



**DEBATES**  
OF THE  
LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

12 November 2002

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

### **Bali—terrorist bombings**

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

That the Assembly expresses its profound sorrow at the devastating loss of life from the terrorist bombings in Bali, and tenders its heartfelt sympathy and condolences to the families and friends of the victims, and to all those touched by this senseless tragedy.

Mr Speaker, like all Australians I experienced a range of emotions on hearing about the terrorist attack on Bali. Shock, anger, futility, grief. And heartbreak—heartbreak that so many innocent Australians could be killed as they enjoyed themselves while on holiday, like so many Australians had done before them. This terrible event is an atrocity Australians will remember as amongst the saddest chapters of our nation's history.

I cannot begin to imagine what the families of the victims are going through but I can tell them they are not alone in their grief. On behalf of myself, this Assembly and the people of the ACT, I would like to express my deepest and most sincere condolences to everyone. The horrible truth is that there are too many victims to mention here—not only Australians but Balinese, Britons and others.

Mr Speaker, stories of immense sadness have emerged in the aftermath of the attack on Bali: stories of lives cut short; stories of sons and daughters lost, and children orphaned. But there have also been remarkable stories of heroism and dedication to helping others. The tragedy in Bali has reminded us of Australia's untiring strength in times of diversity, our compassion and our unwavering commitment to mateship.

I am thinking of people such as Hannabeth Luke, who ran back into the blaze to help others escape, even though she had been injured herself. Mr Speaker, it is true that the Bali tragedy has changed us; it has changed our perception of the world and our place in it. But I hope it does not change us too much.

The *Australian* recently published a cartoon by Peter Nicholson, which showed two Australian travellers removing the flags from their backpacks, which they had displayed to make sure that no-one mistook them for Americans. Mr Speaker, displaying the Australian flag is a common practice among backpackers. Behind it, I think, is the assumption that we Australians are well liked wherever we go. Peter Nicholson's cartoon was a sad reflection on the state of affairs in the world today. But the hateful actions of a few terrorists will never change our essential character.

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Australians are admired for a great many characteristics, including our sense of humour, our irreverence and our willingness to stand up for what we believe is right. We are also admired for our tenacity, our refusal to give up. The Australian people will never be cowered by terrorism. But we must not forget that we live in dangerous and unpredictable times, and we cannot ignore the possibility of further attacks on Australians, or on Australia itself.

In Bali, Australians lost sons, daughters, fathers, mothers, sisters, brothers, husbands and wives. We lost friends, colleagues and team-mates. And we lost our sense of security, which had already been shaken as a result of the terrorist attacks on America last year. Clearly, we can no longer imagine that terrorism is a distant threat, or one that doesn't relate to Australia.

We must do what we can to eliminate the root causes of terrorism, which will require us to attempt more deeply to understand its causes and the basis of the hatred it generates; to work for peace so that families have no need to grieve. Also, we must not let this threat change who we are, and what makes us Australian. By this, I mean characteristics such as those I mentioned earlier—our sense of humour, irreverence and willingness to stand up for what we believe in.

But I am also referring to our tolerance. Mr Speaker, it would be a tragedy of immense proportions if we allowed the perpetrators of the outrage in Bali to sow the seeds of intolerance in Australia. The Canberra community has a well-deserved reputation for tolerance. In fact, we do more than just tolerate diversity: we actively encourage and celebrate it. In the aftermath of the attack on Bali our reputation for tolerance has been maintained. I urge the Canberra community to do what it can to put all our members at ease, and to continue our remarkable tradition of tolerance.

Just as we are united in our love of this country, we are united in grief for those who were lost or injured. Mr Speaker, I know that my words will do little to console those who lost loved ones in Bali but I hope that the families in Australia, Indonesia and other countries can take some comfort in the knowledge that the Assembly and the people of the ACT share their grief and mourn their loss.

**MR HUMPHRIES** (Leader of the Opposition): The opposition wishes to be associated with the sentiments of the Chief Minister's motion, which conveys a feeling of anger as well as remorse and condolence to victims of this outrage.

What happened in Kuta in Indonesia on 12 October, one month ago today, was an act of outrage. In the words of the Prime Minister, it was "evil and wicked". The indiscriminate attacks on Indonesians, Australians and so many other visitors to Indonesia's holiday playground brought immediate worldwide condemnation against those responsible for this act of terror and those individuals and groups who sympathise with such an action.

The final number of Australians that were killed is unfortunately not yet conclusively known. While the terrible job of identification continues with scientific precision, we do know that almost 90 were killed and close to 150 were injured, many very seriously.

As of today, there are a confirmed 62 Australians dead and serious concerns are held for a further 27. Only in the last couple of days two other young Australians have lost their lives, I understand as a result of serious burns. It is the nature of burns, of course, that a person may linger for days or weeks before succumbing to their injuries.

In total, Indonesian officials estimate that some 180 people were killed in the attack. It is obvious, at least to our imaginations I suppose, that bombs in closely packed public places are terrible implements of destruction. The aim of terrorists employing these tactics is to wreak not just death and destruction on those being targeted but also to create maximum havoc through the injuring and maiming of other victims.

The devastation caused by this awful act of terrorism has been enormous. There are hundreds of permanently injured people, both locals and visitors, in addition to those killed and, of course, there is also the economic devastation to the local and Indonesian economies that will be felt for years to come. The names Sari Club and Paddy's will be etched in the Australian psyche.

I know that there are members of this place who have been to Indonesia—indeed, who have been to Indonesia only in the last few months, particularly to Kuta Beach. I think the memories of those members will be forever marred by the horror and sadness of what subsequently took place in that beautiful setting. Kuta Beach is or was the playground of many young Australians and the nightclubs that were targeted by the terrorists were packed with young visitors from around the world—Canadians, New Zealanders, British and American citizens and, of course, many Balinese.

Mr Speaker, the Chief Minister spoke about mateship, and that indeed is a very important quality, Australian characteristic, to be talking about in the context of this motion. On 12 October Australians were hit hard by the act of persons as yet unknown, but the quality of Australian mateship was much in evidence in the aftermath of those explosions. Australians who did not know particular individuals in the crowd were quick to render assistance. People who themselves were seriously injured went back into the scene of devastation to render assistance to those more seriously injured.

Australians from all over Bali congregated at the site of the explosions to render assistance and, of course, Australian defence forces and others were mobilised quickly to come to the assistance of those who were injured or dying.

One might imagine that that quality of mateship was the kind of Australian essence which was being targeted by this explosion. We don't know with certainty who laid this terrible trap but we can only assume they intended to send some kind of signal or warning to the Australian people, the Australian government perhaps, and in doing so they no doubt intended to shatter or affect the confidence of Australians as a community. I think that the actions of those who rose to the occasion in Bali, and in Australia subsequently, demonstrate that most essential of Australian characteristics—a sense of compassion for each other, which has not been dented or affected by this terrible accident.

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The contribution of air force personnel, who mobilised very quickly, the medical fraternity, emergency services in Denpasar, Indonesian and other officials is, I think, quite exemplary, and we should be very grateful for the compassion shown in those circumstances.

Obviously, the innocence of Australia has, to some extent, been affected by this. We talk about global community, we talk about globalisation: it seems to be making the world more immediately responsive to each of its components. Of course, that also means the lunatic fringe of our world is not very far away. In the 21st century our sense of isolation, whether you believe it is imposed or facilitated, is under threat. The tyranny of distance, which we believed for so long cocooned, isolated or insulated Australia, is waning. We are no longer safe simply because we are far away from the supposed trouble spots of other parts of the world.

Canberrans must be aware of their own vulnerability in this changed landscape. If Australian nationals could be a target, so too could Australia itself. It is not making too fine a point to observe that many of the nation's institutions and monuments reside within this city's boundaries; embassies hosting our friends and neighbours are within our suburbs; the nation's security and defence agencies all have their headquarters here in the Australian Capital Territory. Many of our local community work in these environs and we must remain aware and mindful of our position.

Greater vigilance is obviously required and I am sure that message is not lost on Australians. But I think, above all, we must retain a sense of who we are and what kind of community we are today; that we must retain a sense of not having lost that part of us which perhaps would have been targeted in those explosions a month ago. In that sense, Mr Speaker, we have a task ahead of us to respond to this tragedy with dignity and intelligence, and that remains, perhaps, the greatest task facing us as a community today.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): I would like to add my own personal condolences. I think there are two levels of personal reaction. On one level there is the immediate: "What if it was one of my family? What if it was one of my kids?" Let me say that I have a son who has played football and travelled with his mates. I have had some personal relationship not only with families who have lost a loved one but with groups, communities, from which a number of young people have lost their lives.

But on another level, it is difficult to imagine the depth of grief. An event like this where there is loss of life brings immense grief to families. But even worse is a situation where the family member can't be found or hasn't been identified. So compounding the grief is that nagging thought that maybe, just maybe, my particular son, brother, daughter is still alive and maybe we will discover that. There is a personal need for the matter to be closed, for those families to know for certain that they have lost a loved one. I don't think there can be any greater grief than that, to having not only the loss but not knowing precisely what happened to the individual.

I recall that some years ago one of the programs in a Phillip Adams TV series was devoted to the subject of death. He spoke about how numbers as well as proximity of death combined to impact upon us; that a death in the family has a marked impact but

that it takes several deaths in a neighbourhood to have possibly something like the same impact.

This particular event has impacted upon us all because somehow we can relate to those families. The benefit and the curse of modern communications has allowed that situation to be put right in our laps. I am afraid that I fell into watching virtually every report, every television show, that related to the Bali event, to the point that I became quite depressed. I have to say my good partner, Margaret, said, "I think you've watched enough." I don't know how much is enough to really appreciate the event, to appreciate particularly the consequences of this event.

As Mr Humphries pointed out, it is an event that took place very close to our own shores, and that does give cause to reflect upon degrees of removal between ourselves and these events. Just to exemplify that, there are quite a number of Canberrans directly involved in the aftermath of this event. There were AFP officers on leave from Timor in Bali at the time. We now have AFP officers involved in the investigation of the event. There are something in the order of 50 or so people involved in the disaster victim identification team, a job which must be one of the most harrowing that anybody could be called upon to undertake.

In Canberra, hundreds of officers of the Department of Foreign Affairs and Trade volunteered immediately to staff the department's crisis and call centres. Similarly, social workers and customer service officers at Centrelink staffed the agency's call centre to assist distressed people calling for help.

One of the victims was treated at Canberra Hospital. Thirty people from the Department of Defence have travelled to Bali, including medical personnel, chaplains, investigators and psychologists. Canberrans generally have given generously to the Red Cross appeal in support of Bali.

I, like many people, grapple with the concept of terrorism and fail to understand it completely. I do share the concern for the future and for the position we find ourselves in where we now accept that it is distinctly possible for an horrendous act of terrorism to occur on Australian shores and in our city.

I take some encouragement from the reassurances of the moderate Muslims who have condemned terrorism in the name of Islam, and I do hope that in the future they are the ones that prevail. I hope that the world does learn some lessons from what has happened in the last 13 to 14 months. I hope that we can learn to work much harder to achieve a tolerant world—a world in which it is possible for people to believe that they have a future—and that the world will work collectively for the overall benefit of humankind.

**MR STEFANIAK:** I, too, was immensely shocked and saddened by the dreadful events in Bali. There was a great loss of life—I think in excess of 180 people, probably over half of whom will be Australian; and to date 59 Australians have been confirmed as having been killed. I actually knew one of the deceased, and I will come to that in a minute. It is an event that has touched so many people in Australia. It has shown, as a couple of other speakers have said today, just how vulnerable we are. It could happen here.

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It was a senseless, a brutal, a cowardly and an evil event caused by thoroughly evil people. I was heartened by the wonderful courage shown by people on the spot, by the many Australians, many of them wounded, who went back to look for friends, or indeed anyone they could assist. I should also mention the efforts of the local Balinese, the wonderful efforts of people throughout Australia, especially our defence force personnel, the Australian Federal Police, and others who responded so quickly.

Mr Speaker, I think this is one of the saddest events to affect Australia for many, many years. The ceremony at Parliament House, which many of us went to, really brought that home to me. That ceremony was attended by a large number of ordinary Australians from every walk of life. I can recall some of the faces very vividly, some of whom had been in the news as victims.

One of the victims was the son of a family from Queensland—the father, who I think was an Australian, his wife of Indonesian extraction, and two of their sons. Their loss exemplifies the wasted promise of so many young Australians who lost their lives in Bali. Their son was a member of an expatriate rugby team that was visiting Bali.

Ordinary Australians from all walks of life gathered at the ceremony and although the hopes and dreams of so many families were shattered by this event, one could appreciate the great courage that was shown.

I knew a victim of the bombing. I was very sad to hear that Ben Roberts, a fellow I coached briefly at the University Rugby Club, died recently as a result of his injuries. Ben, who was aged 28, died last Thursday afternoon, 25 days after he was evacuated from Bali and admitted to the intensive care unit of a hospital in Singapore. He had burns to 40 per cent of his body. His parents, Alan and Janet, and his partner of seven years whom he lived with in Indonesia, Carolyn Chan, were at his side when he died, as they had been for the better part of three weeks. The week before Ben's death, his father had stepped down as CEO of Lihir Gold to be with him.

Ben Roberts and Carolyn Chan had lived in Jakarta for the past year. He worked as the operations manager for a medical assistance company called International SOS. He had been in Bali for the Bali Tens rugby tournament, and he was competing with team-mates from the Jakarta-based International Sports Club of Indonesia. They were right at the blast zone—I think they were just going into the club when the blast occurred. Six of them now have died.

It is understood that Ben helped save an Australian woman as he escaped from the club, and that just epitomises the efforts of so many people, many of whom were also injured. Ben's team captain, Peter Amat, said, and I read from the *Herald Sun*:

Despite a broken elbow, broken collarbone, fractured skull and 40 per cent burns, he dragged an Australian girl out of the club and we think he saved her life. He was airlifted to Singapore and underwent extensive skin grafts but passed away yesterday in hospital with his family by his side.

Ben played with University for a number of seasons in the mid to late-1990s. He played in the middle grades while he was undertaking his degree at John XXIII College. I think his courage and his spirit epitomise that of so many people who were involved in this tragedy at Bali.

I saw in the audience at the ceremony at Parliament House—and I won't give his full name because I am not quite sure if he would want me to; I will just refer to him as Tony—a good friend of mine who I must assume lost a loved one in Bali. He lives in Canberra and I hope to see him soon, but he was there grieving with his wife.

I spoke to another young man who was also very courageous—another young footballer I coached at university who was with Peter Cosgrove and is now a sergeant with the 1st Royal Australian Regiment. He, too, was injured at Bali, thankfully not too badly. According to General Cosgrove, this young bloke, who is of course pretty modest, did a wonderful job, too, in going in to assist people who had been hurt very badly.

Mr Speaker, I think Mr Quinlan made some very good points. Evil cannot be allowed to prevail and the perpetrators of these horrible crimes must be brought to justice. Good people cannot stand still. I share with Mr Quinlan the hope that the large number of moderate Muslims throughout the world, who are shocked by this event, will give help and support to each other to ensure that we are forever vigilant against acts by evil people who really don't care whom they kill, and whom you literally can't reason with.

This tragedy has brought out so much courage and so much goodness in so many people that I think there is significant hope. But we cannot, as Mr Humphries said, let down our guard. We do have to be vigilant. We do also, though, have to give as much help, assistance and encouragement as we can to other decent people in decent countries throughout the world.

Together with other members, I send my condolences to all of the families affected and I certainly hope we don't see an event like this again.

**MS DUNDAS:** One month ago a terrible crime was committed in Bali, and our thoughts today must be with those who are personally touched by this tragedy. On behalf of the ACT Democrats, I offer our sincere condolences to the many Australians who have been directly affected—those who have lost loved ones and those who have suffered and may never experience closure as friends and family remain unaccounted for.

We recognise that in those Bali clubs there were people from all over this country, from Indonesia, and from many other countries around our globe. We will remember these people. We will remember them not only as victims of a vicious indiscriminate attack that occurred without any warning, but as they were: loved members of their families, sons and daughters, partners and parents; many with their team-mates celebrating sporting successes—all of them having fun.

One eulogy reported in the Sydney papers spoke of a mate who died as he loved to live—surrounded by girls and with a beer in his hand. His mates, in mourning his death, also sought to celebrate his life. Many of the victims were young, and all were innocents. Our thoughts and our hearts go out to them and their loved ones. I hope that the authorities are able to bring those responsible to justice, and are doing whatever is just and right that will help prevent such terrible crimes from occurring in the future.

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As has been said before in other times of great tragedy, we must ensure that any legislative powers we have, and all our wisdom and will, are used to prevent another such massacre. But we must not be fuelled by revenge. A cycle of ongoing violence will not bring an end to the terror and it will not lead us to peace. As the saying goes, “An eye for an eye makes the world go blind.”

Yesterday, 11 November, we commemorated Remembrance Day and acknowledged the many who lost their lives in previous wars, those who had made the ultimate sacrifice. Lest we forget the horrors of war, let us now build for peace.

**MS TUCKER:** I also rise in support of this condolence motion for the victims of the bombing in Bali. Condolence motions in most instances are about celebrating a life. But as much as we may wish to celebrate the lives of the many victims of this appalling act, more than anything we deplore their loss and our hearts go out to friends and relatives.

It is of particular concern when young people lose their lives—people in their prime with so much ahead of them who are horribly killed or injured simply for being in what turns out to be the wrong place at the wrong time. I think the detailed media coverage of the Australian victims, who could so easily have been us or our children, or people we know, has brought that home to us. That this attack was perpetrated at Kuta Beach, an Aussie playground in the very Aussie-friendly Bali, has obviously shaken us all.

Australia’s first response to this event was right: to support as best we could the injured and the families of the deceased. Secondly, it has been to assist the Indonesian authorities in bringing the perpetrators to justice. I believe the next stages and how we manage them have more profound implications.

There is an ongoing campaign of terrorism around the world that we need to deal with but our response has to be more sophisticated than simply initiating a “war on terrorism” by attempting to destroy, first, the Taliban regime in Afghanistan and some of its al-Qaeda partners and then, as seems likely, Saddam Hussein in Iraq. We need to commit to an alternative path to peace and security, both globally and in our own societies.

In whatever actions we take as communities and as nations, we need to articulate a real commitment to a fairer and more hopeful world for everyone—in the first world, the third world, this whole one planet. Clearly those of us who have the most to consume, the most control and the most to lose, have to lead this process, no matter what our losses. Despite the horrific nature of the bomb attack in Bali, we cannot in Australia deny that people in the less affluent and less developed world have suffered and continue to suffer on a scale that is usually impossible to comprehend from our standpoint, and who are in a much more difficult position to lead such change.

This condolence motion is not the occasion to debate in detail what needs to be done. There are, however, some general principles that we can adopt and encourage others to adopt immediately. In the first place, there is the danger that this event and its aftermath will damage the relatively harmonious social fabric that we are so proud of in Australia. In the last few weeks we have seen images of Indonesian families being aggressively raided by ASIO and police. Our political leaders have failed to properly engage with the Muslim community leaders in Australia on this action, let alone question the need for such violent intervention.

Clearly, our security forces need to take any threat seriously, but at the same time they and their masters must continue to show respect and understanding for everyone in our community to ensure as much as possible that a collaborative effort is made to address terrorism. More than ever now, we must remain on our guard to ensure that the action of our defence and security forces and legislation pursued by government cannot be used to divide our community on racial, political or religious grounds.

Clearly, there is a problem with the linking of “terrorist” with “Islam” time and time again. It is perceived by many peace-loving Muslims as an unjustified accusation against them and it creates a division between Muslim and non-Muslims, thus reinforcing an environment in which terrorism can flourish.

Terrorism is terrorism, and has been so when conducted by Jews, Catholics, agnostics, Maoists and so on. Rather than using language that emphasises differences, we must look to affirm our common humanity on all fronts. A few days ago in Mongolia the Dalai Lama made the point that the onus is on all religious leaders to accept that there is room for all religions and non-religions in the world. A similar statement was made by Melbourne’s Islamic Council, and I trust other religious leaders of all faiths and denominations will join in.

If anything positive is to come out of the terrible tragedy of the Bali attack and the pain and suffering it has caused, it can only be that we must unite both in our opposition to terrorism and our commitment to a more equitable and inclusive world—inside Australia, with our near neighbours in Asia and the Pacific, and as active contributors to the global community.

**MR SMYTH:** Mr Speaker, I also rise to offer my sympathies and condolences to the families of the victims of the Kuta Beach bombing. I think we need to look as a nation, as a community and personally at how it has affected us and at how we can respond appropriately to address the root causes of what I regard as the worst sort of premeditated action.

To bomb a building full of people who are enjoying themselves, who are on holiday, who are simply earning a living, and to drive them out into the street where a second bomb is exploded to cause even more damage, is an action that all sane people would say is insane. There is no logic, there is no reason.

The sense of loss is heightened by the illogical nature of what was done. I think what we need to do as a nation is come out of this with a sense of unity. We have to make sure that what has been done to the people of Bali and to all the visitors, which included such a large number of Australians, will not change us for the worse, that it will not turn us into a nation of rednecks or a nation of reactionaries. It will hopefully turn us into a nation that will look at what it is that we can do to make this evil go away.

I think as a community we have come out of this strengthened. I think the response that we saw from individual communities and groups clearly is that we will not accept this as the norm, that this is not going to become part of the Australian landscape and it is not going to become part of our future.

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I should draw attention to the response at the personal level, whether it be the nurses and the doctors and the Red Cross workers who assisted, whether it be the AFP officers, the DIMA officers, the DFAT officers who went to Bali straight away. I think the fact that people immediately put up their hands and said, "I will go," says that we are responding to this sense of loss. Perhaps we can address that sense of loss by acknowledging the individual heroism that Mr Stefaniak spoke of where some of the victims said, "I don't accept what you have done to me and mine, but I will respond appropriately by helping those who are injured."

If we as a community say that out of the sense of loss we will gain the sense of purpose mentioned by the Chief Minister that says, "Yes, we will protect ourselves but beyond that we will reach out, we will assist, we will address the root causes and we won't lose our sense of generosity, our humour, our sense of adventure," then we will win. If we change for the worse then they will have affected our behaviour, but if we rise to the challenge, change for the better and work out what is going wrong and what we need to do, then we as a nation, we as a community and we as individuals will triumph.

The work of groups like the AFP and the Australian defence forces in the immediate days after the event is worthy of recognition. Mick Keelty, the Commissioner of the AFP, was there almost immediately. Ben McDevitt has been coordinating activities. To all those men, women of the defence forces who flew, who served, who offered comfort and succour, I would say thank you on behalf of all of the people of the ACT.

A lot has been said about what happened at Kuta Beach. The words that we heard from the Prime Minister, Mr Howard, our Deputy Prime Minister, Mr Anderson, and the Leader of the Opposition, Mr Crean, at the national day of mourning were good words and appropriate words. I think if people listen to the sentiment in those words, they will gain something from them.

The words spoken by Bishop Tom Frane, who I think is the Anglican bishop of the defence forces, about not letting what happened change you for the worse are the most powerful words that we have heard since that sad event. He dealt with this tragedy in a powerful way by incorporating all religions into the ceremony—whether by way of giving speeches, lighting candles or saying prayers—so that we could speak as a nation, without discrimination, without segregation.

I would like people to think about the ordinary people of Bali. The Balinese are renowned for their friendliness, their courtesy and their gentleness. The eye of the world is on Indonesia through Bali. I think that what they have lost is particularly sad. If we as a community want to frame a response, I think it is really important to consider how we react with the Balinese.

I think most of us have received an invitation to a function tomorrow night at Madew's winery at Lake George. A group of citizens have reacted really well by running this benefit night, the proceeds of which will go to the Denpasar hospital. If anybody would like more information about this function or hasn't received an invite, I would be happy to hand on the details. Unfortunately for us as MLAs, the function is set down for 6 pm tomorrow evening, which makes it a bit awkward. But something constructive is being done by the community. I think it is very important to fund a hospital which has served

us and also the people of Bali very well, and which will continue to serve all those who visit Bali in the future.

Ms Tucker made some comments about recognising the role played in the community by the Muslim people. I have had a fairly long relationship with some members of the Muslim community in the ACT and I say to those who are currently building the Muslim cultural centre down at Monash, "You are very welcome. The people of Tuggeranong welcome you; the people of Canberra welcome you. You have a right to be here, you have a place here. I think what you bring to us is wonderful and what you share with us is wonderful." I think as a community we need to make sure that we embrace and respect all faiths, all religions, all the beliefs of individuals. People deserve that basic fundamental right of respect.

I thank the Assembly for the opportunity to speak today. I think it is important that we speak about this and we do not forget because if we forget, it will occur again.

**MRS CROSS:** Over recent years we have seen in our near region a resurgence of extremist fanaticism in savage ethnic and religious attacks that have killed thousands of people, most recently in Ambon and in central Sulawesi. Yet to many Australians these horrors have had little direct impact, if any, and that is, to a degree, understandable. But last month the shock waves from the Bali atrocity struck with a sickening thud on our souls, bringing the reality of our times onto centre stage.

That relatively happy corner of the world known so well to so many Australians was plunged into sadness, as we here were as we tried to comprehend the scale and the senselessness of the searing, split-second snuffing out of so many vibrant lives, and the depth of hatred that motivated it. The sheer shock of such mass murder has changed our corner of the world, no doubt for some time to come, and maybe forever.

For weeks we have mourned those who died, and those who were closest to them will mourn them for the rest of their days. Today we have been given the opportunity to make our own small expression of grief. Let us keep alive the memory of what was done to them, so that it can help us to maintain the focus that will be necessary in our efforts to prevent a similar tragedy in the future. May we remember them always, and may their souls rest in peace.

**MRS DUNNE:** Mr Speaker, a little over a year ago as we took a family holiday in Bali we spent some time thinking about the prospects of terrorists attacks following September 11. We concluded that the risks were negligible. While in Bali I remember meeting an American family who were based in Singapore, and their assessment was like ours: that in Bali the threat of monkey bites or motorbike accidents was much greater than the threat of Muslim extremists. Well, sadly we were both wrong, but we were in pretty good company. What we have learnt is that there is a risk and it has brought home to us that there always will be a risk.

Today members have dwelt on the tragedy of the Bali bombings: the lives lost; the cowardly attack on young people who were just enjoying themselves; the terrorism brought to our back yard; the impact on the peaceful and charming Balinese who were killed by the score and many more who have lost their livelihoods as a result of the bombing.

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Today I want to ask what this great tragedy means for our future. Will Australia be the same after the Bali bombings? As is often the case, the answer is yes and no. I agree with the Prime Minister when he said at Kuta that young Australians will still travel and will still seek adventure. Young Australians will still undertake that rite of passage journey that is part of the Australian life. As parents, though, we will just worry a bit more as we wave our children off on the plane.

But young people whose idea of a successful holiday is something that involves whitewater rafting, bungee jumping and the running of the bulls, will not be put off by the slight increased risk of terrorist attack. The indomitable Australian spirit will survive. And we saw that same spirit in the aftermath of Bali, in everything from the mobilisation of medical emergency teams to the thousands of people who did what they could by donating a pint of their blood, or the simple act of national solidarity by wearing a sprig of wattle.

Was it our indomitable spirit that also made us a target? At this time it is not entirely clear whether the attacks were targeted at Australia or at the West in general. It is perhaps unfortunate that after such a terrible event the immediate reaction is to come up with a one-line reason for why it happened. Many of those one-liners have attributed these actions to Australia's association with the US, and there have been calls for us to disassociate ourselves from US policy in relation to Iraq, to terrorism in general—to just generally dissociate ourselves from the United States.

I am strongly of the view that Australia's interests, as well as our moral duty, lie in continuing a strong, though not unquestioning, alliance with the US. While we may have many important differences, we have a common heritage, and in general their values—freedom, democracy, justice and the rule of law—are our values.

It therefore follows that the enemies of those values will not only be the enemies of the United States but the enemies of all those who espouse those values. There is little in reality that we can do to avoid this: to avoid being a target of terrorism would involve abandoning not only the US but others such as the East Timorese. Even if we were to abandon our obligations as a privileged member of the international community in defence of the disadvantaged in countries such as Zimbabwe and Cambodia and in refugee camps in Kurdistan and Pakistan, it would be by no means certain that we would be free of the threat of terrorism.

Even if we were to cease to promote our values in the international community and retire into isolationism, our mere practising of those values at home, our domestic approach to civil and human rights which brands us as a free Western society, would make us a threat to others and leave us open to attack from those who repudiate such values.

Beyond the question of whether isolationism would reduce our exposure in the short term, however, is a more alarming prospect. If we were to change our foreign and domestic policies in response to a terrorist attack in the direction in which we imagine the perpetrators would want us to move, then we would be saying to these and all other terrorists, "This is an effective way to change Australia's mind. You act and we'll react."

Our indomitable Australian spirit means that we will not take the path of moral cowardice and the dishonour of acquiescence. It is obvious to most Australians that, far from reducing our exposure to future terrorist attacks, such a path has the potential to make us a much larger and softer target.

Australia will not cease to be a home and a safe haven for people from all over the world because of the attacks of September 11, 2001 and October 12, 2002. Australia's robust tolerance will continue to be an example to all. We will continue to foster our multicultural society as an example of co-existence and tolerance, because we know that al-Qaeda and Jemaah Islamiyah stands in the same relationship to mainstream Islam as the IRA to mainstream Christianity. We know that there are groups whose tactics are clearly contrary to the traditional teachings they purport to uphold and are not supported by the vast majority of the supporters of those creeds who have made Australia their home.

But things will change, Mr Speaker. We will have to be on our guard. There will be that extra bit of caution; there will be extra anxiety as our children travel. There will be changed security measures. But be warned: Australians will not tolerate ostentatious or excessive infringements of their civil rights, especially if it is only for cosmetic purposes. But whatever changes, Mr Speaker, we know that we will always be able to draw on the indomitable Australian spirit.

**MR PRATT:** Mr Speaker, I rise to commemorate the death of so many innocent people in Bali. In doing so, I join in the grieving with their families. I would like to make the point that I think the families of the Bali victims would expect the Australian community to grieve along with them and to commemorate the victims, their own loved ones.

The families would also expect us not to confuse this great and tragic loss by talking about what this disaster means for the security and well-being of our nation, and the freedoms and security of democratic nations around the world. The families of the Bali victims and the majority of the Australian public would not expect us, in remembering the victims here today, to raise issues of an international political nature as the primary issue of discussion.

Mr Speaker, given my close ties with the Australian Muslim community, I would like to point out that the great majority of Australian Muslims also abhor what occurred in Bali.

Let us here today commemorate the deaths of these brave young Australians, people from other countries and their Balinese friends and reflect seriously on our preparedness to minimise such future threats. Let us not gnash our teeth about the alleged reasons for terrorism. Let us here today remember those who were the victims of an abomination.

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

### **Statement by member**

**MRS CROSS:** Mr Speaker, I seek leave to make a brief statement relating to my status in this Assembly.

Leave granted.

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**MRS CROSS:** Mr Speaker, from 27 September 2002, I take my place in this Assembly as an Independent.

### **Privileges—Select Committee Alteration to reporting date**

**MS TUCKER (11.23):** I seek leave to move a motion to alter the reporting date of the Select Committee on Privileges.

Leave granted.

**MS TUCKER:** I move:

That the resolution of the Assembly of 6 June 2002, as amended on 20 August 2002, concerning the establishment of the Select Committee on Privileges be amended by omitting “by 12 November 2002” and substituting “by 14 November 2002”.

Question resolved in the affirmative.

### **Planning and Environment—Standing Committee Alteration to reporting date**

**MRS DUNNE (11.24):** Mr Speaker, I seek leave to move a motion to alter the reporting date of the Standing Committee on Planning and Environment inquiry into the Planning and Land Bill 2002.

Leave granted.

**MRS DUNNE:** I move:

That the resolution of the Assembly of 22 August 2002, as amended on 26 September 2002, concerning the inquiry into the Planning and Land Bill 2002 and the Planning and Land (Consequential Amendments) Bill 2002 be amended by omitting “by 12 November 2002” and substituting “by 19 November 2002”.

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.25): Mr Speaker, the government will not be supporting this motion today. As I understand it, the committee has not resolved to agree to seek an extension of its reporting date. It is with a great deal of frustration that I say to the Assembly that this inquiry was agreed to by all parties in the Assembly, on the clear understanding that there would be a tight but workable timeframe.

I originally proposed a reporting date of 5 November. Mrs Dunne, with the agreement of Ms Dundas, approached me and indicated that she and Ms Dundas wanted an additional week—until 12 November. The government agreed to that change to the reporting date. I made it very clear at the time that we believed that was adequate time for the legislation to be considered by the Standing Committee on Planning and Environment.

Mr Speaker, as I understand it, the reason for this delay is that Ms Dundas was away for a large part of the inquiry. Ms Dundas knew she would be away when she agreed to the reporting date for the inquiry. I do not believe it is acceptable for this legislation to be delayed to such an extent. It is over 12 months into the term of this government and this legislation will not now be passed, or even debated by this place, despite it having been introduced in the middle of this year. I do not believe this approach is an acceptable one by the majority of members on the Planning and Environment Committee.

We have made clear the government's willingness to cooperate at every point in the conduct of this inquiry. Officers of Planning and Land Management and I have met the committee. We have been available to answer all the questions of the committee, and provided all the supplementary information the committee has required.

The government has provided a range of other information that would not normally be made available in the course of this sort of inquiry. For example, we have made available copies of—or information pertaining to—the regulations that will be made under this legislation, if it is passed. That is not normally done prior to legislation being passed, but the government has been open and up-front in providing all of that information.

There is no justification for members to come back to this Assembly now, after this legislation was tabled in May this year, and say that they need more time. The legislation has been on the table for at least four months, and the committee has had it for close to two months. The crossbench members and the Liberal Party agreed to the reporting date at the time, cognisant of the constraints on time. This is nothing more than an attempt to delay the government's response to the committee's report and therefore delay the Assembly's consideration of this important legislation.

Mr Speaker, I believe this is unacceptable. Members were cognisant of the constraints on time when they agreed to the reporting date. What has changed? The reality is that nothing has changed, and there is no argument to extend the reporting date beyond the end of this week.

**MR HUMPHRIES** (Leader of the Opposition) (11.29): Mr Speaker, I rise to support the motion moved by the chair of the committee. I do not know what the issues or problems have been on the Planning and Environment Committee which have led to this request for a further week, but, as a rule, this Assembly has been agreeable to accept the recommendations made by committees for such extensions. It is my recollection that, throughout the life of the previous government, there were very often requests made for extensions of this kind.

**Mr Wood:** When the committee has kept to its side of the bargain.

**MR HUMPHRIES:** When a committee is appointed and terms of reference are set for an inquiry, it generally sets a reporting date. If you like, there is a bargain when that reporting date is set. I can recall that situation on a number of occasions. I do not have the examples with me, but I am sure I could find them pretty readily. There are plenty of examples in the last Assembly where extensions of time were sought. Bargains were not done on those occasions but the committees, for whatever reason, have sought further time.

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Mr Speaker, we are talking here about the space of one week—seven days. The committee apparently is close to a report. It is close to the point of being able to say, “We can tell the Assembly what we think about this matter which has been referred to us.” Yet the government appears to be reluctant to provide just seven days.

There is another factor in this matter which I think is worth putting on the table—and I am happy for the minister, or one of the ministers, to correct me if I am wrong about this. I understand the government’s original timetable was to have this legislation in place and operating by 1 January 2003. I further understand—again I am happy to be corrected—that the government has now deferred that start date from 1 January to 1 July 2003, a whole further six months.

That decision to defer the start of the legislation has been made subsequent to the referral of this matter to the Planning and Environment Committee. If the Planning and Environment Committee has had that quite significant change in circumstances—

**Mr Wood:** He will not agree to that.

**MR HUMPHRIES:** I know he will not agree. I can see that he will not agree.

**Mr Wood:** Your facts are wrong.

**MR HUMPHRIES:** I am happy to be corrected on those facts.

**Mr Wood:** Time is up!

**MR HUMPHRIES:** If the government still intends to have the legislation in place by 1 January 2003, then obviously it is looking at a tight timetable, but I would still urge the government to consider whether one further week makes that much difference.

If the government intends to put the legislation in place by 1 January, I see no reason why it cannot be debated in the December sitting—a month from now. It could be debated in the December sitting. We could have a debate in light of the facts.

It is clearly the case that the committee is not ready to report today. If the Assembly requires the committee to report today, there will not be a report. So what does the Assembly propose to do—have no report from the committee? That would be dangerous, I would suggest. For whatever reason, the committee has thought fit to make this recommendation to the Assembly. I cannot see any compelling reason why it cannot be allowed to report next Tuesday, as it has requested.

**MRS DUNNE (11.33),** in reply: As nobody else wants to speak, I will close the debate. Mr Corbell stands in high dudgeon, making claims that the end of civilisation is about to come upon us, and that this motion is without consultation with the committee. It was clearly discussed in the committee on Friday, and discussed with committee members yesterday.

The aim of this motion is to provide some leeway to the committee. In discussion with the secretary, I asked him to draft it in these terms—that we extend the reporting date until next week.

On the other hand, we have the full and valiant hope that we will in fact be able to report before that date. It was a matter of convenience—if we did not manage to report by Thursday, we did not have to come in here with yet another motion. However, Mr Corbell stands there in his haughty way saying, “This piece of legislation has been with us since May.” That is not the case, Mr Speaker. This package of legislation has been revealed to this Assembly, and to the people of the ACT, like a belly-dancer doing the dance of the seven veils.

In May we got the substantive stuff, and at the end of September, we got about an inch and a half of consequential amendments. This was not widely publicised in the community. When members of the community started to make submissions to the committee, they were unaware of the existence of the consequential amendments. In addition to that, we received an exposure draft of what the appeals process might look like. By the way, here is a piece of paper that will tell you what we think we might put in the recommendations!

Mr Corbell said in this place that it is unprecedented for a government to be required to provide the level of detail that they have provided. I have told the minister—in this place, and in the committee, on a number of occasions and I will recite the litany—of the things that were done by previous governments. When there were substantial legislative changes, this Assembly received, as a whole package on the one day, all the legislation, all the consequential amendments, all the codes of practice and all the regulations.

This was the case when we established the environment protection legislation. The same thing applied with the utilities bill. This is not unprecedented. It has been extremely difficult, in a tight timeframe—admittedly with members overseas—to contemplate the quantity and breadth of this legislation, when it has come in dribs and drabs not only to the committee but to the members of the community who wish to comment on this. They have been forced to come back with supplementary submissions on the stuff that was revealed later in the process.

Mr Speaker, this is why we are seeking an amendment to the reporting date of one week, at a maximum—and you will probably get it on Thursday—so that the report can fully represent the views of the community and the committee. We are working towards having a harmonious report which clearly reflects and discusses, in an adult way, the problems, drawbacks and strengths of this bill, and this package of legislation. If the minister insists on having it today, he will have a dog’s breakfast—he will not have a report.

**MS GALLAGHER:** Mr Speaker, I seek leave to speak, and to move an amendment to the motion moved by Mrs Dunne, regarding the reporting date of the Planning and Environment Committee.

**MR SPEAKER:** This process is a little untidy, because the debate has been closed.

**Mr Humphries:** We have not been told about this. She cannot move that motion.

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**MR SPEAKER:** Order, Mr Humphries! If leave is granted, then I trust we will have a further request for leave to discuss whatever is going to be put before the place. I trust also that the Assembly will be kind to those people who might seek leave to further discuss these matters—and may even be so kind as to let Mrs Dunne close the debate again, if she so wishes.

Leave granted.

**MS GALLAGHER:** I move the following amendment to delete 19 November as the reporting date and replace it with 14 November 2002:

Omit “19 November 2002”, substitute “14 November 2002”.

I would like to add that 19 November was not even discussed with either of the other members of the committee.

**MR SPEAKER:** Ms Gallagher, while you are speaking to the motion, would you care to circulate something relating to that effect?

**MS GALLAGHER:** Yes, I will. That is all I wanted to say.

**MS DUNDAS:** I will be supporting Ms Gallagher’s amendment.

**MR SPEAKER:** You are going to have to seek leave as well.

**MS DUNDAS:** I seek leave to speak to Ms Gallagher’s amendment.

Leave granted.

**MS DUNDAS:** Mr Speaker, I will be supporting the move for 14 November as the reporting date for this report. The minister has made some claims about the timeframe required for this report. There were lots of hold-ups in the writing of this report. A number of those related to delays in information coming from the government about this legislation, consequential amendments and information relating to the Administrative Appeals Tribunal. That has made the entire process more drawn out than it should have been.

This short extension of time would allow the report to be fully considered and fully documented. It would allow this Assembly to have more information for the debate on what is a complete rewrite of the planning and land legislation in the ACT.

**MRS DUNNE:** I seek leave to speak to the amendment.

**MR SPEAKER:** Rather than go through the process each time, I take it that leave has been granted for a repeat performance. I take it you are speaking to the amendment.

**MRS DUNNE:** I am speaking to the amendment, thank you, Mr Speaker. I reluctantly support the amendment. The proposal for the current wording—which was discussed on a number of occasions—was basically to provide for the case that, if we do not manage to report by Thursday, we do not have to come in here and do it again. We had a clear

intention of attempting to report by Thursday, anyhow. If people's egos need to have an amendment, we will support it.

Amendment agreed to.

Motion, as amended, agreed to.

## **Legal Affairs—Standing Committee Scrutiny Report No 20 of 2002**

**MR STEFANIAK:** I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee):—Scrutiny Report No 20, dated 11 November, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK:** Mr Speaker, Scrutiny Report No 20 contains the committee's comments on five bills, 15 pieces of subordinate legislation, and two government responses. The report was tabled out of session to give the government time to address some of the issues raised.

Specifically, the committee would like the government to look very closely at the points we have raised in relation to the Criminal Code bill. There are some significant points there. Indeed, on a number of issues, I think there would be some significant changes to the law, which may be controversial. I think the government needs to take a good hard look at that. I would impress upon them the need to respond to our concerns in this regard.

I commend the report to the Assembly.

## **Workers Compensation Supplementation Fund Amendment Bill 2002**

Debate resumed from 9 August 2002, on motion by **Mr Corbell:**

That this bill be agreed to in principle.

Motion (by **Mr Pratt**) put:

That the debate be adjourned.

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The Assembly voted—

Ayes, 8

Noes, 7

Mr Cornwell  
Mrs Cross  
Ms Dundas  
Mrs Dunne  
Mr Humphries

Mr Pratt  
Mr Smyth  
Ms Tucker

Mr Berry  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms MacDonald

Mr Stanhope  
Mr Wood

Question so resolved in the affirmative.

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

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.50): Mr Speaker, I am at a loss to understand why we are now having to consider this proposal. The Workers Compensation (Supplementation Fund) Amendment Bill is a relatively straightforward piece of legislation.

As members would be aware, there is currently a safety net provision. If a private insurer goes bust, there is a safety net—through a surcharge being levied on all insurance companies—to meet the costs of workers compensation of the failed insurer.

The legislation currently provides only for the surcharge to be levied in one hit at the beginning of the financial year. This bill allows for the payments to be made progressively, across the year, rather than requiring insurers to pay the full amount at the beginning of the financial year.

I am at a loss to understand why the Assembly is not prepared to debate—and presumably support—the legislation at this stage. This legislation lessens the immediate impost on insurers and on the people in business who pay their premiums, by saying, “You do not have to pay it all in one hit, you can pay it across the year.” That is what this legislation is all about.

It is important to note that, at this time, there is no surcharge in place in the ACT. However, there is always the potential for a surcharge to be required, if it is shown that, as a result of the failure of an insurance company, funds need to be raised to meet the costs of workers compensation claims.

Mr Speaker, the government is obviously keen to see this legislation passed, because it provides for an administratively less complex solution if a surcharge ever needs to be put in place.

The government will be bringing this legislation back on, as a matter of urgency, so we can see the legislation passed, and business in the ACT having a more effective, timely and less costly way of paying the surcharge, should one ever have to be imposed.

**MR PRATT** (11.52): Mr Speaker, the reason I sought the adjournment was that, whilst we think there is some merit in the government's legislation, clearly there are major concerns held by the major stakeholders in the ACT business community. They are still working through those concerns. They have not been able to see the detail of the government's proposal. I think it is fair that we do work right through these issues, and tease them through completely, before we bring this debate on. To that end, we seek the adjournment.

We will be happy to look at the positives of the government's legislation, but there are a number of issues we need to get to the bottom of first—and that is what we intend to do. We seek an adjournment and we will be happy to speak on this issue at the next opportunity.

**MS TUCKER** (11.53): I rise to say that I also do not know why the requirement for an adjournment has been put by Mr Pratt. I supported it because he tells me there are very serious concerns about the legislation, which I had not picked up. I am concerned that he cannot get up and tell us what those concerns are now, and that he did not talk to me and other members much before this morning. It is simply an issue of process in this place.

I am prepared to support an adjournment if there is a good reason for it. However, I would like a little more notice than one minute. Mr Pratt needs to prepare himself better and give us some arguments.

I am supporting the adjournment. However, I will support the government bringing this back on as soon as possible—unless there are some arguments presented by Mr Pratt.

**MR HARGREAVES** (11.54): Mr Speaker, I have seen many stunts pulled in this place over the time I have been here, most of which are usually accompanied by some sort of apology. I have not seen any apology for pulling this stunt today. It struck me as pretty ordinary behaviour to say, "Right, we are going to adjourn this, and we will tell you later." That was pre-empting the possibility that the government might say, "Okay then—we can do a deal. We will leave it until Thursday." Then it would have been okay. Nobody would have got upset about it—nobody would have had any angst about it.

We now have the word of the opposition that there is something really serious about it—but we have no idea what. Ms Tucker is absolutely right. It is just common courtesy to say, "Well look, hello—we've got these difficulties. How about we just leave it—even if we leave it until Thursday? How about we do that?"

This is supposed to be a place of debate, and all that sort of thing, but we also get accused of being a kindergarten parliament—a sandpit parliament. One of the ways in which we can stop being a sandpit parliament is to start having a little more respect for each other and say, "Okay then. I will extend to you the common courtesies that I would expect to be extended to us."

Never in my time in this place, in about 5½ years, have I heard someone say, "We will adjourn it"—just like that. We have usually had some inkling that there is concern. We have usually had some inkling about what it is that disturbs the other side or—in the case of the last Assembly—the crossbench, but not this time. It has come straight out of the blue.

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It smells very similarly to the previous one. We are all ready to go; we are ready to debate these things. No! It is not good enough! I think their behaviour is absolutely deplorable, Mr Speaker, and I seek the Assembly's support for Mr Corbell.

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations): Mr Speaker, with the indulgence of members, I seek leave to speak again.

Leave granted.

**MR CORBELL**: I thank members. I will be brief.

I think it is important to draw to members' attention that this legislation was introduced some months ago. What has been Mr Pratt's activity since that time? Presumably he has been diligently researching away and focusing on the issues, talking to stakeholders and so on.

I have just been advised that Mr Pratt rang the Canberra Business Council this morning, to ask if they had any views on the bill. That was this morning—the day the bill was scheduled for debate. On the basis of their advice, he has now sought, and successfully achieved, an adjournment in this place. This legislation has been on the table for at least two months. Mr Pratt decided he had better ring the stakeholders this morning to find out what is going on.

Mr Speaker, this is important legislation. It is legislation the business community in Canberra is calling for, because it removes the necessity to pay lump sum supplementation in one hit. When does the shadow minister get around to doing any work on it? The morning the bill is scheduled for debate.

Quite frankly, this legislation deserves better than we have got from Mr Pratt. The government will bring the legislation back on, as a matter of urgency.

Question resolved in the affirmative.

Debate adjourned to the next sitting.

**Sitting suspended from 11.58 am to 2.30 pm.**

## **Questions without notice**

### **Credit rating**

**MR HUMPHRIES**: My question is to the Treasurer. I refer to a media release issued by the Standard and Poors credit rating agency in February this year, which you were trumpeting at the time. The release said:

Standard and Poors expects that the new Stanhope Labor Government will adopt a prudent set of fiscal goals and that its first budget will be fiscally conservative. Any further deterioration in the territory's finances is, therefore, unlikely.

That, of course, was your press release, not Standard and Poors’.

I understand that Standard and Poors is threatening to reduce the territory’s credit rating as a result of the prospect of the socialisation of land development in the ACT. As it is, under the present plans you are projecting a deficit of \$20.6 million for 2003-04, due largely to the costs of establishing socialised land development in the ACT.

Can you confirm, Treasurer, whether Standard and Poors has advised you that it will be reassessing the ACT’s credit rating in light of the proposed introduction of socialised land development? Has Treasury thoroughly reviewed the business model of socialised land development in light of the scepticism Standard and Poors has expressed?

**MR QUINLAN:** We have certainly had information from Standard and Poors—they review everybody’s credit rating every year—and they have expressed some concern. My intention is to meet with them because they tend to use those ABS statistics. As far as I am concerned, it is their choice and they can continue to do so, but they are just concerned about the cash bottom line, in spite of the fact that virtually all governments have now switched to accrual accounting and the fact that the previous Liberal government had espoused the virtues of accrual accounting. They will focus strictly on the cash bottom line, I think.

It may be a difficult task, but it behoves us to meet them and try to find some common ground. The view they are taking is a somewhat distorted view—that is, if you believe in accrual accounting. If you do not think accrual accounting is a true reflection of the bottom line, then maybe you will agree with what Standard and Poors are doing. But they tend to just say, “Let’s look at it now; let’s look at the cash position.” The government is concerned about that, and we will have to take that into account.

I have said before in this place that a AAA rating is to be desired. Of course, it is not much good if you have a AAA rating and you do not borrow anything—it doesn’t serve you much. But it is a common measurement of relative economies. Some states are AAA minus, I think, like South Australia and Western Australia.

But it is a measure of concern. It is a matter that the government will have to talk through with Standard and Poors. It is a crazy situation that some mob called Standard and Poors can have that much influence, particularly given the process that they use. But they have got their standards, and we do face a problem there.

You used the term “socialisation of land development”. Our intention here is to make sure that the people of Canberra benefit from land development. You and I both know individuals in this town who have, in a very short space of time, become very wealthy people. Ostentatious residences are rising up, as I speak. With better management, a lot of that money might have gone to benefit all the citizens of Canberra.

I do not think that the amounts of money that have been made out of land development over the last seven or eight years in Canberra are all attributable to the lean, mean, hungry approach the private sector uses, versus the so-called sloppy and wasteful approach of the public sector.

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A lot of money out of land development in the ACT should have accrued to benefit the people of the ACT—who I believe were the owners of that land—and has not. That is also of major concern to the government.

**MR HUMPHRIES:** I have a supplementary question. Minister, given the possibility of borrowing on the part of the ACT government, either in general or for the land development project itself, what contingencies do you believe will need to be built into the higher cost of borrowing that may result from a downgrading of the territory's credit rating?

**MR QUINLAN:** The budget that we brought down, even though it incorporated those numbers at the base of your question, did not involve borrowing to support those. If you look at the total unencumbered cash in that budget, you will find that there is still a positive line. Don't hold me to this; I do not wish to mislead the house. But I think I recall something in excess of \$130-140 million unencumbered cash in the outyears at the end of the forward estimates for the budget.

The closest we may come to borrowing—let's be frank; there is some debate about definitions these days as the world gets more sophisticated—is the public-private partnerships that governments might involve themselves in. I think the same mob, Standard and Poors, have made some comment that this is an area that bears further discussion and that a public-private partnership for the construction of some assets may be nothing more than borrowing.

If you build a tollway, Standard and Poors will say that that is okay and is not borrowing. If you build a form of public asset that isn't revenue generating, Standard and Poors might, on the other hand, say, "We think that should be classified as borrowing."

The grey area will be something like a jail. If, using a public-private partnership, we constructed a jail for, say, \$50 million, as an extension of the remand centre that is intended, that partnership would not be revenue generating but would certainly be cost saving. It would immediately start to reduce the cash that flows out of the territory to pay New South Wales for harbouring our prisoners—and, I might add, harbouring New South Wales criminals who come down here, are caught down here and are sent back to be incarcerated in New South Wales.

There is evolution in the thinking, and the last writings of Standard and Poors that I read, which was fairly recently, reflect that they were still mulling over trying to find some black-and-white definitions for that. Again, that is a point of concern for all of us.

If at least the economics are right, both sides of the house want a correctional facility in the ACT. At the same time, that may also have far more impact upon our rating than the mere suspension for one year of cash flow from land.

What the budget reflects in terms of the land development—because there is a lead lag between when the developments commence and when the money flows from developed block sales, rather than bulk sale—is that there will be one trough in the revenue that otherwise flows from land.

I hope that it is within the sense of Standard and Poors that we can actually talk this through, come to some mutual understanding and ensure that the ACT protects its AAA rating for what it actually serves as rather than as a report card.

### **Achievements of government**

**MR HARGREAVES:** My question is to the Chief Minister. Today is the first anniversary of the election by the Assembly of the Chief Minister, and a fabulous year it was too! Can the Chief Minister tell the Assembly on this auspicious day what his government has achieved for the people of Canberra in the first 12 months?

**Mr Cornwell:** No wonder you're on crutches!

**MR HARGREAVES:** I don't need them for my mouth, Mr Cornwell.

**MR STANHOPE:** Thank you very much, Mr Hargreaves. It certainly is an auspicious day, a day that marks the transition for the territory to a Labor government after seven years of waste, mismanagement, gloss and glitz and no substance, hoopla and stunts and wearing funny hats. And we see the funny hats return today. What a sense of *deja vu* we had seeing the Leader of the Opposition out in his funny hat today. It really took us back.

It is worth reflecting on the promises that were made before the election just over 12 months ago. What I promised in that campaign was a government committed to openness, honesty and inclusiveness. In place of the waste and mismanagement and fiasco, I promised well-thought-out programs drawn from policies developed in broad consultation with the community, programs designed to achieve two aims, which were closely related.

The first was to take forward our vision of Canberra as a strong, confident and prosperous community, asserting its place in the country, and in doing that take a great step towards achieving our second aim—namely, to help Canberrans realise their aspirations. That is what we promised 12 months ago, and it is worth reflecting on what we achieved. What have we achieved in our first year?

We achieved record funding for education. We turned the \$27 million free bus scheme, that electoral bribe, into deliverables. We turned it into educational outputs and outcomes—\$27 million more invested in education in the ACT. We achieved it straight out, and what a magnificent achievement that is for the people of Canberra, an achievement that goes directly to the aspirations and hopes this community has for its most valuable asset, its children—an asset that we are prepared to nurture and invest in.

We provided record funding for health to undo the damage that was done by seven years of Liberal government, seven years of missed opportunity, seven years of missed recognition of the vital priorities in health. What do we arrive at at the end of the day? What did we inherit?

The Gallop report sums up seven years of Liberal mismanagement and seven years of refusing to acknowledge what the priorities of this community are. That is what we inherited. It was there within a month of our arriving in office in the Gallop report,

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a detailed, 500-page litany of failure by the Liberal Party—failure to support and failure to acknowledge the most disadvantaged in this community.

We responded to that well. We responded to it in a measured way, as we do with all the business of government. We have implemented the recommendations of the Gallop report. We created a new department of disability. We invested an additional \$10.3 million in disability services.

These are concrete, hard and fast achievements. There is an additional \$10.3 million invested in disability services, to address the needs of the most disadvantaged in this community. We have provided significant additional funds for respite care and mental health.

We discover, after seven years of Liberal government, that on national comparisons the ACT is 17½ per cent worse off in per capita expenditure on mental health than any other jurisdiction in Australia. This is the commitment those opposite had to health and to people who are disadvantaged—people who have a right to full participation in this community.

We are in the process, as we promised, of completely rejigging the way planning is undertaken and looked at in this territory. It is the first major overhaul of planning. We have a determination to address the conflict and division that were a feature of the previous government's attitude to and management of planning. As much as anything, we want to overcome the division, we want to create certainty and we want to meet the aspirations of the people of Canberra in relation to this city—that is, the things that they want of this city.

If you go out and talk to the people of Canberra, they will tell you time and again what they love about Canberra, and at the heart of that is the bush capital—the cityscape, the suburban amenity, the look of the place, the feel of the place. That is why people come here; that is why they stay here; that is why they want to maintain and retain the things they love about Canberra.

The Leader of the Opposition has given us a great opportunity to detail the hundreds of other commitments that we have met, the other things that we have done and the many promises and commitments that will make a great difference to life in this community. I could go through them.

The Leader of the Opposition, if he is pressed—acknowledging and recognising this auspicious day—today will run through a list of things that he claims have gone begging. This is the extent to which the Leader of the Opposition has got his finger on the pulse; he lists as one of our major failings: “Hospital waiting lists continue to increase.”

Well, they do not. The latest numbers we have are for September. There is a significant decline in September in the waiting lists. We do not use the word “why” in here, but the first sin in the Leader of the Opposition's list of sins that we have committed is: “Hospital waiting lists continue to increase.” They did not; it is false. But then we are not surprised at that. They dropped.

“There is no more money for additional public housing.” Is it your recollection, minister for housing, that there was no money for housing in the budget?

**Mr Wood:** Kate won't allow that to be said.

**MR STANHOPE:** That's right. There is \$10 million for a safety upgrade, to start with. The fact is that you never addressed safety issues in public housing.

**Mr Wood:** \$16 million over two years.

**MR STANHOPE:** Just \$16 million over two years. The leader opposite said, “No money.” Falsehood No 2.

“Nurses still fuming.” We claim to have solved the nurses dispute. Can anybody forget what relations within the Canberra Hospital were like when we took over 12 months ago? Are memories that short? Have you blotted out of your memory the mess you made at the Canberra Hospital, particularly your relationships with the nurses?

The people of Gungahlin can only cross their fingers. They are crossing their fingers that you will stop interfering in the construction of the Gungahlin Drive and that you will stop conniving with your federal colleagues to ensure that the road does not go ahead.

That is what they are hoping. They are hoping that you will show a little bit of support for them and that you will stop conniving in the stopping of that road. You have achieved your purpose now. You've got the NCA out there deciding, with Wilson Tuckey at the helm. Wilson Tuckey will now decide where the Gungahlin Drive extension goes.

The supporters of the dragway are still waiting. This is a classic example of a promise we did not make which all of a sudden has become a promise. I see the *Canberra Times* running the lie again today. A very good letter from Mr Quinlan a week or two ago made it quite clear that there was no promise. This is the promise we broke that we never made—a good sort of promise, that.

**Mr Cornwell:** On a point of order, Mr Speaker: the 2001 ACT election commitments say, “We will limit ministers' answers to questions to five minutes.” Is this another one of your successes, Chief Minister?

**MR SPEAKER:** It is not a point of order, and you know it is not.

**MR STANHOPE:** So we look forward to the *Canberra Times* addressing that note. If you tell a falsehood often enough, it becomes a truth. I do not know who it was that established that principle of public life, but I am looking to the *Canberra Times* to do something about it.

Whilst I am concentrating on the media, I will also comment on Chris Uhlmann's amazing little editorial this morning about how you measure the work of an assembly or parliament. Now the ABC is berating us about our work levels. It is not just the government; he is berating this place about its work levels, on that infallible measure of output and work—namely, the number of bills presented.

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I might just say to the ABC that, while they have doubled the number of their staff and the amount of money that goes into the place down there on Northbourne Avenue, their ratings have dropped by 5 per cent. If Chris is looking for measures of how hard people are working based on output or outcome, I think he and the old breakfast show had better have a look at their ratings and the resources that are going there, and we will have a debate about how you measure—

**Mr Smyth:** Temper!

**MR STANHOPE:** It is actually addressed at you. I don't think it was addressed at the government; I think it was addressed at the opposition. You have shown that you could not work in an iron lung.

That is the reason you are now advertising far and wide for candidates. "Serve your community," the Liberal Party begs. The Liberal Party is looking for dynamic Canberrans to run as endorsed parliamentary candidates.

There are some selection criteria if you want to be a Liberal candidate. "You need to show demonstrated team work." Mrs Cross, I do not wish to address you directly, but perhaps you could address us on how one demonstrates team work in the Liberal Party these days. It is perhaps something the Leader of the Opposition could tell us about. In order to be a Liberal candidate you must demonstrate team-working ability.

"You must have a commitment to individual liberty." That means you won't be expelled from the party if you exercise a conscience vote in the Assembly. "You must have dedication to individual liberty." So you have the right to exercise your conscience in the Liberal Party!

**Mr Pratt:** Mr Speaker, I have a point of order. That statement about civil issues is a misrepresentation of our wonderful philosophy.

**MR SPEAKER:** It is not a point of order. Resume your seat.

**MR STANHOPE:** "You must also show integrity and commitment." Then there is some fine print down at the bottom: "Computer skills would be an advantage, particularly—"

**Mr Cornwell:** On a point of order, Mr Speaker: could the Chief Minister also show some relevance to the matter of the question please?

**MR SPEAKER:** There is no point of order.

**MR STANHOPE:** I was just concluding on that point. "Integrity and commitment vital. Computer skills would be an advantage."

## University of Canberra—fraud allegations

**MS TUCKER:** My question is for the Attorney-General, and it is in regard to the University of Canberra. Mr Stanhope, you will be aware of allegations of fraud or mismanagement in the operation of the University of Canberra Union over the past few years, of concerns regarding reprisals directed at the student and staff whistleblowers and of concerns regarding governance and due process in the university and its union.

You will recall that earlier this year I raised the question of the application of the Public Interest Disclosure Act to the university. It is the government's view that the act does apply; whereas it has been the view of the university that it does not.

I also understand that the university agreed to treat disclosures as if the PID Act applied but later took the position that it would only apply after May 15 this year. It seems to me, however, that the issues in question go back two or three years at least.

Attorney-General, what action have you taken or will you take to ensure that the PID Act will apply to the University of Canberra, and its union, from the date of its transfer to the jurisdiction of the ACT? What action will you take to ensure that the allegations are comprehensively pursued and either resolved or put to rest in an open and transparent manner?

**MR STANHOPE:** Thank you, Ms Tucker, and thank you for the advance notice, through the paper, that a question might be asked on this. I remember the issue as raised by you earlier in the year, and you will recall that in response I sought advice from the ACT Government Solicitor. I asked for that advice in March, and I tabled it on 16 May. You will recall that it was the view of the ACT Government Solicitor that public interest disclosure provisions did, indeed, apply to the University of Canberra.

As you say, the University of Canberra had disputed that interpretation. I might say that, at the time the advice was made available, it was also provided to both the Ombudsman and the Auditor-General, pursuant to that legislation, because they are designated proper authorities under the act for the purpose of investigating disclosures.

The university indicated at that initial stage that it did not accept that interpretation. There were, however, some discussions then between the university and the Chief Minister's Department, as a result of which the University of Canberra conceded that it would act in accordance with the requirements and procedures of the Public Interest Disclosure Act.

The university conveyed that in a letter to the Chief Minister's Department on, I believe, 21 June 2002, as a result of which both the Auditor-General and the Ombudsman were advised that that was the university's position, and both commenced inquiries into matters that had been raised under the Public Interest Disclosure Act.

To the surprise of the Chief Minister's Department, the Ombudsman's office advised the Chief Minister's Department on 19 September that it felt that there was still some question about whether or not the act applied. That took the department by surprise, given the previous expression of intent by the university that it would act in accordance

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with the act and the strong view of the ACT Government Solicitor's Office, in any event, that it did apply.

As a result, the Chief Minister's Department sought further legal advice about the application of the act and met with the Ombudsman and the ACT Government Solicitor to clarify the issues then in dispute. As a result of that meeting, the Ombudsman has now resumed investigation into the matters that were raised in relation to the University of Canberra. At the moment, the Auditor-General and the Ombudsman are each separately investigating those matters.

You touched on suggestions that retribution has been meted out as a result of the whistleblowing. I have had a discussion with the vice chancellor of the University of Canberra about that issue and asked him to give me a brief on the issue, from his perspective.

The university makes the point adamantly that it is not aware of any illegality or wrongdoing or suggestion that any officer of the University of Canberra sought, as a result of the disclosures that have been made, to punish or to mete out retribution of any sort.

In terms of the position that the government might take, I believe it appropriate at this point, in the face of the joint inquiries by the Auditor-General and the Ombudsman, to await the outcomes of those inquiries before taking any further action.

I am aware that one of the people at the heart of this issue has approached the ACT Police. Irrespective of that approach, the ACT Police have chosen not to launch a formal investigation. In light of that, I am not sure that there is anything further the ACT government can do at this stage.

Ms Tucker, you ask: what next? We have a dispute about whether the public interest disclosure provisions apply to the University of Canberra. I agree, in light of this matter—and perhaps you were pointing to this—that we need to put the issue beyond dispute, and I will find a way through.

It is the university's position and an expression of their independence that it will not be subject to an act. Other jurisdictions have now extended their public interest disclosure provisions to universities operating in their states. We are now presented with a policy decision that needs to be made.

In light of the obvious gap in whistleblower protection at the University of Canberra, some action needs to be taken, and we stand ready to do that, subsequent to the handing down of these two reports.

**MS TUCKER:** Thank you for that comprehensive answer. But there is one question you did not answer, which I will ask as my supplementary. I am interested to know what government's response is to the university's claim that they will only apply the PID back to May. For this matter to be properly investigated, it should apply back further than that.

What can your government do to ensure that the PID is there? We won't get full disclosure unless that whistleblower legislation applies right back to when these events allegedly occurred.

**MR STANHOPE:** I will have to take that question on notice, Ms Tucker. I was not aware of any suggestion that there should be no retrospectivity in the decision by the university to accept the application of the act. I would have to take some specific advice on that; I am afraid I do not have the answer. I am happy to do that and to respond to you.

### **Water restrictions**

**MS MacDONALD:** My question is to the Minister for Urban Services, Mr Wood. Minister, given the dry situation around the ACT at present, what measures is the government taking in relation to limiting water usage in parks and public places?

**MR WOOD:** It is certainly dry; we all know that. The Department of Urban Services is probably the city's biggest user of water and is a very public and visible user of water. It has the view—I think, properly—that it needs to demonstrate some leadership.

On a slightly different matter: I launched the stop the drop campaign recently. That is something that Actew is pushing very strongly and is just one of the measures at the moment.

All irrigated areas of open space have been assessed and prioritised so that water use can be progressively reduced if, and when, conditions become worse. Irrigation on ACT government sports grounds is already managed by highly sophisticated, computer-based technology, introduced by an enlightened minister for the environment about 10 years ago—in that era. That resulted in water savings of over 20 per cent. This system, known as Comtrol, provides conservative and precise water management.

Most other areas of parkland do not use this technology but, through careful setting of irrigation controllers, savings can be achieved. I also point out that these are public lands, and not infrequently the sprinklers and other gear can be damaged and messed around. There is constant vigilance to see that the system is working well.

At the moment, given the particular situation—which does not look like getting better for some time—the Department of Urban Services have decided to immediately implement “level 1 reductions”, as they call them, which provide for a 5 per cent reduction in use in all areas under its management, to demonstrate a commitment to conservative water use.

I also point out, of course, that some of the most obvious sprinklers are under the control of the National Capital Authority.

**Mr Cornwell:** When is this taking effect, Minister?

**MR WOOD:** It is happening.

**Mr Cornwell:** It certainly wasn't on 3 and 6 November.

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**MR WOOD:** I am sure that at various times you can find sprinklers that aren't working as they have been set.

**Mr Cornwell:** They were working. That was the trouble.

**MR WOOD:** Not working as they were set to work, Mr Cornwell. They can be interfered with at various times.

The main initiatives under level 1—Control managed areas—are:

- reduce the irrigation rates to replace 60 per cent of evaporation, down from the normal 65 per cent replacement;
- in other areas, reduce the watering of non-essential areas and cut back hours of operation in all areas by approximately 5 per cent; and
- as far as possible, only operate automatic systems between 10 pm and 6 am, except for essential repairs and the like.

We also want to provide signage to plumbers and irrigation supervisors so that they can indicate to the public—you should hear this, Mr Cornwell—when essential repairs or other activity are being undertaken. Sometimes people do not understand what is happening.

In addition to those level 1 measures, other initiatives are:

- watering around government buildings to cease;
- all sprinkler systems to be audited to make sure they are all pointing the right way; and—

they can be interfered with—

- all water licences—that is, licences to take water out of the system—to be reviewed, even to the extent that the requirement that DUS vehicles be kept clean has now been waived and they need only be washed once a month.

That is a measure of the extent to which these things are being applied. It may not be long before we move to a level 2 condition, which is more stringent again.

There is an acknowledgment that some of our prime playing fields justify an amount of water because of the considerable expense if they deteriorate. There are priority levels for those playing areas. But I think you will notice that the town is pretty dry, and even those areas that get some watering are pretty dry.

### **University of Canberra—fraud allegations**

**MR SMYTH:** My question is for the Chief Minister. Chief Minister, students of the University of Canberra have alleged that the union improperly paid \$50,000 to a company for the linked intellectual property rights to the name of the stomp dance party. The stomp dance party was developed by the union and has been held annually as part of the university's Stone Week celebrations since 1997. Both the union's

accountant, who cannot find a treatment for the payment, and their lawyers have raised concerns about the transaction.

Chief Minister, you have just told the Assembly that both the Auditor-General and the Ombudsman will conduct investigations. Will you ensure that the stomp party transaction will be included in those investigations and ensure that students' funds are not being misused?

**MR STANHOPE:** I am more than happy to do that. I will repeat, for the sake of the record, that I am aware of the concerns that are abroad in the community. I am aware of the allegation that has been made. It is for the university to defend itself. The government does not manage—

**Mr Humphries:** It's for you to investigate.

**MR STANHOPE:** Certainly. Just for the sake of the record and for some balance, I am making the point that I am happy to ensure that the further inquiry that Mr Smyth has drawn attention to be pursued. I have no issue with that at all.

I just wanted to say for the sake of the record that I have had a discussion with the vice chancellor, Professor Dean, and I have received a communication from him. Professor Dean, in his conversation with me, sought to give his absolute assurance that neither he nor the university is aware of any wrongdoing or illegality.

I want to make it clear that that is the position of the university. As I say, I cannot speak for them. It is not for me to defend them, and I am happy to accept that these issues be fully investigated. This is now a matter of such public note that it is in everybody's interests—perhaps, most importantly, the university's interests—that it be cleared up absolutely. I am happy to see that the issues around stomp are fully explored, Mr Smyth. I will ensure that that is done.

### **Neighbourhood Watch**

**MS DUNDAS:** My question is to the minister for police, Mr Quinlan. Minister, I have received a number of letters from Neighbourhood Watch groups which fear that they will be forced to cease operating because of the insurance crisis. Considering that the government underspent its 2001-02 crime prevention budget by \$600,000, will it allocate some of these unspent funds to Neighbourhood Watch groups so they can continue to operate despite the higher insurance premiums?

**MR QUINLAN:** I have not received any approaches on this issue, but if we were to consider something like that we would, I think, responsibly have to consider lots of other groups as well. If you went through and looked at one group and then another group and yet another group singularly affected by the insurance crisis, you could make a fairly sound case for paying their insurance. If I receive a formal approach, I will take that approach on its merits, but it will be evaluated within the context of so many others which are equally affected, so many others which in their own way make a contribution to the community and are also battling because of insurance premiums. Certainly, it is a difficult issue.

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I am very confident in my own mind that the government has taken the appropriate steps to fix it and to fix it in the long term. The world will never return to what it was a couple of years ago because that was a false situation. However, bit by bit, the world is normalising. There are constructive talks now occurring that will in all probability provide affordable insurance for most community groups. There were discussions with the NRMA and with, I think, Queensland Insurance, but I would have to double-check on that.

**MR SPEAKER:** Do you have a supplementary question, Ms Dundas?

**MS DUNDAS:** Yes, thank you, Mr Speaker. Mr Quinlan, could you please clarify that? Are you saying that the \$600,000 unspent in the crime prevention budget of last year is available to be spent on crime prevention programs such as Neighbourhood Watch this year?

**MR QUINLAN:** I will give that one a no. Each budget in the main is a discrete document. You have heard Mr Humphries' question today of concerns about the position of the ACT, that is, expenditure in a period versus revenue in a period. If it took some time in the course of the last financial year to mobilise crime prevention activities within the AFP—I forget who was the minister at the time, but we certainly have mobilised the crime prevention activities of the AFP—and that money was unspent, it would not sit on a shelf for use this year. Each year has a discrete budget and expenditure in this year will be counted in this year. Expenditure in this year will be counted against revenue for this year and, should expenditures exceed revenues, we will find the opposition, at least, whipping it up and trying to beat it up into the story of the year.

## **Terrorism**

**MR PRATT:** Mr Speaker, my question is to the minister for police and emergency services. National and international experts indicate that mainland Australia is likely to be subject to terrorist attack, and the Bali tragedy has heightened that threat. Minister, do you agree that, as a result of the Bali tragedy and other events in our region, our citizens face an increased risk of being caught up, either intentionally or unintentionally, in terrorist actions against diplomatic and federal targets in the ACT? What instructions have you given to police and emergency services regarding the heightened threats to the community in the wake of recent events and subsequent intelligence flowing from those events?

**MR QUINLAN:** Let me say, Mr Speaker, that the first half of that question was the bleeding obvious and has been the subject of commentary for the last 10 weeks. What is being done is being done in a very coordinated fashion across Australia, as you would appreciate. Mr Stanhope attended the most recent Police Ministers Council. The various police forces are working together.

Let's be practical: what instructions does a police minister give at this time? The first thing one does is one gets a briefing from the head of police. One has discussions with Mick Keelty, the head of the AFP, as well. We actually go through in an interactive way what should and should not be done. You are probably aware that Mr Murray is reorganising the police force to be able to respond to these matters. It happened before the Bali event that that sort of mobilisation was occurring.

The police, quite obviously, are busy. Quite obviously, they have been called upon to provide extra security in a number of places. The collective forces are working together, for God's sake, and the particular instructions that I would give would arise out of an interaction, rather than my walking in and saying, "Mr Murray, keep us safe from mad bombers." I really do not want to tell him how to do his job in detail, but I would also want to think that we are as secure as is practically possible.

**MR PRATT:** Mr Speaker, I have a supplementary question. Mr Quinlan, what are your plans—indeed, do you have any—to provide additional resources to the ACT police, given those new levels of threats to our community?

**MR QUINLAN:** One thing I can report to this house happily—it might have something to do with a later debate—is that police numbers in the ACT today are at a record high. We have changed the level for the number of police in the territory. We have made sure that recruitment got weaving.

**Mr Humphries:** How many are there?

**MR QUINLAN:** There are 790, off the top of my head, but I will get back to you on that one.

**Mrs Dunne:** I would love to see the figure.

**MR QUINLAN:** Excuse me, are you implying that I am telling fibs?

**MR SPEAKER:** Order! Please do not respond to the interjections; just respond to the supplementary question.

**MR QUINLAN:** This much I can tell you with certainty: John Murray told me last Friday that police numbers in the force working in the ACT are at an all-time record high now. Is that clear enough?

### **Sex offenders**

**MRS CROSS:** Mr Speaker, my question is to the police services minister, Mr Quinlan. It was reported recently that as many as 10 convicted child sex offenders had fled from New South Wales to the ACT to avoid naming on the New South Wales paedophile register. Minister, what is being done to stop these convicted sex offenders striking again in the ACT?

**MR QUINLAN:** Publicity was given to that recently because, arising out of the recent Police Ministers Council, there has been a decision and there is work being done—it is not absolutely finalised to the last degree—on establishing a national register. I think you will find if you go back over the media that in the discussion on that Commander Mandy Newton actually said that they have liaised with New South Wales and liaised with other police interstate and they are confident, but not certain, that they know the whereabouts of most previously convicted child sex offenders who have moved into the territory. This happens on the basis of an exchange of intelligence between the forces.

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If we get the register, it will go that mile further towards ensuring that each force knows where convicted child sex offenders are domiciled and when they have moved interstate. In most cases, one presumes that they have moved interstate either to escape their past or to have a fresh start at what they do, but it may be that they have changed their job. It is an unfortunate fact of modern life that we have to institute such registers, but it is being done and it will be done on a national basis. In the meantime, there will be an accurate exchange of intelligence between the forces.

**MRS CROSS:** I have a supplementary question. I thank you for that, Mr Quinlan. Are you giving us an undertaking that a paedophile register will be set up in the ACT, the same as the one for New South Wales, to protect children from sexual predators? Is that right? I just want confirmation of that.

**MR QUINLAN:** The states have agreed, in principle, to do it. Despite the heinous nature of the crime, there are still overlays of civil liberty and the process needs to protect the rights of everybody, but the rights of the children will be paramount.

### **Police Ministers Council**

**MRS DUNNE:** My question is to Mr Quinlan in his capacity, by his own admission, as part-time police minister. Last week, the police ministers—

**MR SPEAKER:** Order, Mrs Dunne! You will refer to the minister by his proper title.

**MRS DUNNE:** Okay. My question is to the police minister, Mr Quinlan. Last week, the police ministers discussed proposals to tighten gun control, which the vast majority of the community considers to be a very important issue. However, Mr Stanhope represented the interests of the ACT rather than you. Indeed, you have missed the past three police ministers conferences, by my count. Why have you not bothered to attend these meetings? Is that a general reflection of the relative importance of the police portfolio to the Labor government?

**MR QUINLAN:** We don't think it is important because we sent the Chief Minister instead of the Deputy Chief Minister! Firstly, let me just say—and I apologise to you, Mr Speaker, for responding to barbs—that, yes, I am the part-time police minister, I am the part-time Treasurer and I am the part-time minister for economic development. I am the part-time minister for lots of things, but I do devote my time to them.

The reason that I was not in Darwin at a police ministers council is that I went to Melbourne for a racing ministers conference. Let me tell you that it is really the white man's burden to have to go to Melbourne during the spring racing carnival. Unfortunately, because of pressures of business and my other part-time portfolios, I could not stay for the cup and I did not attend the cup.

However, you will recall that, because of moves within other states, the ACT racing industry is at risk; so, in order that we protect all of the sectors of the ACT and not just the one you happen to be thinking about right now, we thought that we would send someone to both, and we did. Mr Stanhope happens to be the Chief Minister and the Attorney-General, so I would rather think that that is a measure of just how important we thought and think these issues are.

**MRS DUNNE:** I have a supplementary question. Mr Quinlan, while you were in Melbourne demonstrating that racing was more important than guns to you, did you attend any of the spring racing carnival?

**MR QUINLAN:** I was just trying to recall the first one—if I think that racing is more important. We sent someone to each.

**Mrs Dunne:** Did you go to the racing carnival?

**MR QUINLAN:** So that is the first one. Yes, I went to the Derby meeting.

**Mr Hargreaves:** Did you win?

**MR QUINLAN:** No. I got a bit of a flogging, actually, which is another story.

**MR SPEAKER:** Order! Just answer the question, Mr Quinlan.

**MR QUINLAN:** Let's go back to the first answer. We actually attended both of those councils. Really, if the mob over there can't do any better than contort a question by saying that I now think racing is more important than police issues or national safety because he went to the council and not I, that is stupid.

### **North Gungahlin structure plan**

**MS GALLAGHER:** My question is to the Minister for Planning, Mr Corbell. Could the minister detail for the Assembly the feedback on the North Gungahlin structure plan he released last month?

**Mr Smyth:** It was good work we started, wasn't it, Simon?

**MR CORBELL:** Indeed, Mr Speaker, it was good work started by the previous Liberal government, but perhaps the former minister for planning should advise his leader on that basis.

Mr Speaker, the North Gungahlin structure plan has finally been completed. I released it at an event in North Gungahlin about a month ago. The North Gungahlin structure plan outlines the structure planning for the suburbs of North Gungahlin, the city's main development front for greenfields estates. The plan recognises changing community expectations and lessons from mistakes made in earlier stages of planning and development in Gungahlin. The Gungahlin community have made very clear what they want. They want better privacy, wider streets, more open space and improved links to community facilities and services.

The North Gungahlin structure plan responds to those issues in a lot of detail and the Gungahlin community have overwhelmingly welcomed this approach. They are pleased that the suburbs have more open space, they are pleased that the suburbs have a greater level of environmental and residential amenity, and they are pleased that the design issues that they care about are being taken into account.

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It is interesting that the only sour note has come from the Liberal Party. First of all, it was from the shadow Minister for Planning, who said that she wanted much higher levels of density in Gungahlin. At a time when we have the Gungahlin community saying that it is too crowded, there is not enough privacy and there is not enough open space, what is the response from the Liberal Party? They want higher levels of density. She wants more of the same—the same narrow streets, the same lack of privacy, the same lack of community facilities. It is very clear that the shadow Minister for Planning needs to go out and talk to Gungahlin residents a bit more about the issues that affect them in their neighbourhoods.

Then, to my surprise, the Leader of the Opposition stepped up to the plate on the weekend. What did he say, Mr Speaker? He said that he didn't believe that Gungahlin residents deserved the same level of local shops as other parts of Canberra have. That is what the Leader of the Opposition said—too many shopping centres in Gungahlin. That is what Mr Humphries said. We have Mrs Dunne saying that we want to pack them in and we have Mr Humphries saying that we don't want to give them too many shops. That is the approach of the Liberal Party when it comes to North Gungahlin. The Liberal Party have given Gungahlin residents poor planning, too much density and narrow streets, and now they are even colluding with their federal counterparts to delay Gungahlin residents getting a decent road.

Mr Humphries doesn't seem to believe that Gungahlin residents deserve a local shopping centre. We must remember, of course, the last time that Mr Humphries tried to intervene in retail trading policy. Remember that one? He tried to limit retail trading hours. What an absolute disaster that was. You would have thought he would have learnt his lesson and stayed right away from retail policy. What is he saying instead? He is saying, "Don't give them so many shops; it is not acceptable." What a short-sighted response that is. In contrast, the North Gungahlin structure plan reflects a strategic response to the issues that are being raised by the Gungahlin community.

For the information of members, North Gungahlin incorporates a total of eight commercial centres, a mix of local and group centres, two at the proposed suburb of Casey and one each at the proposed suburbs of Moncrieff, Amaroo, Bonner, Forde, Jacka and Taylor. Learning from the lessons of the past, unlike perhaps Mr Humphries, these centres do not follow the traditional model of local or group centres. The catchments of the local centres in Gungahlin are larger than those found in other areas of Canberra.

The five local centres proposed in the structure plan will serve a population of 35,000 residents, compared with seven local centres in Weston Creek serving a population of under 24,000 residents. Unlike Mr Humphries, we are actually responding to these issues in a contemporary way, rather than Mr Humphries simply saying, "Just don't give them any more shops." I am sure the residents of Amaroo would be very interested to hear your view on that, Mr Humphries.

In addition, the centres will not be the traditional local centre, but will be a mix of nodes of employment, including retailing, community and entertainment facilities, and convenience shopping with mixed-use characteristics. Moreover, they will be designed to be adaptable to meet changing circumstances in the demographics of the area and in retail trends. Furthermore, medium-density housing is being strategically located around group and local centres, giving people a housing choice close to facilities and public

transport. Community workshops have confirmed and supported this approach. It is apity the Liberal Party won't do likewise.

### **Security cameras in taxis**

**MR STEFANIAK:** My question is to the Attorney-General. I refer to an article in the *Canberra Times* on 9 November concerning the use of security cameras in taxis. On Tuesday, 5 November the AFP issued a photograph of two men wanted for questioning about a serious assault on a poor taxi driver on Sunday, 3 November and, as a result, the police very quickly arrested two suspects who will face charges later this month. Mr Terry O'Gorman of the Australian Council for Civil Liberties has called for a review of security camera legislation regarding the public disclosure of photographs. The *Canberra Times* reported:

A spokesman for the Attorney-General, Jon Stanhope, said the government had no plans to change any of the laws—

so far, so good—

but would look at any new issues.

Given the extreme reluctance of Labor to support the use of security cameras in the past, including insistence on establishing a specific camera ombudsman and specific privacy legislation, can you understand why so many people in the community fear that Labor will again go wobbly on this issue and restrict the use of cameras for public safety?

**MR STANHOPE:** The issues around privacy and the issues around the use of security cameras as aids to community safety and to criminal investigation are interesting issues. There is a need for balance in so many issues in relation to the criminal law and community safety. Mr Quinlan touched on one of those in the answer to the question in relation to Mrs Cross' concern about a child sex offender register and the balance that needs to be achieved between civil liberties and the protection of the community; the fact, as Mr Quinlan said, that a person convicted of a child sex offence has been punished according to the law and now there are these other suggestions of a penalty over and above that particular penalty. I think that there is a legitimacy about that. Nevertheless, it does raise issues around punishment and the very difficult balance between individual liberty, civil liberties and the operation of the criminal justice system.

That applies in relation to security cameras; we all know that. These are quite obvious and stark issues. The fact that one acknowledges and recognises that there are privacy issues involved in the use of security cameras does not of itself suggest that security cameras do not have a vital role to play in protecting the community and enhancing the work of the police. To say that you have a commitment to privacy, that you have a commitment to civil liberties, does not belie the possibility of one saying, "But I support and endorse the use of security cameras." That is the Labor Party's position.

Despite the misinformation that is part of your rhetoric in relation to our attitude to security cameras, you will find, indeed, that the Assembly committee inquiry into security cameras and their use in Civic was chaired by Ms Rosemary Follett and recommended the installation of those cameras. The installation of the cameras in

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Garema Place was a result of a recommendation from the Standing Committee on Legal Affairs of this Assembly chaired by Rosemary Follett.

**Mr Humphries:** No, it wasn't.

**MR STANHOPE:** Yes, it was.

**Mr Humphries:** We put the idea forward.

**MR STANHOPE:** Yes, but that was the genesis; the genesis was a committee inquiry.

**Mrs Humphries:** No, it wasn't.

**MR STANHOPE:** Yes, it was. You can claim all the credit you want, but the genesis of the use of security cameras in Garema Place was the Legal Affairs Committee chaired by Rosemary Follett, a committee which contained Paul Osborne. You will recall that that committee recommended the installation of security cameras, so there is some history for you in relation to the Labor Party's attitude to security cameras. It was a proposal that went through an Assembly committee and was recommended by that committee. I think there was a unanimous recommendation and the committee was chaired by Rosemary Follett.

At no stage did the Labor Party oppose that. What we have said and continue to say is that there are privacy issues in relation to the use of security cameras. I think, and I still hold this view, that there are real concerns about the information and privacy principles set out in the Commonwealth Privacy Act, which, as you all know, applies in the ACT, particularly with the Australian Federal Police and the use of security cameras. The information and privacy principles were drafted and introduced at a time when there wasn't a wholesale use of security cameras, particularly not in public places. I believe that there is a real issue about whether film as such falls within the description of information pursuant to the information and privacy principles set out and promulgated in the Privacy Act which does apply here in the ACT.

There are some genuine issues, Mr Stefaniak, and I think it would be derelict of you to suggest that everything is hunky-dory and you don't need to worry about the privacy implications of the use of security cameras. Having said that, it is appropriate that taxi drivers and others be protected in pursuing their livelihood by whatever technology or means is available to them, but that does not mean that we should not be alive to some other issues.

**MR SPEAKER:** Do you have a supplementary question, Mr Stefaniak?

**MR STEFANIAK:** Yes, thank you, Mr Speaker. Mr Attorney, would you agree that the use of security cameras in this instance highlighted the benefits of this technology? Do you regret Labor's past reluctance to support the use of security cameras?

**MR STANHOPE:** I think that I have answered the first part and the second part, Mr Stefaniak. It is a ripper of a question. Yes, I just said that I support the use of security cameras in a range of circumstances. No, we were never reluctant in our support for security cameras. We have simply adopted an attitude in relation to security cameras that

reflects the complexity of a whole range of issues in relation to the enforcement of the law, and we do not resile from that. We do not have the gung-ho, redneck, hang 'em high, throw away the key attitude that you have. We do not believe that that enhances the enforcement of the law.

I have said often and I will continue to say that we will be as tough on crime and we will be as tough on criminals as you ever were, but we will do it in a way that acknowledges the complexity of a range of issues and in a way that respects some fundamental rights. There is a capacity to balance the competing imperatives of a tough and rigorous criminal justice system which respects some civil liberties and fundamental rights.

There are a whole range of adages in relation to the need for us to be very careful and jealous of the rights that have been accumulated and that are recognised as fundamental, and you do not throw them out in some sort of partisan, mindless pursuit of a particular constituency. I know that you are prone to it and I know that your side of politics is prone to it. I know that your heroes, Alan Jones and John Laws, are prone to it. But that does not mean responsible governance.

### **Adopt a road program**

**MR CORNWELL:** My question is to Mr Wood as the Minister for Urban Services. The *Northside Chronicle* of 1 October contained a list of Canberra community groups affected by the public liability insurance crisis. It listed the ACT government's adopt a road program as being "in danger of closing because its insurance policy ceased on June 30". Minister, can you advise the Assembly whether the department has been successful in obtaining insurance coverage for the adopt a road program since that date? If not, can you advise the Assembly what is being done to obtain insurance for this program? Thirdly, has the minister obtained legal advice as to what would happen to a person who was injured after 30 June 2002 working on a section of a road if no insurance cover existed?

**MR WOOD:** As to the last bit, I have not obtained that sort of advice. There might be advice there somewhere, but I have not sought it. My memory tells me that there has been a deal of activity and it may have been settled. I will need to check for the last week or so to see what the outcome has been. I will confirm that for you one way or the other, Mr Cornwell. It is a program that we recognise as a good program. We want to keep it going and there were measures to try to do that. I will let you know what the outcome has been.

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

### **University of Canberra—fraud allegations**

**MR STANHOPE:** Ms Tucker asked me a question which I said I would take on notice in relation to the University of Canberra's preparedness to ensure that all issues are investigated or open to investigation by the Ombudsman and the Auditor-General. During question time, the Chief Minister's Department contacted the university and the university advised the department in that telephone conversation that it was always their intention that all documents would be available to both the Auditor-General and the

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Ombudsman, that they at no stage had any intention or thought that they would not be available. That is the advice that has just been provided to me.

### **Neighbourhood Watch**

**MR QUINLAN:** Mr Speaker, I took a question earlier from Ms Dundas in relation to Neighbourhood Watch and said that I had not received any approaches. I am now advised that, in fact, Mr Hargreaves received an approach which was referred to my office and resolved but had not come directly to me, just as a point of clarification.

### **Size of the Legislative Assembly—additional costs**

**MR SPEAKER:** Members, on 24 June 2002, I wrote to the Standing Committee on Legal Affairs in relation to the size of the Assembly and subsequent increase in costs. At the time of writing and in relation to a 25-member model, I advised the committee that the recurrent costs of operating the Assembly would rise from \$10.7 million to between \$14.4 million and \$14.9 million.

Recent discussions with Treasury revealed that, under the assumption that the executive would move to the North Building, there would be additional costs in relocating displaced staff and depreciation costs of the fitout. The revised figures indicate that the increase would be in the order of \$5.1 million. Members, I wrote to you in similar terms on 15 October 2002.

### **Papers**

**Mr Speaker** presented the following papers:

Study trip—Report by Ms Tucker, MLA—Australian Parliamentary Group for Drug Law Reform, Melbourne, July 2002.

Legal Affairs—Standing Committee—Report—*Operation of the Dangerous Goods Act 1975 with Particular Reference to Fireworks*—Correspondence from Mr Corbell (Minister for Planning) to Mr W Berry MLA, Speaker—Preparation of Government response, dated 27 September 2002.

**Mr Stanhope** presented the following papers:

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

Members of the ACT Legislative Assembly (Motor Vehicles and Class of Air Travel)—Determination No 108, dated 11 October 2002.

Part-Time Holders of Public Office—Determination No 109, dated 23 October 2002.

Full-time and Part-time Holders of Public Office (Travel Allowances)—Determination No 110, dated 23 October 2002.

## **Executive contracts Papers and statement by minister**

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

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

Long term contracts:

Paul Dugdale, dated 25 September 2002.  
Peter Matthews, dated 24 September 2002.

Short term contracts:

Paul Bartholomew, dated 1 November 2002.  
Gary Champion, dated 16 September 2002.  
Richard Johnston, dated 9 October 2002.

Schedule D variations:

Tu Pham, dated 4 October 2002.  
Sandra Lambert, dated 19 September 2002.  
George Tomlins, dated 26 September 2002.  
Roger Broughton, dated 23 and 28 October 2002.  
Peter Gordon, dated 30 September 2002.  
Julie McKinnon, dated 21 August 2002.  
Dorte Ekelund, dated 5 and 9 September 2002.  
Geoff Keogh, dated 30 September 2002.  
Bronwen Overton-Clarke, dated 18 September 2002.  
Mark Mullins, dated 2 October 2002.  
Andrew Rice, dated 27 September and 1 October 2002.  
John Meyer, dated 1 October 2002.

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

Leave granted.

**MR STANHOPE:** Mr Speaker, these documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts and contract variations. Contracts were previously tabled on 24 September 2002. Today I present two long-term contracts, three short-term contracts and 12 contract variations. The details of the contracts will be circulated to members.

## **Papers**

**Mr Stanhope** presented the following papers:

Health Regulation (Maternal Health Information) Act—

Quarterly report from approved facilities for the June quarter 2002.  
Quarterly report from approved facilities for the March quarter 2002—Corrigendum.

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**Mr Quinlan** presented the following papers:

Territory Owned Corporations Act, pursuant to section 19 (3)—Statement of Corporate Intent—1 July 2002 to 30 June 2005.

Annual Reports (Government Agencies) Act—Department of Treasury Annual Report 2001-2002 (Volume 1)—Corrigendum replacing pages 56 to 62, Consultancy and Contractor Services.

## **Department of Treasury—annual report**

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): Mr Speaker, I ask for leave to make a short statement in relation to the corrigendum to the annual report of the Department of Treasury.

Leave granted.

**MR QUINLAN**: The corrigendum replaces pages 56 to 62 of the annual report. Omissions have been identified in the schedule of consultancy and contractor services commencing on page 56 of the original report. The following contractors were not identified in that report: the Australian Postal Corporation, Austrapay/Unisys, Commonwealth Bank of Australia, Lane Laser Canberra Pty Ltd, and Perpetual Trustee Co Ltd.

Additionally, dates and descriptions with regard to the following three entries have been amended: Acumen Alliance—RAPS review and audit services—date consultancy let should be 22 July 2001, not 2002, as listed. For Assist Pty Ltd—project and technical support services—the date the contract was let should be 31 May 2001, not 2002, as listed. For KPMG, “Provision of NTER calculations for 2001” should have read, “Provision of NTER calculations for 2000-01 Financial Statements.”

Details of these omissions were notified to the chair and members of the Standing Committee on Public Accounts prior to the estimates hearing in the week commencing 4 November 2002.

## **National Institute of the Arts and the Australian Capital Territory government—funding agreement Paper and statement by minister**

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services): Mr Speaker, I present the following paper:

National Institute of the Arts and the Australian Capital Territory Government—Funding agreement, dated 12 November 2002.

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

Leave granted.

**MR WOOD:** Mr Speaker, it gives me pleasure today to table the agreement which will provide funding of \$1.6 million to the Institute of the Arts at the Australian National University over a three-year period. This includes \$800,000 per year which had not been returned when the former government acknowledged, in part, the error it had made in removing funding from NITA. I am pleased today to table it, because at lunchtime I attended a function at Ainslie Primary School to acknowledge this agreement and I heard about some of the wonderful outcomes of that funding.

At the budget Estimates Committee hearings earlier this year, Mr Humphries requested that the funding agreement be tabled in the Assembly; so here it is. It is a very significant agreement and is the fulfilment of an election commitment to restore the institute's funding to pre-1999 levels. It ensures an increased benefit to the ACT community through access to the excellent staff, the program and the facilities of the institute. It demonstrates the benefit to Canberra of partnerships between the ACT government and the national institutions and between arts and education.

## Papers

**Mr Corbell** presented the following paper:

Annual Reports (Government Agencies) Act—ACTION Authority Annual Report 2001-02—Addendum.

**Mr Wood** presented the following papers:

### Performance reports

Financial Management Act, pursuant to section 25A—Quarterly departmental performance reports for the September quarter 2002 for the following departments or agencies:

Education, Youth and Family Services.

Attorney-General's and Minister for Police, Emergency Services and Corrections (within Department of Justice and Community Safety).

Disability, Housing and Community Services.

Chief Minister's.

Urban Services.

Economic Development, Business, Tourism and Sport (within the Chief Minister's Department).

Treasury.

Planning (within Department of Urban Services).

Industrial Relations and WorkCover (within the Chief Minister's Department).

National Road Transport Commission Act (Commonwealth)—National Road Transport Commission—Annual Report 2002, including financial statements and report by the Australian National Audit Office.

Legislation Act, pursuant to section 64—

Agents Act—

Agents Board Appointments 2002 (No 3)—Disallowable Instrument DI2002-190 (LR, 31 October 2002).

Agents Board Appointments 2002 (No 4)—Disallowable Instrument DI2002-191 (LR, 31 October 2002).

Construction Practitioners Registration Act—Construction Practitioners Registration Amendment Regulations 2002 (No 1)—Subordinate Law SL2002-25 (LR, 17 September 2002).

Electricity Safety Act—Electricity Safety Amendment Regulations 2002 (No 1)—Subordinate Law SL2002-26 (LR, 27 September 2002).

Gas Safety Act—Gas Safety (Fees) Determination 2002—Disallowable Instrument DI2002-186 (LR, 25 October 2002).

Health and Community Care Services Act—Health and Community Care Services—Determination of Fees 2002-03 (No 2)—Disallowable Instrument DI2002-179 (LR, 14 October 2002).

Health Professions Boards (Procedures) Act—

Medical Practitioners Act—

Health Professions Boards (Procedures)—Medical Board of the ACT Appointments 2002 (No 1)—Disallowable Instrument DI2002-174 (LR, 26 September 2002).

Health Professions Boards (Procedures)—Medical Board of the ACT Appointments 2002 (No 2)—Disallowable Instrument DI2002-188 (LR, 31 October 2002).

Optometrist Act—Health Professions Boards (Procedures) Optometrist Board Appointments 2002 (No 1)—Disallowable Instrument DI2002-175 (LR, 4 October 2002).

Veterinary Surgeons Act—Health Professions Boards (Procedures)—Veterinary Surgeons Board Appointments 2002 (No 1)—Disallowable Instrument DI-2002-176 (LR, 4 October 2002).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Reference for Investigation) 2002 (No 2)—Disallowable Instrument DI2002-185 (LR, 25 October 2002).

Justices of the Peace Act—Justices of the Peace—Appointment of Justices of the Peace 2002—Disallowable Instrument DI2002-183 (LR, 24 October 2002).

Mediation Act—

Mediation Act 1997—Declaration of approved agency 2002 (No 1)—Disallowable Instrument DI2002-180 (LR, 14 October 2002).

Mediation—Declaration of approved agency 2002 (No 2)—Disallowable Instrument DI2002-182 (LR, 18 October 2002).

Physiotherapists Act—Physiotherapists (Fees) Determination 2002 (No 2)—Disallowable Instrument DI2002-189 (LR, 31 October 2002).

Public Place Names Act—

Public Place Names 2002, No 13 (Street Nomenclature—Macgregor)—Disallowable Instrument DI2002-177 (LR, 9 October 2002).

Public Place Names 2002, No 9 (Street Nomenclature—Banks)—Disallowable Instrument DI2002-178 (LR, 9 October 2002).

Public Sector Management Act—Public Sector Management Amendment Standards 2002 (No 4)—Disallowable Instrument DI2002-181 (LR, 14 October 2002).

Race and Sports Bookmaking Act—Sports Bookmaking Events Determination 2002 (No 1)—Disallowable Instrument DI2002-173 (LR, 26 September 2002).

Supreme Court Act—Supreme Court Amendment Rules 2002 (No 2)—Subordinate Law SL2002-24 (LR, 18 September 2002).

Tree Protection (Interim Scheme) Act—Tree Protection (Interim Scheme) Instrument of Appointment 2002—Disallowable Instrument DI2002-184 (LR, 24 October 2002).

## **Labor government**

### **Discussion of matter of public importance**

**MR SPEAKER:** I have received a letter from Mr Humphries proposing that a matter of public importance be submitted to the Assembly, namely:

The ACT Labor government's broken promises after a year in office.

**MR HUMPHRIES** (Leader of the Opposition) (3.52): Mr Speaker, as the Chief Minister has already chosen to remind us this afternoon, today marks 12 months in which the Labor Party in the ACT has actually held the reins of office. The period between 20 October and 12 November was, of course, spent counting votes and deciding who won seats and so forth—and this was the day, 12 months ago, that Labor took office.

So today is the appropriate day to measure the extent of achievement or failure on the part of the Labor government, and to determine whether or not this government has fulfilled the very high expectations it created for this community during the election in 2001, and whether they are to be given credit for having done what they said they were going to do.

Labor emerged into government last year after the longest period in opposition of any party since self-government began. Obviously we have had only a relatively small experience of self-government—only 13 or 14 years—but Labor has spent almost seven years in the wilderness. Those are seven years in which one might expect there would be a great deal of work done focusing on vision, specific policies, and on what they intend to achieve during the precious time the electorate gives a particular political party the privilege of government.

The first year in government is always especially significant in a three-year parliament. In a three-year parliament it is generally accepted that there is a period of settling in. There will also be the reality of a caretaker convention cutting in about six or eight weeks before the next election. That is a period in which the government tries not to embark on too many new things, because it is hard to carry them through over an election period. So, effectively, a government's period of peak performance is somewhere around two or 2½ years. A large part of that falls in the first year in office.

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I recall reading about the first year of the Whitlam government, and hearing of the whirlwind of activity it undertook in its first year in office, after 23 years in opposition. You might say that Gough Whitlam, who was, of course, a Latinist, adhered to the Latin maxim *carpe diem*—seize the day.

The question for us today is whether this ACT Labor government, under Jon Stanhope, has seized the day—whether it is viewing the opportunity of government as a real one which it has grasped and with which it is making a great deal.

I would submit, Mr Speaker, that the answer is no, it has not. If we look at what the government is saying, we see that the past year has indeed been a year of lost opportunities. It has been a year when much could have been achieved, with the very significant mandate Labor obtained in the election last year, but in fact not much has been achieved.

A casual perusal of the media release put out today by the Chief Minister, I think, amply spells that out. I think it is worth reflecting on how little he says in this media release. He says that the government has made good progress in delivering on its commitments—and talks about fully costed commitments. I think he knows that the costings of his commitments have all fallen by the wayside—so that is a bit of sophistry.

He then talks about having set up a number of things. He talks about setting up an inquiry into disability services, restructuring the Health portfolio, holding a health summit, initiating the Reid review and appointing a panel of experts to start talking about the bill of rights.

Mr Speaker, there is a certain theme one can determine in those statements. That is the theme of review, examination and pondering what the future might hold. There is a sense that the government is determined to take this critical period, this first year or so of its tenure in office, and use it to think.

The question has to be: is this the time to be thinking, or is this the time to be acting? Was not the 6½—nearly seven—years that Labor spent in the wilderness the time to be thinking about these issues? Was that not the time to be deciding what kind of split they wanted in education funding?

Was that not the time to be deciding exactly what the model for planning in this territory should be? Was that not the time to be deciding how a bill of rights might work in the ACT? Was that not the opportunity to do what they are doing today, and, in not acting at this point in time, are they not squandering the opportunity to put in place a thought-through, implemented program which reflects that careful thought over the past 6½ to seven years?

Mr Speaker, I would submit that people will judge a government on how it acts, not on how it thinks about acting. The most extraordinary thing about this situation is that the Chief Minister repeats again and again how he sees it having been a massive achievement for the Labor Party to have won so handsomely in 2001—and he is right, up to a point. The government did win a handsome victory in 2001. It did win a large number of seats, although not a record number. It was not the largest government that has ever been formed, but certainly, with eight seats in a single party, he has set a record.

With what you have to call a mandate of sorts, to go out there and do things, what has the government actually achieved? Where is it going, in reshaping and redesigning the vision of the territory?

In a sense, the territory is a piece of clay—it is there to be shaped by the government of the day. However, that opportunity does not always arise. All sorts of situations can circumscribe the capacity of a government to make decisions. I have certainly been a member of governments that have had restrictions placed on their freedom to act.

This government faces less restrictions than any government I can think of in the past. The opportunities are greater for it than for any other government, but it has not seized them. It is a government which has operated on the basis of outward years.

Let me quote from the list of first-year achievements of the Labor government in office, from the attachment to the Chief Minister's press release of today. I will quote just some of the words from this document. It says, under "General" that they have initiated a review of the size of the Assembly; they are instigating a new blah blah project; drafted a blah blah strategy; re-established the joint council blah blah blah; established the office of blah; established offices and councils of blah; established a select committee into blah; established a council—blah, blah, blah; established a working group; established a reference group; undertaken a review; launched a consultation mechanism; established an advisory panel; held a summit; commissioned a review; established a consultative committee; established a review and launched a project. Those are just the achievements of the first minister in the government.

Half of this constitutes thoughts about what the future might hold—pondering, thinking, "What shall we do next?" Yet that is not matched with a program of action. Where are the actions of this government? Where are the opportunities that that you have grasped and are taking advantage of?

Mr Speaker, there was an article on 20 October—the anniversary of the election—which must have frightened many small children as they opened their paper and saw this picture of the Chief Minister's teeth staring out at them.

**Mr Stanhope** : I agree with you on that! We agree on something.

**MR HUMPHRIES** : Thank you. In the article, the spokesman for Mr Stanhope said that the claims the opposition made of broken election promises were total nonsense, and that the government should be judged over its record over its full term. Mr Stanhope was quoted as saying, "I don't think we've failed in any area."

My problem with that is that the government here has not just made promises, it has made specific promises. It costed its promises in its election statements just before the election last year in such a way that it indicated the timing of each of the things it was going to do—in which financial year these things would be delivered.

So we have here a series of promises. Mr Stanhope says this is a nonsense, but I defy him to identify a single promise in here which we can honestly and truthfully say has, in fact, not been broken.

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The government talked about being a low-tax government. How can it reconcile being a low-tax government with increasing taxes, in the first ACT budget delivered in eight years by a Labor Treasurer, by \$17 million? It just does not work.

You said that Gungahlin Drive will be built on time. Gungahlin Drive will not be built on time—that is now perfectly clear. The planning minister had to retract a statement to that effect, when it became clear that it was simply not true. The planning minister said he would conduct an environmental impact study into the need for a Gungahlin Drive extension. You know it is not going to happen. You know there will not be any environmental impact statement. Are you going to collect it after you start to build the road? When is it going to come? It is obviously not going to come. There is nothing nonsensical about that, Chief Minister—it is perfectly true.

You were going to allow pensioners to use concessional fares on ACTION during peak periods. You might be going to do that in 2003-04 or 2004-05—perhaps just after the next ACT election—but you said you would do it in 2002-03, your first budget year. You have not done that, have you? The money is not there.

You said you will reduce the use of external consultancies. I cannot prove that that is untrue—that you have broken that promise—but, as sure as hell, it looks as if you have, from where I am sitting. The amount of paper flying around this territory at the moment is simply unbelievable. The number of reviews, consultancies, inquiries and commissions you have under way—many of which are reliant upon external consultancies—must have a significant, positive effect on the consultancy industry in this town!

You said you were going to inject \$6 million into the Canberra Hospital. Did you not say that? You did say you would do that. What would it achieve? You would admit another 1,300 patients and handle over 2,500 patients in the emergency department. That is 1,300 in-patients and 2,500 in emergency. Well, Mr Speaker, we have established already, as a result of the Estimates Committee, that the \$6 million extra in Health is going to buy precisely 300 extra cost-weighted separations, not the 3,800 promised during the campaign.

You said you would not want a new Supreme Court building. You are now saying that you will have to think about a new Supreme Court building. You condemned fencing around Floriade, yet you built a fence around Floriade. You have attacked the entry fees for Tidbinbilla Nature Reserve—and the minister for environment indicated there was no plan to introduce fees for Tidbinbilla Nature Reserve.

You said that the levying of stamp duty on GST-inclusive prices was—and I quote the Chief Minister—iniquitous, regressive and unfair. Are you going to get rid of them? No. We can take that silence to mean no, we are not.

When you rise in this place, you can point to all the promises you have kept—all the good things you have done, how many wonderful, feel-good decisions you have made. That is great. I am sure you are very pleased about that. I repeat that for some of them you deserve credit—some are worth while. However, the fact is that you are expected to

keep all of your promises, not just the ones you think are most worthy of being kept—and the rest can go to one side.

You said you have spent a record amount on education—and that is true. So has every government and every Treasurer that has ever risen in this place. Every year, every government spends a bit more on education than the previous government. So that is not much of an achievement, to be perfectly frank.

You talk about the number of bills you have introduced, as a measure of your success, as you did downstairs during the lunch break. Well, let me make a comparison, if that is a very important measure. I am not sure that it is a very important measure, but let us assume the number of bills is an important measure.

During the period from 12 November 2001 to 26 September 2002, the executive introduced a total of 49 bills in this place. Compare that with the number of bills introduced during the first 12 months of the Liberal government's time, in 1995, when the number of bills was, in fact, 70—not 49 but 70—significantly more.

You mentioned that the opposition would not work in an iron lung. Well, let me tell you that in the first period in office in 1995, the crossbenchers and the opposition introduced a total of 10 bills. As I recall, almost all of them were crossbench bills—none were Labor opposition bills. During the period of the 12 months just ended, between us we have introduced 18 bills, and a significant number have come from the opposition.

Mr Speaker, by any measure you want to use, we have been effective as an opposition and, with respect, you have not been particularly effective as a government. You have one achievement—you have abolished wigs in Supreme Court civil cases. Well done, but, against the things you have not achieved, that is not much of an achievement.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.07): Mr Speaker, there are a couple of issues touched on by the opposition which I believe require a response.

I see that Mr Humphries had his wig out today, and was sporting it. I think he was just testing to see if it still fits. He knows he is not going to be in this place all that much longer, because the movement is on. Mr Smyth, you cannot allow this bleed to continue for much longer—or Mr Stefaniak. We will find out which one of you has the spine to stand up first.

We know your time is limited here, Mr Humphries—and we know you do not have the numbers for the Senate. So I think you have taken your wig out of its wig box today and dusted it off, just to check that it still fits—just in case you have to take the third option. That, of course, is to return to the legal profession—because your options are drying up awfully fast. You do not have the numbers for the Senate, and you have destroyed your party. You have no credibility and you are not going to survive in this place—you know you are not.

Anyway, good luck back in the profession. I hope the wig still fits. Of course, wigs are no longer worn in civil matters—you are right about that. So you will have to go to the criminal bar. Good luck there—I wish you well.

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In relation to the number of bills, I would have to check the numbers now, but I looked at the very same issue. Indeed, the government has introduced 49 bills in this first period. The comparison I have with the first year of the Carnell government that you quoted is that there were 48 bills introduced in that period. I will check that, now that you have used a contrary number. It goes to the point—it is the one thing I do agree with. What an absurd measure of anything counting bills is—but it is a game you would remember.

**Mr Humphries:** That was what you did! You did it downstairs—to the media.

**MR STANHOPE:** I did not! I have never used it—I think it is the most absurd measure. It was Michael Moore who used to do it all the time—I remember it—the great legislation body count. It is absurd.

It is the sort of thing I have always treated with disdain—until I saw the ABC picking it up as a valid measure, this morning, and castigating all of us in this place, not just the government. The ABC was castigating the entire Assembly for being lazy, as a result of the measure of legislation. I take enormous offence and umbrage at that. It is not a measure I use, but it was used by the ABC and picked up now by you. It is absolutely absurd.

**Mr Humphries:** You used it in question time, did you not?

**MR STANHOPE:** Well, not to attack you—to have a little go at the ABC. I did not actually address it to you at all.

The point we are discussing at the moment is Labor's achievements in this first fine year of office. That was a distraction. You have distracted me by those two other matters.

**Mr Smyth:** You are easily distracted though, Jon.

**MR STANHOPE:** I am not so easily distracted. I have a passing interest in Mr Humphries' future—as do you, Mr Smyth.

**Mr Smyth:** You spend a lot of time talking about us—because you do not have anything on your own slate to talk about.

**MR STANHOPE:** I have a passing interest in it, as do you. As I said in question time today, I am enormously proud of the Labor Party's achievements in our first year in office, after seven years of Liberal government.

It has been a good transition to government—the Labor Party has done what it said it would do. It has delivered good government, and it has been good, measured, steady, strategic government. It has been focused. We have been focused on our commitments; we have been focused on our promises, and we have delivered on our promises.

There is no area of administration in the ACT in relation to which we have not delivered as we said we would. Mr Humphries belatedly and begrudgingly acknowledges that some good things have been done. However, he does not have the good grace to acknowledge that a \$27 million investment in education is a very strategic investment in

the future. He thinks an additional \$27 million is not a major issue, a big-picture issue—an issue that will change significantly the potential of so many Canberrans in the future—a \$27 million investment over and above anything that you ever delivered. I am hoping that there will be time for Mr Corbell to go into greater detail on that.

These are significant structural changes which have been achieved by this government. You dismiss as just a bagatelle the work we have done in relation to health. We have had a complete look at and review of the way in which health services are delivered in the ACT.

**Mr Smyth:** A 40-page review; a complete review. “We have completed the review!”

**MR STANHOPE:** It has been implemented! It is done—it is there. We worked fast. We work too quickly for you, because we now have you complaining that you cannot keep up—the pace is too fast.

You do not have the capacity to keep pace with the government—we are working too fast. You say there is too much paper circulating—that there are too many reviews—and too much consultancy. What you are admitting is that you do not have the stamina or the interest to keep pace with what the government is doing. We can reflect on that as we look at a year of Labor Party achievements—and, of course, take some time to reflect on Liberal Party achievements over the last year. It is moot that we should do that at this time.

The Labor Party today has issued details of the promises and commitments we have made and met. You have those available to you, and they are very significant. We have heard not a whisper from the Liberal Party about its achievements—there is not a single policy on the table. Where are your policies? What thinking are you doing? What is your vision for the ACT? What are you going to do to repair the damage you have done to yourself, and to the ACT, in the time you have been in opposition?

**Mr Smyth:** On a point of order, Mr Speaker, as to relevance: I believe the motion is to discuss the ACT Labor government’s broken promises. I do not see the words “Liberal Party” in that. I know it is his standard defence. When he has nothing to say, he attacks us. It is just confirmation of their poor outcome.

**Mr Quinlan:** Excuse me—that is not a point of order.

**Mr Smyth:** Perhaps he could get to the motion. I am sorry I have stung Mr Quinlan into action. Again, it is Mr Stanhope’s standard defence. When he has nothing to say on behalf of his own party, he attacks us.

**MR SPEAKER:** Order, Mr Smyth! Resume your seat. Firstly, there is not a motion before the place. Secondly, I am sure the Chief Minister understands the relevance rules. The letter I received attempts to draw attention to the ACT Labor government’s broken promises after a year in office. I am sure the Chief Minister is entitled, therefore, to draw attention to the ones he has kept.

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**MR STANHOPE:** Thank you, Mr Speaker. I have drawn attention to the significant investments we have made in education and health. We have made major investments, not just in additional funds, but in a cold hard look at the delivery of health services in the ACT. We did that through the health summit, and through the Reid review, which we have now implemented. I will be introducing legislation—probably this week—to finalise the restructuring of the health department.

We now have the capacity to deliver health services in an integrated way, something we have not had previously. Significant attention has been given to major failings in health care delivery in relation to disability services, mental health and respite care. We know about all of those matters, and we have done the things we said we would do.

The ACT now has a convalescent facility, something we have looked forward to for years. That is something the previous government was gunna do, but never got around to doing. We have now funded a medical school and the ICT Centre of Excellence. The previous government was gunna do those things but never got around to doing them. We have actually done all of these things. We have committed ourselves and fixed up a lot of mess. We have solved the nurses dispute, despite the scorn of the other side.

**Mrs Dunne:** Where are the oncology nurses?

**MR STANHOPE:** Mrs Dunne raises oncology and radiation therapy. We have repaired the enormous damage done to radiation therapy services in the ACT by the other side. Over seven years, through their lack of attention to detail, they created a situation whereby radiation therapists in the ACT became 26 per cent less well paid than their colleagues in New South Wales and Victoria. What do you think would happen if you received 26 per cent less than they are being paid across the border? You would not work here, would you?

That is what we inherited, we have now fixed that. We are now repairing the damage in our capacity to attract radiation therapists to the ACT—and we are slowly getting the wage line put back. We have fixed the mess you left us—26 per cent less; that is what we inherited from you. That is the problem that you gave us, because you were miserly and did not care.

There is so much more I could say, Mr Speaker, but I am mindful of time. Each of my colleagues is hopeful of speaking in this debate, so I will conclude there.

**MS DUNDAS (4.17):** The ACT Democrats welcome the opportunity to review the first year of the Stanhope Labor government, and also, more broadly, to review how the fifth Assembly has performed over the past 12 months. We will focus on two of the big issues which have faced the Assembly—the crisis in affordable housing and the ongoing debate surrounding Gungahlin Drive.

The lack of affordable housing in this city has still not been addressed. The Labor Party used many words and gave assurances of reviews, but actually made no concrete promises in this area. I guess the Assembly is able to acknowledge that the Stanhope government promised little and has delivered little—and has therefore actually kept a promise.

The first budget of the ALP government was an opportunity to make real changes to our ACT housing stock but, unfortunately, this did not occur. Despite a stamp duty windfall, the government has turned a blind eye to the poor and the homeless.

The budget provided \$80,000 for the setting up of a lifeline service for people to ring when they are seeking emergency accommodation. This is to be compared with the Labor Party promise to increase the allocation to CARE for financial counselling to housing tenants by \$50,000, which has not happened. They promised to increase by \$50,000 the funding of an indigenous housing liaison service to help indigenous people with problem tenancies—this has not happened.

The Labor Party promised the introduction of development controls—the stipulation that a required percentage of low-cost housing be constructed as a condition for developmental approval—yet we have not seen any of this. Garden city and neighbourhood planning were options to make this promise a reality but, in all cases, the government has remained quiet. So, despite promises that the ALP would prioritise affordable housing, we are still hearing stories of families escaping domestic violence having to wait several weeks to get a place in a refuge—and stories of whole families living in cars.

As I have suggested in the past—and I hope the government will take it on board—the windfall gained from betterment tax and increased conveyancing duties should be spent on providing community and ACT public housing. The duty windfall of last year will continue this financial year. Why not take this money, earmark it and spend it on affordable housing?

Housing is vital to breaking the poverty cycle. What is the government doing—not saying, not reviewing but actually doing—to house and support the possible 300 Canberrans who sleep rough every night, and the countless others sleeping in temporary or unsafe accommodation? A promise to prioritise affordable housing is not a plaything to throw around this chamber for point scoring. There must be a real commitment to help those in need.

The other issue I wish to raise is the Gungahlin Drive extension, and how the Assembly has handled this issue over the past year. The Liberal Party has remained committed in its support for the environmentally devastating eastern option, and Ms Tucker, from the Greens party, has remained strong in advocating for no road at all.

The ACT Democrats went to the election supporting the western option. They have continued to work with the government and the community to ensure that the western option—or, as it is known, the community option—is delivered to help the people in Gungahlin.

I have been troubled by recent public statements by both the Chief Minister and the Minister for Planning, in trying to distance themselves from the final alignment of the Gungahlin Drive extension, putting the onus of responsibility on the National Capital Authority. I hope that this is not about preparing the community for a backflip or another broken promise. I believe the government needs to hold strong during its negotiations with the federal government to win approval for the community-backed western option.

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Having reviewed the past, let us look to the future. We can whinge about the past, but we cannot change it. We do, however, have much influence over the future. In the next year, we will see many of the government's reviews and Assembly committee inquiries—providing opportunities and setting challenges for our future. The Status of Women Committee report will, hopefully, provide the government with clear recommendations on how to move forward in the area of the status of women—not the status of blah, as Mr Humphries put it.

There are a number of reports which focus on Canberra's children and young people. I hope we capitalise on this focus and remember that, just because young people cannot vote, it does not mean they do not count.

We will have the Office of Sustainability fully functioning in the near future, hopefully providing a positive contribution to the long-term future of our territory. I hope—and I will work towards this—that, when we come to this debate in another year's time, the issues which have been distracting us for many years will have been satisfactorily resolved. I hope we will have moved on from petty point scoring and that we, as legislators, will be prioritising the core issues of equity, sustainable economy and practical environmental protection.

**MR SMYTH (4.22):** Mr Speaker, it is a pleasure to rise to discuss this matter of public importance. The ACT Labor government has broken many promises after its first year in office. The Chief Minister had an opportunity to stand up and spruik about the achievements of the government. He had 15 minutes in which to fill us in about their achievements—as a defence against our proposition that there are many broken promises. It was a 15-minute speech which curiously ran out at nine minutes and 22 seconds. He could not tell the people of the ACT a 15-minute story about what the government has done.

If you look at those short nine minutes and 22 seconds, half of it was aimed at the Liberal Party and the things we had or had not done. So we had a speech of about five minutes from our Chief Minister on what he has been able to achieve in his first year in office.

He started by getting his figures wrong. He thought that, in the first year of the Carnell government, only 48 bills had been in place. Well, I understand, from documents supplied by the Clerk's office, that from the period of 9 March to 14 December, which is only nine months, there were 70 bills from the then incoming Liberal government. Yet, for the past 12-month period, we have seen only 49 bills from the current occupants of the Treasury bench.

Mr Speaker, in that short nine-minute and 22-second speech from the Chief Minister, what we did not hear from him were the consequences of his actions in Health. We heard that they have had a review, and that they have implemented things. We heard that they have done this, and we heard about them giving extra money. We heard that they have sorted out the nurses dispute. Well, the nurses website does not say that, and the figures do not stack up on the promises they were meant to keep.

Let me go through some of their promises. From health fact sheet No 3, Labor will build at least two after-hours clinical GP centres at Canberra and Calvary Hospitals. There are no clinics, and there are no references to these clinics in the budget. I think Labor has been back-peddalling on these issues for some time.

The next broken promise is from ACT Labor's plan for rebuilding the ACT health service. It refers to a crisis injection by Labor of \$6 million to the Canberra Hospital. I quote:

With this additional \$6 million, the hospital would be able to employ more nurses and, for example, admit another 1300 in-patients and handle another 2500 patients in Emergency.

From their own admission, the vaunted \$6 million has resulted in a mere 300 extra cross-weighted separations—not the 3,800 that were promised.

There is perhaps one promise which the Chief Minister has kept. In an interview in the lead-up to his swearing-in as Chief Minister—when he was Chief Minister elect—he promised there would be no two to three-month hiatus. He said there would be no delay when they got into operation. The Chief Minister is dead right. We have had a 12-month hiatus. I can see that he is doing his best to keep that promise, and I do not believe the hiatus will end.

Going back to Health, in its "Labor believes we can do better" document, it declares that Labor's pre-election view was that "waiting lists for elective surgery are unacceptably long". Mr Speaker, waiting lists are going up and up—and they are still trending upwards from July last year.

In July last year, there were 3,565 people on the waiting list, and there were 3,921 in July this year. So in 12 months it had gone up almost 400. Now—to his defence—they have come down slightly. In September they dropped to 3,802, but they are still well above the 3,565. I think you will find there was a ramp-up of activity. We know that wards were closed at both Calvary and Canberra Hospitals in September—certainly in October. I suspect ours was a city without elective surgery being performed on some days in October this year.

Another broken promise: Labor will provide greater support for people with mental health problems. Again I quote from Labor's health fact sheet No 3. How can this be so, when Calvary Hospital has announced it is cutting its public psychiatric services by 7 per cent?

Mr Speaker, another broken promise: Labor will ensure better and more open management of waiting lists. That is from Labor's 2001 election platform. The waiting lists are certainly not being tabled in this place, so there goes openness. They are certainly not being managed better, because they are growing.

Another broken promise: Labor will increase prevention measures through Healthpact. The promise was \$150,000. That is from Labor's election platform. There is no extra money provided in this budget for Healthpact.

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Here is yet another broken promise from Labor's election platform: Labor will maintain an additional allocation to the public health dental program of \$2.567 million over the next four years. That figure is exact—\$2.567 million over the next four years. The funding for the dental program actually decreased, in real terms, and it certainly did not get to the \$2.567 million as promised.

Other things have gone wrong. We have seen that, under Mr Stanhope, Calvary will close, to public surgery, its elective surgery theatres for 14 weeks of this financial year. There will be no public surgery at Calvary Hospital for 14 weeks.

Canberra Hospital has already closed its wards once, and I suspect it will be forced to do so again. Add to this the imminent closure of the Dickson and Narrabundah aged day-care centres, the sending of cancer patients to Wollongong and Wagga for radiotherapy and the shuffling of patients overnight from emergency to x-ray at Canberra Hospital, for a complete picture of Mr Stanhope's incompetence.

One sad thing—not a broken promise—which came out only because of questioning in the Estimates Committee was the status of outpatient services for the people of the ACT. I started this litany by pointing out the fact that the two after-hours clinics have not eventuated. Unfortunately, some people rely on the emergency services out of hours because they cannot see a GP. We all rely on emergency services out of hours—but this year we are seeing a reduction of services in outpatients.

Even though the budget document stated there would be 210,350 outpatient services provided, by the date of the Estimates Committee at the end of July, outpatient services had already dropped to 202,000. So the question is: where has the money gone that the Chief Minister bleats about constantly? We do not have a problem with the extra money. We are happy that the extra money goes to Health. We worked hard to make up for the \$344 million operating loss we inherited, so there would be more money for health and education. We are pleased to see that. For that extra money, the people of Canberra should be getting extra services, not less—yet we get less. We spend more and we get less.

That brings me to the next broken promise. Labor says: we can manage better and we will get better value for the money we spend on health. Where is the better value for the money they spend on health? No GP clinics, less outpatient services, closed wards, rationing of accident and emergency services, cuts to public psychiatric health, closure of day care centres for the aged, and sending of patients to Wollongong and Wagga. That is not better value for our health dollar. The government has broken many promises, and I believe that will continue.

Mr Speaker, moving on to corrections: Labor's document before the election stated:

Labor believes that work must be concluded on prison programs before we decide on the prison design and we must decide on design before we decide on site.

There are probably two broken promises in that. We have gone straight to choosing the site at Majura before any design or programs have been put to the public. Where is the consultation? That is, of course, another broken promise.

The minister says in his statements that he will be out there consulting with the committee. There has been no consultation on design or programs, and yet they have gone ahead and selected the prison site. As to being more open and consultative, we have finally found out that the Chief Minister will deign to go down to talk to the people of the Tuggeranong Community Council in February next year. He will go down to Tuggeranong, 15 months later, for his first meeting with the people of the Tuggeranong Valley through their elected organisation, the Tuggeranong Community Council. If that is his idea of openness and being more consultative, then he needs to get out there and actually talk to the people.

We have seen the disappearance of the meet the minister program. You can now only meet a minister in his or her electorate. The fact that there are no “her” ministers is perhaps another problem.

Mr Speaker, let me get back to corrections. Mr Quinlan said there would be a protocol which would ensure that low-risk prisoners go to the temporary remand facility at Symonston. However, at the estimates hearing, there was an admission that high-risk prisoners may end up there as well. So it goes on.

Turning to business: the government promised to be a low-taxing government. They made the statement at the Press Club that they would be a low-taxing government. However, at the first opportunity, they stopped reducing the taxes on business—keeping us competitive. Instead of having the payroll tax threshold go up, in fact it stayed the same. We have been promised a white paper, which is due soon, but we were told in estimates that they were not sure whether it would achieve much.

As to tourism: I see nothing from this government.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (4.32): Mr Speaker, the government is lazy; the government is “do-nothing”. That is generally the first weapon of choice of an opposition bereft of ideas and, more importantly, bereft of a criticism of substance. You will see this occurring in the Victorian election campaign in the next couple of weeks. You will have the opposition saying the government is a do-nothing government. It is the soft option—it is the easy criticism.

People will say, “Yes. We do not like governments anyway. I do not read the paper and I have not seen all the things they have done.” It is something that will resonate. If you cannot score a clean punch at all, what do you do? You take the time-honoured, shop-worn, soft option—the government is lazy—a do-nothing. That is about as good as the argument gets.

I am interested, though. It has been educational to be here to hear the opposition say that the concept of thinking is anathema. We had, of course, concluded that. We have seen this opposition in action. No, they did not think. Bruce Stadium would be a good example. “We did not think about it.” Fair enough? “We got on with the job.” CanDeliver is another one. What did that cost us? “We got on with the job—we did it!” Impulse Airlines: “We got on with the job—we did it!”

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**MR SPEAKER:** Order, Mr Quinlan! Mr Humphries, do you have a point of order?

**Mr Humphries:** I hate to interrupt this Oscar-winning performance, Mr Speaker, but I have a point of order as to relevance. The matter of public importance is about the government's failures—it is not about the opposition.

**MR SPEAKER:** It is a bit hard to ask the government not to boast about their achievements. I am sure Mr Quinlan is aware of the relevance rule.

**MR QUINLAN:** Yes, I think it is important. There are the simple, unthinking minds over there which do not see. Even the casual observer with an IQ above 85 would say, "This is a comparative challenge. This is you versus us." So I do think it bears saying. What we are really talking about is the situation that we took over. I have listed in this place, before, some of the legacies we have had to do something about.

We have had to do something about a quarry, because they did not think about it. We had to do something about the operation of CTEC, its car race and the management of CTEC—done. We had to put money into the budget to actually build a remand centre—we have done that. In the space of a year, we are about to open the annex of the remand centre, to relieve a dangerous situation left to us by an unthinking, lazy, previous government. It goes on.

Did they provide for a medical school? No, but we have. New South Wales came and challenged this government on the sports bookmakers a couple of years ago. What did they do about that? Nothing. What are we doing about it? We are sorting it. There is a difference. I admit that I have been doing some thinking. Whether that is allowed or not, I confess that I have actually been thinking through the problems and then solving them.

Mr Speaker, I am pleased it is now a matter of record that the opposition is not interested in thinking before they take action. Let the record show that that is clearly evident from the results you gave the people of the ACT.

**Mr Smyth:** At least you have the good grace to smirk, Ted—but you are very good at misrepresenting things.

**MR QUINLAN:** Speaking of misrepresentation, it is funny you should mention that. I need advice, Mr Speaker. I know it is a breach of parliamentary behaviour to call somebody a liar in this place. However, if they publish lies outside this place, I am sure I am entitled to say they are liars. Would I be?

**MR SPEAKER:** You are not entitled to impute.

**MR QUINLAN:** I am not allowed to say that lies said outside this place are lies—okay.

Let me refer to the topic of the Leader of the Opposition's press release, and the scratching around to try to find promises that were broken. This is pathetic. On this piece of paper is a promise ascribed to Labor. It says, "Labor will be able to deliver a surplus every year of this government."

That implies that we made a promise—and yet I stood in this place and said that the intention of this government is to make a surplus over the economic cycle. I said that repeatedly.

**Mr Smyth:** Where, and when?

**MR SPEAKER:** Members of the opposition, please come to order!

**MR QUINLAN:** This sort of statement, this sort of misinformation, is typical of an opposition that is bereft of an original thought—hopeless. “I cannot prove this promise was actually broken, but I will put it out anyway. I will say it anyway.”

Here is another one. “Low-risk prisoners will go to the temporary remand facility at Symonston.” That is not an election promise, but do not worry about that—stretch the truth.

“In the budget estimates, there was an admission that high-risk prisoners would end up Symonston.” That is not true, Mr Humphries, and you know it.

**Mr Humphries:** You said it.

**MR QUINLAN:** Could you say that louder—so it is in *Hansard*?

**MR SPEAKER:** Order! Mr Quinlan, please resume your seat for a minute. Members of the opposition, please maintain order in the place. Otherwise, you put me in a position where it is “out the front door”. I do not want to be forced into that position.

**Mr Humphries:** If you want to go outside the front door feel free, Mr Speaker.

**MR SPEAKER:** Mr Humphries, you will be the first!

**MR QUINLAN:** Thank you, Mr Speaker. What I did say was that the prisoners who go there will, because of the system, be described as maximum security—right? No, that is not good enough—because what you have to do is distort the truth. As I said, this is a pathetic scratch-around. For 12 months you guys have been over there, and this is the best you can do. It is appalling.

“Labor will cap rates to the actual CPI movement.” I made it clear that it would be the CPI movement of the immediate past year. But no—we have to imply in this that I said that somehow it was the future CPI. “This is a dishonest document. This is a broken promise.”

This is a good one—I had better get on with it. “Ted Quinlan wanted to remove superannuation returns from the financial accounts and, because of accounting standards, because the Auditor-General has ruled against it, he cannot—it is a broken promise.” That is fairly desperate stuff, Mr Humphries. I repeat that using these tags and trying to say the government is lazy and do-nothing is the first weapon of choice of an ineffectual, inadequate opposition without a positive idea to contribute, and without a criticism of any genuine substance. That is you. Why do you not start the process of thinking? You might get to like it!

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**MRS DUNNE** (4.42): Mr Speaker, we have come here a year after we were sworn in to mark the first year of the Stanhope government, and look at its pathetic performance, its litany of broken promises and the vain attempts of people like Mr Stanhope and Mr Quinlan to justify their inaction.

When I came to consider the last year of the Stanhope government, I was put in mind of what a headmaster might write about the top boys in the school. I will move first to the head prefect— young Jon Stanhope. What does the headmaster say about him? Young Jon was very pleased at becoming the head prefect, but since—

**MR SPEAKER**: Mrs Dunne, please use the minister's proper title.

**MRS DUNNE**: Since taking up his position, he has not managed to get over the novelty of the situation. He has not actually done anything, with his privileged position, to further the wellbeing of the school and the school body. It seems that the headmaster thinks young Jon is easily distracted, has private enthusiasms and a short-term attention span.

Looking at what the headmaster says about the rest of the class, he turns to young Edward Quinlan— young Ted. I cannot call him the deputy head boy, because the Speaker will get upset. We do know that the headmaster has said that young Ted lacks spark, and that his energy levels need to be lifted.

**MR SPEAKER**: Mrs Dunne, I have asked you to use the proper titles for members. Derisory comments like that are unacceptable. I think you know that they are contrary to standing orders. So please refer to members with their proper titles.

**MRS DUNNE**: It is an upper-class school. As I have said, Mr Quinlan lacks spark and his energy levels need to be lifted. There is a note from the school nurse, who wonders whether Ted is getting too much yeast or something in his diet. His parents or guardian should look at his diet, because he has unusual mood swings and tends to fly off the handle, from time to time. He is not too interested in many of the responsibilities he is given, but he does show an unnatural interest in horses.

As for Mr Wood, we see that he is a repeat boy in this class. He has had this position before. He is familiar with the work and, for the most part, we would expect more from him.

The youngest member of the group is the enthusiastic Mr Corbell. He likes to look busy all the time. But the emphasis on Mr Corbell's work is more on quantity than on quality. Despite a high output, Mr Corbell has a few behavioural problems. He has a propensity to insist on his own way, and shows a complete incapacity to negotiate—he tends to bully. He has an inflated sense of his own self-importance and will not talk to classmates who need to speak to him. There is a flurry of activity around what Mr Corbell does, which leaves his teachers, his colleagues and the whole school community in a whirl.

The school nurse raises the point that perhaps we should cut back on the red cordial in his diet. Generally speaking, the headmaster is of the view that the class is too small and that a gender mix might improve the outputs.

It is lighthearted, Mr Speaker, but it goes to the serious problems this government has, and to this government's grave incapacity to achieve anything on behalf of the people of the ACT. In saying that, I would like to look particularly at the planning portfolio, where, over the year, we have seen a flurry of activity.

I disagree with my leader on this. There has been a flurry of activity in planning. If it were not for the activity in planning by Mr Corbell, there would have been no activity by any part of the government. He is the outstanding, star performer. However, as I said before, we need to look at the quality—not just the quantity—of what has been done.

What Mr Corbell has done in many cases is a bit like a curate's egg. With all curate's eggs, they are good in part. The spatial plan is good—that is, if it gets the right result—but the process is something that should be encouraged. Like all members opposite, I have encouraged people to participate actively in the development of the spatial plan.

While we are developing the spatial plan—one of the things recommended by the OECD—every other aspect of the OECD report on Canberra as a renaissance city has been cast aside. This is a government with no vision for the centre of Civic, despite the recommendations of the OECD, which are always much vaunted when it comes to the strategic plan. There is no strategic plan for Civic. “There is no strategic plan for Civic, and we don't want to talk about it.”

There are lots of strategies and many plans. There is consultation, there are community information nights and there are media plans. These have ground down the people of Canberra who are interested and have a desire to participate actively in the planning process. Community groups across this town have complained to me, and to others, that they are utterly ground down with the new type of future shock which might be called consultation overload.

I turn back to one of the themes raised by Ms Dundas—housing affordability. As Ms Dundas mentioned, this government has said a lot about housing affordability. It has huffed and puffed. Ms Dundas raised a great litany of shortfalls in the area of welfare housing and crisis accommodation which have not been met by this government in any of the portfolios.

On top of that, we look at the process being undertaken by this government in the area of land development. What do we see? Even if you are not so unfortunate as to be in demand for welfare, what will happen? If you want to buy a house in this territory at the moment, then you go into a ballot for the only available land in the ACT.

By their own recommendation, the starting price, which would be \$85,000, has suddenly ballooned to \$147,000. No first home owner, no young, aspiring, freshly married young couple, can possibly afford to buy a block of land for \$147,000. Everything this government does to promise housing affordability comes to nought when the base price of land in this territory is \$147,000.

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**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (4.50): I will necessarily be brief. It is appropriate that we have this debate today because, at lunchtime, I was at Ainslie Primary School attending a very pleasant function as we signed up to deliver \$800,000 that we had promised, before the election campaign, would be returned to the Institute of the Arts as part of the \$1.6 million that those people over the road, when in government, took from it. So we were returning, in one area, what was taken by the former government.

I did not hear you mention that. Nor did I hear you mention the very considerable extra amount this government gave to the arts in its last budget. I intend to table the notes of the achievements in the areas under my two departments. I will say something about housing—and I appreciate Ms Dundas raising it.

As it turns out, we did not make any monetary commitments to housing in our election campaign. I would not have minded if we had made monetary commitments, but we did not. Since that time, however, we have probably spent and raised something that, over two years, would be well over \$16 million for safety issues.

The affordability task force is about to report. So we have given more than we had promised in housing.

Mr Speaker, I table a list of achievements in my areas. I present the following papers:

Labor Government—achievements—First year in office—Urban Services (including environment, arts and heritage) and Disability, housing and Community Services.

**MR SPEAKER:** You have one minute, Mr Stefaniak.

**MR STEFANIAK** (4.51): I will take a quick point with Mr Wood. Mr Wood, if you look at your budget, I think you will see that there is some \$3 million less for housing. You will also see that you allocated about \$3 million in a sort of slush fund. I know you probably hope to use it, but there are some real needs now. I have been pressing about the issue of people in our community are regularly sleeping rough—and Ms Dundas also has a great interest in this.

**Mr Wood:** Welcome to the debate.

**MR STEFANIAK:** There is a real need, Mr Wood.

**Mr Wood:** Welcome to the debate! I am delighted to have you in the debate at last.

**MR STEFANIAK:** There is a real need for another men's accommodation centre.

**MR SPEAKER:** Order! The time for this discussion has concluded.

## Public Access to Government Contracts Amendment Bill 2002

Debate resumed from 26 September 2002, on motion by **Mr Quinlan**.

That this bill be agreed to in principle.

**MR HUMPHRIES** (Leader of the Opposition) (4.52): Mr Speaker, the bill before the house will amend the Public Access to Government Contracts Act 2000—legislation supported pretty unanimously by the Fourth Assembly—in response to the report from the Finance and Public Administration Committee.

The report recommended that two actions be taken. The first was that chief executive officers be required to implement measures to ensure compliance with the act. The second was that the act specify the nature of the reporting requirements indicating compliance with the provisions of the act.

Following the committee report, on 3 June this year the Auditor-General reported that in his view the act was not effective and was not being administered effectively. He had a number of concerns about the operation of the legislation, including concerns about lack of clarity about the requirements of confidentiality clauses, the fact that there was no requirement for agencies to disclose the existence of contracts and a lack of compliance provisions.

The government's bill appears to satisfy the requirement of ensuring compliance with the act. In such, in general terms, the opposition will support this bill. The approach of the bill is for the chief executive officers of administrative units or territory instrumentalities to be required to report to the Auditor-General on any contracts for the preceding six months that have a confidentiality clause or that have no such clause. As such, the bill provides a mechanism to provide for some measure of accountability. We support that.

We note, however, that the periods of time provided for could create some difficulties with the application of the act. The act is predicated on a six-month reporting period beginning on 22nd December and 22 June each year. I see that as a somewhat strange reporting requirement. I am not quite sure why it is structured in that way as opposed to, say, 1 January and 1 July. Perhaps the Treasurer could explain that when he closes the debate.

That aside, Mr Speaker, the bill has the support of the Liberal opposition.

**MS TUCKER** (4.55): The Public Access to Government Contracts legislation was developed in 2000 in response to concerns that had arisen in the last Assembly that much information about government deals with private organisations was being hidden by the use of commercial-in-confidence clauses in government contracts. Mr Moore, Mr Osborne and the Labor Party developed bills to address that issue, and the legislation that ensued incorporated ideas from mainly the Moore and Osborne bills.

The legislation sought to define when confidentiality clauses could be used in government contracts and to require government contracts to be publicly accessible except where the confidentiality clauses were legitimately used.

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The Auditor-General was also given a role in maintaining a register of contracts which contained confidentiality clauses and reporting such contracts to the Public Accounts Committee. Unfortunately, the Auditor-General reported after the first six months of the act's operation that the legislation was not being followed correctly by agencies despite efforts by the Audit Office, the Treasury and the Government Solicitor's Office to inform agencies of their responsibilities. The Auditor had no assurance that all contracts containing confidentiality clauses were being forwarded to him.

The then Standing Committee on Finance and Public Administration, in its report No 28, commented that it should be the responsibility of chief executive officers, not the Auditor-General, to make sure that the act was complied with. The committee recommended that the act be amended to require chief executive officers to certify that the details of the contracts provided to the Auditor were full and accurate and that there be a formal requirement that agencies provide lists of contracts to the Auditor within 14 days of the end of each six-month reporting period. This bill implements those recommendations.

Before this bill was tabled, the Auditor-General released his own audit into the operation of the act, which concluded that the act "is not effective and is not being administered effectively". He found that not all contracts containing confidentiality clauses were being submitted to the Auditor-General and that most of those that had been submitted did not comply with the act. He found that of the 41 contracts with confidentiality clauses received by the Auditor only five appeared to comply fully with the act. This report confirmed the need for these amendments, and a few more besides, which I assume the government will be taking up at a later date.

Because of the way the legislation was cobbled together from other bills, some procedural issues may have been overlooked. However, it is very worrying that public service agencies appear not to take the legislation seriously and not to be attempting to comply with the spirit of the legislation.

The former Finance and Public Administration Committee certainly made it clear that it was quite worried by the tardiness of agencies in reacting to the new statutory requirements. It said:

Given the amount of information that was made available to agencies about their responsibilities under the Act, the Committee finds it difficult to believe that it is ignorance that has led to this lack of response ...

It is disturbing that the Service may regard statutory requirements that make clear an accountability to the Assembly, through the Auditor-General, as something that can largely be ignored.

I am happy to support these amendments as there are obviously problems with the implementation of the original piece of legislation. I also have two amendments to the bill which relate to when its main provisions will come into effect, as I believe that the problems with this bill should be fixed as soon as possible. I will talk to the amendments in the detail stage.

**MS DUNDAS** (4.59): The ACT Democrats believe that in principle this is a good bill, as it tries to address some of the many concerns raised about the operation of the act. Public access to government contracts is a worthwhile endeavour. Government departments, the legislature and the Auditor-General need to work together to make sure that the principles of accountability that were brought into law in the ACT are maintained.

My colleague Dr Arthur Chesterfield-Evans introduced similar legislation into the New South Wales Legislative Council that was passed in September and now awaits debate in the lower house.

The Democrats were born on a catchcry of keeping the bastards honest. That has meant bringing accountability to the legislators as well as the civil service. There is still much to be done.

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

**MS DUNDAS**: This bill is a step in the right direction. However, I am seeking to amend it to add a level of responsibility to chief executive officers of departments, to ensure that the good intention of this legislation is complied with, as opposed to again just setting up a structure that is then ignored. We need to ensure that responsibility is taken for allowing public access to government contracts. I will speak further to my amendment in the detail stage.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.01), in reply: I thank members for their support for this bill. I think its intentions are fairly straightforward. It is one of those little pleasures of coming from opposition to government to follow through something that you were involved in before the event.

I commend the bill to the house in its unaltered state. I will talk to the amendments in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4.

**MS TUCKER** (5.02): I move amendment No 1 circulated in my name [*see schedule 1 at page 3485*].

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This amendment must be read in the context of how the act works. The act specifies that at the end of each six monthly period the Auditor-General must put together a list of contracts received from agencies and pass this on to the Public Accounts Committee. The act commenced on 21 December 2000, so the periods have so far ended on 21 June 2001, 21 December 2001 and 21 June 2002. The new requirements on chief executives introduced by this bill do not, however, start until the reporting period of 22 December 2002 to 21 June 2003. This means that the current reporting period that ends on 21 December 2002 is not covered by this bill.

I see no reason why we have to wait until June 2003 for these new provisions to be implemented, particularly when agencies should have been complying with this legislation right from the start and there are already administrative guidelines in place that agencies should be following. My amendment, therefore, changes the first reporting period to which this bill applies to the period from 22 June to 21 December 2002.

I recognise that this amendment contains an element of retrospectivity, in that chief executives will be required to ensure that contracts already let between 22 June and now comply with the act. However, as I said, I think chief executives should already be complying with the act. They certainly have had enough notice that the Assembly and the Auditor-General have not been happy with the way the act has been implemented so far. We should not have to be including in an act a section stating that chief executives must comply with the act. It should be an automatic requirement. If chief executives are not complying with the legislation, then they are not doing their job properly, and the executive should take appropriate action against them.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.05): The rationale behind this bill is to cover the situation Ms Tucker referred to. An intent for registration was not complied with. It was therefore necessary to stiffen up the legislation. Going back to 22 June will create work that some poor sod will have to do.

**Ms Tucker:** Which they should have been doing anyway, under the act.

**MR QUINLAN:** It is still work that some poor sod will have to do. But the government does not see this as a major problem. When we look at accountability issues, which seems to be fashionable and an area for point scoring, I ask that we take into consideration the workload that it implies. We will not resist this amendment.

Amendment agreed to.

**MS DUNDAS** (5.06): I move amendment No 1 circulated in my name [*see schedule 2 at page 3485*].

This amendment tries to do what this bill sets out to do—make chief executive officers responsible for compliance with the act. What it asks is almost identical to what we ask agency heads to do when signing off on financial reports under the Financial Management Act. Without this amendment, I believe that we will fix nothing. The toothless tiger will continue, compliance rates will be down and the ACT public will be none the wiser as to what contracts are awarded and to whom.

The bill says that the chief executive officer of a government agency must ensure that the agency complies with the act. My amendment asks that for each six-month period the chief executive officer certify in writing that compliance requirements have been met. How are we to know that there has been compliance unless the chief executive officer writes it down and lets us know? Without that, all we will have is a requirement that the CEO of a government agency “must ensure”, which is similar to what we already have.

The idea of written certification that the act is being complied with is straight from recommendation 2 of report No 28 of the Standing Committee on Finance and Public Administration in the Fourth Assembly. It was clear to that committee, chaired by the now Treasurer, Mr Quinlan, that any assurances that the act was being complied with should not rest with the Auditor but can and should reside with the chief executive officer of the government agency providing the information.

Our Treasurer, in opposition, was prepared to support the idea that responsibility rests with chief executive officers and that their responsibility was something they needed to certify. I hope that the Assembly now sees that we need to call on chief executive officers to certify that they know what is going on and that the act is being complied with, so we do not have a repeat of pretty words in legislation but still no accountability for compliance.

I ask the Assembly for their support for this amendment.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections) (5.09): The government will not be supporting this amendment, not for compromise but for very practical reasons. If someone is to certify that the list is absolutely complete, the amount of work that they or someone they absolutely trust would need to do is horrendous and quite out of kilter with the process of being chief executive.

I started out with the view that Ms Dundas has espoused, “Chief executives had better certify this lot,” but during the process of consultation I came to realise that that is an impractical process. It is an impractical impost on chief executives to require them to have firm knowledge that this list is complete and unadulterated.

It would seem to me that we should frame the legislation in line with the role of the chief executive, which is to set directions and set the controls in place to make sure things run properly. They do not have to do everything themselves.

The amendment is impractical. We should focus on the terms of the bill before the house, which says that chief executives will be responsible for implementing the control processes to ensure this happens. If it does not happen, the chief executive will still be responsible, because it will have been a failure of the system, unless of course somebody down the line maliciously and deliberately leaves one out, in which case there is no way the chief executive could know. We do not hold the chief executive personally liable for many of the other mistakes that might be made in a department. We hold the chief executive liable for the overall operation of the department. If mistakes, errors or

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omissions repeat themselves, then quite clearly the chief executive would be called to account.

It is a matter of trying to make sure that the bill is practical in its application. We cannot support the position that chief executives have to do the certification and must do preparation work to allow them to earnestly sign something. Our chief executives are generally very hard-working people. We know that at best they would be certifying something that somebody else had assured them had been done. This is not a practical amendment.

**MR HUMPHRIES** (Leader of the Opposition) (5.13): Mr Speaker, this amendment is a fairly short and simple one, but it raises issues which go right to the heart of accountability in our system of government. It raises very interesting questions to which I am not sure there are particularly clear answers.

The government's clause says:

The chief executive officer of a government agency must ensure that the agency complies with the Act.

That is fairly straightforward. Ms Dundas' amendment effectively says that the chief executive officer must certify in writing that sections blah blah have been complied with. Both versions are the same but Ms Dundas' has an overlay.

What is the difference between simply ensuring that the legislation is complied with and certifying in writing that it is complied with? The difference is the measure of responsibility you take as the certifier for the consequences of getting it wrong. If you certify in writing that the thing is correct and it turns out not to be correct, you take the consequences of that failure. If a fairly serious piece of misinformation is provided to the public, the parliament or the minister, the officer who signed it off would be expected, in extreme cases, to resign, or he would be sacked for having made that decision.

The Treasurer has argued that the number of contracts that might be caught by such provisions could be quite large in some agencies, and therefore it would not be fair to require a chief executive, who would be taking advice from more junior officers in the department or agency, to wear the blame for the misinformation he received and be forced to resign because the information was wrong.

It explains why in our system of government ministers certify very little. Ministers are peculiarly creatures of the advice they receive, particularly when they represent certain information to the public by way of reports or statements in parliament. As a rule, they rely on second-hand information, on what people, generally their advisers or officers in their agencies, have told them.

I would have thought that the consequence of that was that bodies, agencies or officers who certified certain things, not in writing but by simply making statements without that extra degree of certification, would have a let-out if they were proven to be wrong in the information they provided. They could say, "I was misinformed. My advice was wrong. Sorry. I will fix it up. I will get the right information for you now, but I am not responsible to the point of having to resign."

That was a let-out available to ministers in governments. Under the classic formulation of the doctrine of a ministerial responsibility, they were able to say that if they did not personally make a decision or ought not to have known a piece of information they provided was wrong then they were not liable to have to resign if the information turned out to be egregiously wrong. That formulation has been a little muddied by the decision the Assembly made a couple of years ago about Bruce stadium, but this is not the place for a debate about that.

Whereas it might be unclear what the standard of accountability is for ministers at the moment, in this place at least, we have a chance here to decide what level of accountability should apply to the chief executives of government agencies. I buy the argument that if it is a small number of contracts the chief executive perhaps should sign the list off, should certify it in writing and should wear the consequences of giving false information to parliament. But I am not sure that I can accept the argument where there is a much larger number of pieces of information.

It would seem to me that it would be unfair or unreasonable to ask the CEO to personally check each of hundreds or thousands of contracts in their agency. Is it reasonable that the chief executive should have to resign if the information provided is wrong? If the answer to that is no, then it would not be reasonable to require him to certify in writing. The appropriate course of action is to oppose the amendment.

**MS TUCKER (5.18):** This amendment tightens up the requirement on chief executives to comply with the act by getting them to certify in writing that they have complied with the requirement that a list of all contracts with confidentiality clauses be forwarded to the Auditor-General as well as providing the contracts themselves.

This amendment more closely matches the recommendation of the Finance and Public Administration Committee than the provisions of this bill. Getting chief executives to sign a statement does not seem an onerous requirement on them, given that they already have overall responsibility for implementing the act, but it might put a bit more pressure on them, as it would be harder for them to pass the buck if something went wrong.

This approach is similar to the requirement of the Financial Management Act that chief executives must sign off on the annual financial statements their agency sends to the Auditor. I am therefore prepared to support this amendment.

I note the comments of Mr Quinlan and Mr Humphries. Mr Humphries said, if I heard him correctly, that there were hundreds of thousands of contracts. I am surprised.

**Mr Humphries:** Hundreds or thousands.

**MS TUCKER:** Thank you for that correction. I was surprised that there would be hundreds of thousands of contracts. I was beginning to think maybe I should reconsider this. I agree with Ms Dundas' amendment. The legislation says that chief executives must be responsible. This is about accountability. Under the legislation, they are responsible anyway. The buck stops with them. I would have thought it would help them if they were held responsible if there was a failure. By having this requirement, they will

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be able to comply with the legislation with confidence, because they would have signed, and hopefully that would have prompted them to look at each contract.

I understand Mr Quinlan saying that it is too much work for the benefit, but I guess that is a judgment call on how important accountability is in this area. From the work I have done in various fora around different conferences that have looked at accountability of government, I know that accountability for government expenditure of public funds is right up the top in importance.

This is about spending public money. At this time government is purchasing a lot of services outside, much more than used to be the case. For that reason, I think this amendment is very important. I understand that it may make more work for chief executives, but I also believe that it is important enough to warrant that work.

**MS DUNDAS** (5.21): I find it quite ironic that today, when we have already talked about this government's backflipping and inability to keep promises, the Treasurer no longer supports the August 2001 recommendation of the Standing Committee on Finance and Public Administration, which the minister chaired, that CEOs "certify, in writing, to the Auditor-General that the details of contracts and amendments provided for the register are full and accurate details of the contracts" and do so within the time period required. This is what the Treasurer wanted when he was in opposition, but now he is in government he no longer cares about accountability, as it appears it is all too hard.

If a CEO cannot take responsibility and cannot certify that they are ensuring compliance, and if this is not a key role of a CEO, then I fail to see what we expect them to do. With financial statements, the CEO and the minister sign to say they are a true and accurate representation of their department. We ask for this level of accountability when we talk about money but not here.

The bill provides that CEOs must ensure compliance. This is symbolically important, but it is difficult to see how this in itself will change the attitudes of departments that have not complied in the past. If we are serious about accountability and if we are serious about people in our departments and elected representatives taking responsibility, then I urge you all to reconsider the decisions you have reached and support my amendment so that we can have true open accountability as opposed to again just pretty words on a piece of paper. If the Treasurer has changed his mind once over the last two years on this issue, then hopefully he can change it again.

Question put:

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

The Assembly voted—

Ayes 2

Noes 15

Ms Dundas  
Ms Tucker

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  
Mr Wood

Question so resolved in the negative.

Amendment negatived.

**MS TUCKER** (5.28): I move amendment No 2 circulated in my name [*see schedule 1 at page 3485*]. It is consequential upon my first amendment, which was passed.

Amendment agreed to.

Clause 4, as amended, agreed to.

Schedule 1 agreed to.

Title agreed to.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, Minister for Sport, Racing and Gaming and Minister for Police, Emergency Services and Corrections): I seek leave to speak.

Leave granted.

**MR QUINLAN**: I want to respond to a couple of things Ms Dundas said in speaking to her amendment, the perfunctory amendment that must be brought with every piece of legislation that comes to this place. I started this bill. This bill is about accountability and it is about openness, but it is also designed to work practically. From both sides of the house people with experience in public administration advised of the impracticality of the amendment moved.

In closing, Ms Dundas said that Mr Quinlan no longer cares about accountability. I think we ought to raise the standard in the house just a little. I commend the bill to the house.

Bill, as amended, agreed to.

## Plant Diseases Bill 2002

Debate resumed from 27 June 2002, on motion by **Mr Wood**:

That this bill be agreed to in principle.

**MRS DUNNE (5.31):** Mr Speaker, I rise to support the Plant Diseases Bill. It is quite timely that, on a day when there has been much discussion about whether this government was ploughing through legislation, we should be coming to a piece of legislation that supersedes one that was instituted in 1934. It is a longstanding piece of legislation which, rightly, has been in the process of being updated for a couple of years as a result of the national competition policy review.

It is often the case that people think that things such as this are a bit esoteric and not of particular importance. They are not of particular importance until something goes wrong. The whole purpose of the plant diseases legislation and the regime that it sets out to put in place is to ensure that something does not go wrong. We have seen through our history that when things go wrong with plant diseases they go very badly wrong. They create a huge amount of economic loss, not just to the particular farmer or whatever who may have an affected plant, but often across the whole of the economy.

Perhaps the most stark of all those, the greatest plant disease of the 19th century, was the potato blight in Ireland which, over seven or eight years, caused more than a decimation of the population, with vast numbers of people dying of starvation and many more having to emigrate simply because of one plant disease. At the end of the 18th century and early in the 19th century, Australia had the phylloxera blight which, as someone said to me today, was the bubonic plague of the wine industry. It took many years for the wine industry to re-establish itself after the outbreak of phylloxera.

A lot of these things, as I said before, might be seen as a bit esoteric, but, coming off the land, I am quite aware of the rampages of the papaya fruit fly, the various blights that get on tomatoes and things like that, and the dreaded red spider. We have all experienced, as we have travelled across the Hay plain and into South Australia and parts of Victoria, the fruit fly barriers. No family holiday in Australia is complete without being forced to stand beside the fruit bin and finish the oranges, bananas, apples or grapes that you bought in the town before because your dad is too mean to throw them away.

This regime of protecting Australia against plant diseases is very important and the bill which is before us today is an important step in bringing that up to date. There are some much more simplified modes of addressing the issues which the members of the opposition are pleased to support. I did have one reservation, as did other members of this place, about one issue, that is, the power of inspectors, but it is not a problem that I have with this bill. It is a problem that I have generally across legislation in the ACT and the minister has undertaken that there will be a review of the powers of inspectors.

I was aware that a similar review of the powers of inspectors began in about 1996 in the Department of Justice and Community Safety, but I do not recall that it ever saw the light of day. I think that it is timely that we look carefully at the powers of inspectors, who often have far greater powers than the police. Apart from that small reservation, we will be supporting this bill.

**MS DUNDAS (5.35):** This bill appears to be quite simple. It replaces the Plant Diseases Act of 1934 and updates and modernises the legislation surrounding emergency powers necessary for controlling plants, pests and diseases, in line with similar legislation, such as the Animal Diseases Act 1993. However, I do note that the scrutiny of bills committee raised a number of issues about the implementation of this bill that should be mentioned here.

I have been informed that the minister will be moving a number of amendments in response to the comments of the scrutiny of bills committee in its report. In particular, I understand that the minister will be changing a number of notifiable instruments to disallowable instruments due to the scrutiny of bills committee identifying in its report that delegated legislative power is insufficiently subject to parliamentary scrutiny.

I agree with the amendments and will be supporting them, as I am also concerned that the existing bill does not seem to make a clear distinction between instruments of a legislative and executive character. This distinction is especially important as the designation of a thing as an insect or a disease begins a process that may result in the use of extensive search and destroy powers.

I also note that the scrutiny of bills committee's report raised the issue of whether the restriction of access to the courts was more than necessary for the smooth operation of this bill and whether inspectors should have more restrictive responsibilities in exercising their powers. In questioning this, I was informed that the powers given to the inspectors under this bill mirror those in numerous other acts. However, as the government noted in its response to the committee's report, "It would be preferable to give consideration to the suggestion in the broader context of inspector powers in all legislation."

The government has yet to give any confirmation that it will look at this question. I strongly urge the government to look at this issue in light of the fact that the scrutiny of bills committee has questioned the extent of inspector powers. We know that that exists in a number of acts and it needs to be considered in a holistic way. With those ideas in mind and considering the amendments from the Minister for Urban Services, the ACT Democrats will be supporting the Plant Diseases Bill 2002.

**MS TUCKER (5.37):** This bill sets out new provisions for the regulation of plant diseases and replaces the Plant Diseases Act 1934. The bill came out of a national competition policy review of that act and updates and streamlines the procedures for controlling the establishment and spread of plant diseases, such as the imposition of quarantine zones, prohibiting the entry of material that could spread disease and making orders for the treatment and destruction of affected plants or goods.

The Greens have no problem with having a strong scheme for the control of plant diseases, as we would all agree that such diseases can have significant impacts on our agricultural industry, as well as the environment more generally. This is not so much an issue specifically for the ACT, as we do not have many crops growing here, but it is important that the ACT participate in national approaches to plant disease control.

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However, the scrutiny of bills committee raised a particular problem with one aspect of this bill, in that it prevents any legal challenge to decisions to impose quarantine on properties, to declare an area to be subject to import restrictions or to issue an order for the treatment or destruction of plants. The committee noted that this goes against the common law rights of citizens to have access to courts to challenge the actions of state officials that adversely affect them.

I have considered this issue carefully and have decided that the broader public benefit that would be obtained from swiftly controlling plant diseases outweighs any restrictions on individual activities that may be involved. Allowing such a decision to be subject to appeal or court action could hinder timely action to prevent the establishment or spread of a disease. In many cases, it is important for controls to be imposed immediately an outbreak of disease occurs, to prevent the disease spreading further and causing more damage to agricultural production.

I note that this approach of limiting appeal rights is already found in the ACT's Animal Diseases Act and is consistent with the approach taken in plant and animal disease legislation in other states and in national strategies to control diseases in the agricultural industry. There are also some balancing provisions in the bill for this restriction. The bill does provide some scope for challenging these decisions through the Assembly rather than the legal system, because the relevant declarations are disallowable instruments.

The bill also provides for the government to give compensation to a person whose property is affected by the operation of the act which would amount to an acquisition of property; for example, if a crop that has commercial value had to be destroyed. Overall, I think the approach of the bill is reasonable, given the significant threat posed by plant diseases. I will be supporting this bill.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (5.40), in reply: Mr Speaker, other speakers have acknowledged that this reform is long overdue and that the former act sought to interfere with the day-to-day running of businesses and was really out of touch. This bill takes the approach of leaving it to people to run their businesses but still retain comprehensive and essential powers for government to intervene, where necessary, to protect the interests of growers and the community at large. The bill matches the approach taken by relevant Commonwealth legislation and reflects what has been agreed at a national level as the best way to proceed.

The scrutiny of bills committee raised three issues. We have addressed those in our response, but I will give further comments today. As part of the response, the government is proposing four amendments which are all the same but to different clauses of the bill. Members have those amendments on the table in front of them. These changes arise from the scrutiny of bills committee's report.

The committee queried why some of the declarations in the bill were notifiable, while others were disallowable. As it presently stands, the declarations in clauses 5, 6, 7 and 9 of the bill are notifiable. They were proposed as that because the government was of the view that these items were more administrative than legislative. However, the government recognises that there can be a difference of opinion here and, after

discussions with other members, agreed to make these declarations disallowable. There is no problem, I believe, in doing that.

Members speaking today have raised other issues; in particular, that of the exercise of power to gain entry by consent. I note what the scrutiny of bills committee has said, but that can be said of many other pieces of legislation, too. This matter will be taken on board by the Attorney-General for consideration in the context of the government's overall policy on inspector powers.

The final issue raised by the committee related to clauses 17 and 44, which limit the right of people affected by quarantine declarations and associated orders to seek redress in the courts. In the event of a plant disease or pest outbreak, a rapid and effective response is essential to control the spread of diseases and pests. The quarantine must be imposed immediately. These provisions are really fundamental to the effective operation of the bill in an outbreak of a plant or pest disease. We do not take lightly the decision to put these things in legislation, but, in the likely circumstances, it is very important to do so.

Mr Speaker, I believe that the bill is a reasonable approach to the measures. I thank members for their support and I will get on to the amendments in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR WOOD** (Minister for Urban Services, Minister for the Arts and Minister for Disability, Housing and Community Services) (5.43): I seek leave to move together amendments Nos 1 to 4 circulated in my name.

Leave granted.

**MR WOOD**: I move amendments Nos 1 to 4 [*see schedule 3 at page 3486*].

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

### **Adjournment**

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

That the Assembly do now adjourn.

**BMA**

**MR CORBELL** (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (5.45): Mr Speaker, many members would be aware of the magazine *BMA*, which is a magazine targeted mostly at younger people in the ACT. *BMA* is a great source of information on local events and activities for young people in Canberra. It is also a very useful forum in which political parties in the ACT can put forward their policies to a younger audience.

Indeed, in the last ACT election, *BMA* conducted a survey of all political parties in Canberra to judge them on their youth policies and other issues affecting young people. Mr Speaker, it was interesting at the time, during the last election, that a range of political parties responded and some did not. Indeed, the Labor Party responded, as did the Democrats and the Greens. However, the ACT Liberal Party was notably absent, noticeably not there.

I was reminded of that in the last couple of days when I received the latest edition of *BMA*, which had a follow-up article on youth issues in the ACT. I would like to read out part of what the magazine has called "Pollies report card", Mr Speaker. In the section headed "How it works", the report says:

Last year as part of our Poll Position feature, we asked all candidates or parties standing for the ACT Legislative Assembly Election a number of questions regarding their policy agenda.

A year on, we have returned to those elected to see just how they are doing based on what they told us a year ago.

As both the Greens and the Democrats hold one seat each (which is clearly not a majority) it must be remembered that they cannot pass legislation on their own—

none of us can, but that is beside the point—

The responses below are from the Labor Party (who currently form the government), the Greens and the Democrats—

and this is where it gets interesting, Mr Speaker—

The Liberal Party (the current opposition) failed to respond to our questionnaire last year, so it was impossible for us to see how they measured up.

Mr Speaker, it is probably just as well, because I have been trying to recall who is the shadow minister for youth affairs so that I could direct those comments to that person, but I just can't remember who it is. In fact, I am yet to see any comment from the Liberal Party on youth issues and the issues of concern to young people in the ACT. I think that it is a sign of the real neglect, ignorance and contempt in which the ACT Liberal Party hold young people in the ACT that they are not even prepared to use the main forum for young people in the ACT, the only dedicated magazine for those young people, to put forward their views and hold themselves accountable for what they are doing as a Liberal Party, Mr Speaker.

Of course, the Labor Party will be continuing to articulate a strong and proactive youth policy agenda, including the very successful youth interact initiative which is now up and running at a cost of over half a million dollars, expanded outreach services for youth in West Belconnen and additional services for young people facing mental health problems and challenges such as that.

Mr Speaker, the government has put its money where its mouth is, the government is prepared to hold itself accountable, and the government is prepared to communicate its message to young people when requested through magazines such as *BMA* and, indeed, on other occasions as well. Perhaps someone will draw the attention of the shadow minister for youth affairs to *BMA*, which is an excellent magazine. I would urge the Liberal Party to get a bit more proactive and start engaging with young people in the ACT.

## **Breast cancer**

**MR SMYTH (5.50):** Mr Speaker, last month was Breast Cancer Awareness Month, which culminated in Australian Breast Cancer Day on Monday, the 28th. I want to alert the Assembly to some of the activities that did go on, given that 10,000 Australian women will be diagnosed as having breast cancer in a given year and probably something like a quarter of those will not survive. In the ACT, something like 250 people are diagnosed as having breast cancer each year. Something that members might not know is that one per cent of men will get breast cancer.

There were a number of events throughout the month. There was the small field of pink ladies in Civic Square. There were dragon boat races in which a team of politicians got rolled by a boat of Canberra Girls Grammar School girls rather early in the race, to the amusement of all. There was an event in Sydney on Sunday, 27 October, and then Australian Breast Cancer Day on the 28th itself. I would like to thank you, Mr Speaker, for allowing some of the pink lady silhouettes to be set up in the gardens of the courtyard of the Assembly and bring the significance of the events to the attention of those coming to and from the Assembly,.

The events culminated in the Bosom Buddies Dinner on the night of the 28th. I think it is important that we acknowledge the group of ladies from the Breast Cancer Support Group and the Australian Breast Cancer Awareness Network who are out there making sure that people understand what occurs when you have breast cancer and supporting their fellow sufferers.

One of the things that came out of the month was the launch of a book called *My mummy has breast cancer* by Kerry Glover, who is a resident of Nicholls. Kerry stood before all of us that night and said, "I have breast cancer." She said that she was amazed at the lack of information available to women and their families, so she has done the right thing and, rather than complaining, has written a book. If members are interested, I have a form on which they can actually order a copy of the book.

The night itself was a fabulous evening, with \$9,000 being raised in an auction and from donations. Lyn Mills is to be congratulated on the way she compered the evening and Philip Kouvelis on the way he conducted the auction. Throughout the night, various women were honoured. The Chief Minister and his family were there. I think that special

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attention needs to be paid to the activities of two women. One is Melva Walter, who is the breast care nurse for the ACT. Last month she made something like 43 visits to individual women to help them through what must be a very hard time.

We have women like Melva who are doing a job to assist, but on the night and throughout the month a young lady by the name of Leona put herself forward and said, "I'm a young woman. I'm thirtyish and I have breast cancer," which was a constant reminder to all that it is not an older ladies disease; it certainly affects young women. The young ladies of the Girls Grammar School are to be congratulated on adopting the Breast Cancer Awareness Network as their charity for year 12 and, as part of that function, raising money throughout the year. Those girls are certainly to be congratulated on the work they did. The Breast Cancer Support Group, through the Bosom Buddies dinner, nominated project lymphadeno for raising money to purchase a laser scanning machine to go into service in the ACT, and they are to be congratulated on the things that they did there.

I think that it is just something that we all need to be aware of, something that we should not forget. These charities have an enormous amount of support from the community. I present the following paper:

Breast Cancer Day 2002—List of sponsors.

I seek leave to have the list incorporated in *Hansard*, Mr Speaker. It is too numerous to read, but I think it has a place in the *Hansard*. There are probably something like 50 firms there which gave so generously.

Leave granted.

*The list read as follows:*

Bosom Buddies would like to thank the following sponsors for their generosity and support on Australia's Breast Cancer Day, 2002

Addicted to Fabric	Hot Shots
Anna Green, Nutrimerics	Hoyts Cinemas
Arthur Mostead Photographer	Judy McConchie
Aspen Watering Supplies	Kamberra Wine Co
Australian Institute of Sport	Ken Helm
Bakers Delight	Kerry Boyle
Balloon Aloft	King O'Malleys
Brassey Hotel	Lyn Smith
Breast Cancer Network Australia	Margaret Severs, Undercover Wear
Bungendore Woodworks	Maureen Takkenburm, Tupperware
Bush'n'Tucker 4WD Tours	MediaLink
Calthorpe's House	Myrna Zacker (Emma Page Jewellery)
Canberra Institute of Technology	National Archives
Canberra Museum and Gallery	National Dinousaur Museum
Canberra Retreat Bed & Breakfast	National Gallery
Canberra Southern Cross Club	National Museum of Australia
Canberra Tradesmen's Union Club	National Portrait Gallery
Canberra Yacht Club Sailing School	National Zoo & Aquarium
Candamber	Ngunnawal Chemist
Capital Car Detailing	Ondina
Capital Travel, Manuka	Pam Morris, Avon
Caring for You	Paragon Printers
Chronicle	Pinnocchio's Italian Restaurant
Cockington Green	Posh Pots, Mitchell
Colleen's PostMastectomy	Project Lighting
Connection	Questacon
Creol	Screen Sound Australia
CSIRO Discovery	Sonny Cohen
Eileen Hogg	Southside Lighting
Elite Modelling Agency	Sportsman's Warehouse
Emma Page Jewellery	Spotless Services
Escala Shoes	Stephanie's Boutique
Eurest Support Services	Sweet by Design
Fernwood, Belconnen	Tony Riches, Yowani Golf Club
Fiorella Lomax, Diego Dalla Palma Cosmetics	Toorallie Knitting Mills
Forrest Motor Inn	Tuggeranong Valley Rugby Union Club
Gems and Gems Gallery	Undercover Wear
Gib Street Café, Bungendore	Wizard Personnel
Green & Gold Nursery, Federation Square	Yves Rocher (Kellie Williams-Titley)
Hair About Town, Laura Pauletto	

**1 TOWN & COUNTRY PACK**

Champagne tour for 2 (Bush'n'Tucker)  
Waterfront Restaurant voucher  
Kamberra Wine Pack  
2 Cinema tickets

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**2 SPORTSMAN'S PACK**

Golf Lesson – Tony Riches  
Celebrity signed Umbrella  
Sports bag and goodies

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**3 ART & CRAFT OUTING**

Bungendore Woodworks  
Gibb St Café, Bungendore  
Torallie gift voucher  
Green Herring lunch voucher

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**4 GLAMOUR PACK 1**

Glamour Portrait Session  
Nutrimetrics product and facial

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**5 GLAMOUR PACK 2**

Glamour Portrait Session  
\$100 voucher from Colleen's

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**6 CANBERRA RETREAT**

Luxury bed and breakfast, Canberra  
Retreat, Aranda  
Family pass to Lanyon, Calthorpe's  
Mugga Mugga

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**7 OO-LA-LA PACK**

Black Wonder Bra Chemise, 12 B  
Overnight accommodation at Holiday  
Inn, Potts Point  
Magnum Champagne  
Chocolate Sauce  
Make-up voucher, Elite Modelling

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**8 HELLO SAILOR**

Sailing course

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**9 1999 SPORTING HEROES PACK**

Signed Raiders jersey  
Signed Cannons T-shirt

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**10 DINNER & MOVIES**

Café Cosmo voucher  
Kamberra Wine Pack  
2 Cinema Tickets

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**11 FAMILY TOURIST PACK**

Overnight accommodation & breakfast,  
Quality Hotel, Dickson  
Family pass to National Dinosaur  
Museum & Cockington Green

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**12 BREAST CANCER NETWORK**

Raelene Boyle Stamps  
BCNA umbrella

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**13 BACKYARD BLITZ**

(Without Jamie)  
Two gardeners for 4 hours

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**14 DINNER, MOVIES & SLEEPOVER**

Overnight accommodation & breakfast  
Forrest Motor Inn  
King O'Malleys meal voucher  
2 Cinema tickets

---

**15 AMISH QUILT**

**16 GARDENER'S PACK**

Irrigation equipment  
\$25 Garden voucher

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**17 ROMANTIC NIGHT OUT**

Dinner for 2 at the Brassey  
Bunch of flowers  
Nutrimetrics Facial & Product  
Hair do in your own home

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**18 UP, UP AND AWAY**

Hot Air Balloon Ride (1 person)  
Family passes to Dinosaur Museum,  
Cockington Green, National Zoo &  
Aquarium, Questacon, CSIRO Discovery,  
National Portrait Gallery

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**19 JEWELLERY**

Necklace designed by Emma Page

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**20 LOOKIN' GOOD PACK**

Yves Rocher Gift Basket & make-up  
voucher

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**21 KEEP FIT WOMEN'S PACK**

Fernwood membership for 3 months  
Pinochio's Restaurant voucher  
Teatowel – How to be a Woman  
Sports socks, Water bottle

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**22 GLAMOUR PACK 3**

Arthur Mostead Photo shoot, with proofs  
photos & poster  
Diego Dalla Palma Cosmetics voucher

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**23 LIGHT UP YOUR LIFE**

Table Lamp

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**24 INDULGENCE PACK**

Green satin teddy, size 14  
Make-up voucher, Elite Modelling  
Kamberra Wine Pack

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**25 FASHION PUSS**

\$200 gift voucher, Ondina  
\$100 gift voucher, Escala Shoes  
\$150 gift voucher, Undercover Wear

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**26 PAINTING**

Tranquility – Lake Burley Griffin  
by Judy McConchie

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**MR SMYTH:** I thank members for that. Mr Speaker, I will conclude by quoting from the program of the Celebration of Life Gala Dinner and Auction, Australian Breast Cancer Day, 28 October, 2002 the message that Bosom Buddies wants to get out. It reads:

If a woman looked at her breasts as often as a man does, we would lower the rate of breast cancer. Breast self-examination once a month, start today.

### **Canberra airport**

**MRS DUNNE (5.54):** Mr Speaker, on 26 September, Mr Hargreaves rose in this place to have some things to say about the Canberra airport being a horrible place and doing a great disservice to the people of Canberra. At the time, I was critical of Mr Hargreaves for what I considered the politics of envy, his outdated approach to planning and development in Canberra and his inappropriate approach to the private investment that is going on at the Canberra airport. I was very chuffed today to notice a press release from the Chief Minister headed, "Canberra international airport wins major airport of the year award for 2002". The press release starts by saying,

Chief Minister...today congratulated Canberra International Airport on winning the 2002 award for Major Airport of the Year.

This award is open to airports with a turnover in excess of one million passengers per year.

That means that the Canberra airport was up against the big players in the industry, such as Kingsford Smith, Tullamarine and Brisbane. It is a feather in our cap and a great fillip to Canberra to find that the Canberra international airport has become the airport of the year.

One of the things that particularly impressed the people who judged the airport of the year award was, in fact, the thing that most got under Mr Hargreaves' skin. The airport won on the basis of 15 initiatives completed during the year. Particularly outstanding were the development of the Brindabella Business Park and the widening of the runway for head of state aircraft.

Mr Stanhope, who obviously has a different view about the airport from his colleague, finished by saying:

These developments are significant. But of equal significance to regional residents is the assistance that Canberra International Airport provided to Virgin Blue, Hazleton and Kendall Airlines, which helped ensure that Canberra retained services, and more important, competition, after the collapse of Ansett.

Congratulations to the Canberra airport.

**Breast cancer**  
**University of Canberra—fraud allegations**

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.56): Mr Speaker, I might just say, before making the comment that I rise to make, that I concur with everything that Mr Smyth has just said about breast cancer and about Bosom Buddies and the fundraising evening. I agree with everything that he had to say about that and about breast cancer and the extent to which it remains a major health issue for the community and, of course, for women.

Mr Speaker, I just wanted to clarify an answer I gave in question time today in relation to the University of Canberra. Members will recall that Ms Tucker asked me a supplementary question in relation to the University of Canberra's preparedness or otherwise to make documents and other information pre-dating May available to the Ombudsman and Auditor-General inquiries that are currently being undertaken.

Members will recall that I took the question on notice, not knowing the specifics of that issue and not having been briefed on it. I was handed during question time a handwritten note from a member of my staff relaying a message from the Chief Minister's Department which indicated, as I advised the Assembly, that the university's position, having been consulted by Chief Minister's during question time, was that it was always their intention to cooperate fully with the inquiry and that there were no issues around access to documents pre-dating May.

My attention has been drawn to an equivocal statement in a letter from the university to the Ombudsman on 28 August in which the university said that it had agreed to act as if the legislation—that is, the Public Interest Disclosure Act—did apply to the university, that is, that disclosures which are made to the university after 15 May will be handled as if the PID Act is applicable. I am not entirely sure what that means and, once again, I will take some more detailed advice, but at first blush it does appear that there might be some equivocation there in relation to the very dogmatic statement which I gave to the Assembly that it was always the university's intention to ensure that all documents were available.

As I say, my attention has now been drawn to this sentence and I am not entirely sure what this sentence means, but it does appear to have some measure of equivocation in it. I will now get a full written brief on the matter and provide it to the Assembly tomorrow. I apologise for any confusion that I may have caused, but I was advised unequivocally that the university's position was that it would participate fully. I now acknowledge that there is some equivocation in that statement. I have to confess that I do not fully understand the meaning of the statement or the sentence, so I will get detailed advice in writing and table it tomorrow.

**University of Canberra—fraud allegations**

**MS TUCKER** (5.59): I would like to add a comment to the comments of the Chief Minister. My question today was particularly in relation to whether the PID Act applied. I think that there is a difference between whether all documents will be provided and whether the PID Act applies. That is an important question because there are protections

that come with that. There are certain procedures which would then flow if the PID Act does apply. That is what my question was about. The confusion could be that the university are saying that they will provide all documents. The question that I am asking is whether the government will ensure that the PID Act would not be limited in its application to May, which is what the university has said. That is of concern.

Question resolved in the affirmative.

**The Assembly adjourned at 6.00 pm.**

*12 November 2002*

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## Schedules of amendments

### Schedule 1

#### **Public Access to Government Contracts Amendment Bill 2002**

##### Amendments circulated by Ms Tucker

1

#### **Clause 4**

##### **Proposed new section 8A (2)**

Page 2, line 21—

*omit*

21 June 2003

*substitute*

21 December 2002

2

#### **Clause 4**

##### **Proposed new section 8C (3)**

Page 3, line 20—

*omit*

22 December 2002 to 21 June 2003

*substitute*

22 June 2002 to 21 December 2002

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### Schedule 2

#### **Public Access to Government Contracts Amendment Bill 2002**

##### Amendments circulated by Ms Dundas

1

#### **Clause 4**

##### **Proposed new section 8B (1A)**

Page 3, line 3—

*insert*

(1A) For each 6 month period, the chief executive officer must certify, in writing, that sections 8 (2) and 8A (1) have been complied with by the government agency.

2

#### **Clause 4**

##### **Proposed new section 8B (2)**

Page 3, line 4—

*insert*

6 month period—see section 8A (2).

0            Schedule 3

**Plant Diseases Bill 2002**

5            Amendments circulated by Minister for Urban Services

**1**

**Clause 5 (3)**

**Page 4, line 13—**

*omit clause 5 (3), substitute*

0            (3)    A declaration is a disallowable instrument.

*Note*    A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act 2001.

**2**

5            **Clause 6 (4)**

**Page 5, line 6—**

*omit clause 6 (4), substitute*

0            (4)    A declaration is a disallowable instrument.

*Note*    A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act 2001.

**3**

**Clause 7 (3)**

**Page 5, line 16—**

5            *omit clause 7 (3), substitute*

0            (3)    A declaration is a disallowable instrument.

*Note*    A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act 2001.

**4**

0            **Clause 9 (2)**

**Page 7, line 5—**

*omit clause 9 (2), substitute*

5            (2)    An appointment is a disallowable instrument.

*Note*    A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act 2001.

0