the amendment, amended to an Assembly reception, which I believe is quite appropriate.

MS TUCKER (9.06): The Australian War Memorial is just that. It is a memorial to people who have died or have been injured in war. It is a memorial to the horror of war and the cost and experience of war.

In an economic sense, I guess we are lucky that the Australian War Memorial is in Canberra. It attracts many visitors, and the War Memorial team does a good job in programming and interpreting material.

I am not entirely comfortable with a motion that characterises the Australian War Memorial as a tourist enterprise and an economic generator, rather than a memorial and museum, which it fundamentally is. You could almost argue, if you followed that line of logic, that we could hope for more war and a bigger memorial to double our tourist business. I am not saying that is what Mr Smyth is aiming for with this motion. However, that is why the idea of a ticker tape parade for the War Memorial tourist award strikes me as a little odd.

MR SMYTH (9.07), in reply: Mr Speaker, in closing, this is certainly not any attempt to devalue the mission of the Australian War Memorial. They are recognised for success in their mission to educate the Australian public, and other visitors, to what has happened so that, hopefully, it will never happen again. Their great success is in portraying the human side, the actual cost and the real sacrifice.

Ms Tucker: Well that is not what the motion says.

MR SMYTH: But that is what they do, whether they be paid staff or volunteers. My motion is implicit that it is all staff. I did not see the need to discriminate in that way.

8 May 2002

They meet their charter in achieving the message that they give in celebrating that part of our culture. They are educating people about that part of our culture, which is very important. It would certainly not be moved in this way with any disrespect for what they do. It is an acknowledgment of the most amazing way that both the paid and volunteer staff carry out the work that they do. That is what is being recognised.

With that, I accept the support of the Assembly and look forward to the reception to honour these men and women who tell the tremendous story of what has gone before, so that we might not repeat that folly in the future.

Question resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Darcy Scollen benefit night

MR SMYTH: (9.09): Mr Speaker, the next time somebody tells you that Canberra has no heart or soul, I want you to refer them to the Darcy Scollen benefit night that was held at the Southern Cross Club last night.

Darcy Scollen is the 12-month-old son of Allan Scollen, who died in February this year in a car accident. He played first grade rugby for Royals. I wish I could bottle what happened last night. The community got together without much todo, without much publicity, and raised many tens of thousands of dollars to support this family.

Allan is survived by his wife, Bec, and 12-month-old Darcy. Bec is pregnant with their second child, who is due in June. I am proud to say that a group of Canberrans put on the most amazing night that you would ever have the honour to attend. The group included John Scollen, Anne Scollen, Sue Scollen, Michelle Smyth and her husband Damien—who happens to be my brother, of whom I am immensely proud—Bill Salter from Royals, Clayton Brown, Graham Boddington, Dougal Whitten, Brian Rosiak, Brendan Jones, Peter Quinn, the auction team and many others. They wanted to help a family in need, and they achieved that.

Companies like Boral—a good corporate citizen—flew Gordon Bray down and put him up for the night. Gordon brought his mate Norman May. A character called Dick Thornett, who some would remember from the 1960s, also came. He played rugby league and water polo for Australia. We had Carl Bruten, Mal Meninga, Justin Harrison from the Brumbies and Cameron Plither from the Brumbies. Marty Haynes did the auction, Phil Lynch did the MC-ing, Jeff Diddier did some of the MC-ing, and what they wanted to do was put in place a memory of their friend Wally.

Wally was a Marist boy—Allan was called Wally by his mates. He was part of the 1988 Invincibles—the team that won the premier school boys rugby union competition, the Waratah Shield. They scored 941 points and conceded only 78 points in an incredible season which saw them undefeated. Wally represented the ACT, South Australia and the Northern Territory in rugby and played a large amount of his rugby career in the first grade at Royals.

One of the items that were up for auction was a Marist rugby union jumper with a picture of the 1988 Invincibles. I do not know who came up with the idea, but somebody suggested we tax all the old Marist boys there \$20 each. We raised enough money to purchase this jumper and donate it back to the school as a permanent reminder of Wally. The Marist tax, as it was called, raised \$1,720. Of the 400 people crammed into that room, there were about 100 Marist boys.

It was the spirit, the heart and the character—it was what people wanted to do and the generosity with which they gave—which made the night a success. People who helped support it—it is important that these people are recognised—were the Sydney Theatre Company, the Canberra Theatre, Coca-Cola, Corporate Express, Channel 7 in Sydney, Roma's Restaurant at Pearce, Frisco Furniture, Mark Casey Electrical, the Hyatt, Mezzalira, G & R Electrical, the Brassey and the ACT Brumbies.

The corporate sponsors were impressive as well. At the head of that list, as you would often see, was Peter Head and the Southern Cross Club, West's Rugby Union Club, Royals Rugby Union, Tuggeranong Vikings Rugby Union, Matt Power and his family at Melwood Furniture, Tooheys, Boral, Ron Molloy of South Corp Wines, Crowne Plaza, Canberra, Mark Casey Electrical, Trophy Link, Bovis Lend Lease, Unique Sports Memorabilia, Legends Memorabilia, Ryleho Moulding and Timber, Ainslie Football Club and Canberra Trophies.

There were a number of tables organised by the different clubs and there were also 75 items put up for auction, whether by public auction or silent auction. These were donated by a range of individuals and companies.

So there was a tremendous effort to remember a mate and look after his family. To my mind, that tremendous effort says that, if anyone ever doubts that Canberra has a heart or soul, or says charity is not alive and well in this city, they should hear about the Darcy Scollen benefit night, when 420 Canberrans came together and did an incredible thing. I think they all went home feeling very proud of themselves. As a city, we should be proud of them and the way that they have looked after one of our families.

Death of Mr David Smyth

MR HARGREAVES (9.14): Mr Speaker, I want to rise in this place to pay tribute to a friend of mine, David Smyth, who died tragically, recently. I am sure Mr Smyth would know David, and his wife Melissa—and they have a couple of kids. David died very tragically recently. That will be subject to other issues later down the track.

8 May 2002

I recall David when he worked for the *Valley View*, in the days when the *Valley View* was the only rival for the *Canberra Times* in this town. I thought that publication truly reflected what was going on in the Tuggeranong Valley. David Smyth was a reporter and photographer for that paper. Through his work, he was able to represent what was going on in the valley—I thought particularly well. In my view, he was a man of incredible integrity. Not once did I hear him say anything ill of anybody. He will be sadly missed. My heart, and I am sure the Assembly's heart, goes out to his family. He was only a young fellow—in his early 40s—and he was tragically taken from us.

David's family are going to have a pretty rough time surviving his passing. I would like the record to show that this Assembly appreciates the sorts of things that David Smyth did in representing the valley in the print media, without fear or favour. I would like to say how sad I was to hear of his passing.

Commonwealth Parliamentary Association

MS TUCKER (9.16): I want to make a brief statement to further a discussion that occurred in the adjournment debate last night. Mr Cornwell made a statement or asked a question—I am still not quite sure what it was, but I had not been given notice of it—regarding my position on the Commonwealth Parliamentary Association Executive Committee. I did respond at the time, but have given it further consideration. For the record, I need to make quite clear for members, if they are not clear already, the exact nature of that position.

Mr Cornwell wanted to know if I would report to the ACT branch of the CPA. As to my position on the CPA, you are probably aware of this, but it needs to be clarified. I am there as the regional representative. I am not there representing the ACT Legislative Assembly branch alone, I am representing the region. There are three representatives for the Australian region. My role is to represent all the branches. The rules and by-laws for the Australian region stipulate that, in representing the interests of the regions, the regional representative shall maintain close liaison with the branches of the region and consult with the branches of the region, keeping them informed of developments within the association and carrying out responsibilities in accordance with the by-laws. The by-laws stipulate certain specific responsibilities of regional representatives in liaising with branches of the region. I wanted to raise that to clarify my role.

I will be reporting to all branches of the Australian region, as well as reporting to the region's management committee in July. That reporting-back could include the ACT branch. I hope this has clarified my role for members.

Question resolved in the affirmative.

The Assembly adjourned at 9.18 pm.