



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

11 December 2002

Wednesday, 11 December 2002

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The Assembly met at 10.30 am.

(Quorum formed.)

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

Sub judice convention—matter of public importance

MR SPEAKER: I wish to make a brief statement regarding the sub judice convention as it applies in the Assembly.

Yesterday evening Mrs Cross proposed in writing that a matter of public importance be submitted to the Assembly for discussion today. The matter proposed was in the following terms:

That five years after the catastrophe of the Canberra Hospital implosion the Bender family are still awaiting an appropriate resolution of the tragic death of Katie Bender.

Although the Assembly has no standing order relating to the sub judice convention, the practice of the Assembly has been to follow that convention. In addition, pursuant to standing order 275, certain questions relating to the conduct of the business of the Assembly are decided according to the prevailing practice of the House of Representatives.

The sub judice convention, as set out in the Fourth Edition of *House of Representatives Practice*, is:

Notwithstanding its fundamental right and duty to consider any matter if it is thought to be in the public interest, the House imposes a restriction on itself in the case of matters awaiting or under adjudication in a court of law. This is known as the sub judice convention. The convention is that, subject to the right of the House to legislate on any matter, matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions.

Page 565 of the Fourth Edition of *House of Representatives Practice* states:

There is no specific difference between the application of the sub judice rule to matters of public importance and that which applies to debate generally.

On page 495 it states:

The application of the sub judice convention is subject to the discretion of the Chair at all times. The Chair should always have regard to the basic rights and interests of Members in being able to raise and discuss matters of concern in the House. Regard needs to be had to the interests of persons who may be involved in court

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proceedings and to the separation of responsibilities between the Parliament and the judiciary.

I have been advised that pleadings on this matter have taken place and proceedings before the Supreme Court have been under way for some time. Although the matter has not been set down for trial, I understand that a mediation conference is scheduled to take place in the very near future. I have examined the matter and considered the advice available to me at this stage.

I have been concerned in the past to ensure that the judiciary and the legislature do not interfere with each other's proceedings. I have concluded that discussion of the matter submitted could prejudice the proceedings, and I have therefore ruled it out of order.

These matters are ultimately for the Assembly to decide, but at this stage I intend to apply today's ruling to all Assembly proceedings.

MRS CROSS: I seek leave to make a statement in response to that.

Leave granted.

MRS CROSS: I wanted to give notice that on the next day of sitting I shall move that the Legislative Assembly dissents from Speaker Berry's ruling that the matter of public importance lodged by me, concerning the Katie Bender tragedy, is out of order as it is sub judice.

MR SPEAKER: There is no convention to give notice of these sorts of proceedings, but there has been a practice, in the case of censure motions and so on, that people get on with the job. I would be content for you to do it now. You would need leave to do it now, and if that were the wish of the house, we could resolve the issue. It is entirely up to you.

MRS CROSS: I will do it tomorrow, thank you.

MR SPEAKER: I have just been reminded by the Clerk that you need to hand the notice in so that it can be on the notice paper.

MRS CROSS: I will do that, Mr Speaker.

Public Access to Government Contracts Amendment Bill 2002 (No 2)

Ms Dundas, pursuant to notice, presented the bill.

Title read by Clerk.

MS DUNDAS (10.38): I move:

That this bill be agreed to in principle.

The Democrats' most famous political slogan is "keep the bastards honest", and making governments and agencies more accountable to the community is part of our core business. The bill that I present today is the next step in the process of ensuring open governance of the ACT and, I believe, the largest accountability reform since the public access to government contracts legislation was passed two years ago.

Since that time the Democrats have introduced similar measures in the Senate, and as a result all federal government agencies must report on contracts of over \$100,000. This reform, whilst considered an administrative burden at the time, is now operating quite successfully. In the New South Wales parliament similar legislation has passed in the upper house and is at this point waiting to be debated in the lower house.

While public access to government contracts was groundbreaking at the time, we must continue to monitor its operation and ensure that the government and its agencies are held accountable.

When the Public Access to Government Contracts Amendment Bill was debated in this chamber, there was much discussion about whether we had got the mix right—allowing commercially confidential documents to remain confidential while allowing the public their right to know where their money goes.

It was Mr Kaine who asked at the time that the bill be looked at in a couple of years to monitor how it was being implemented. This has occurred, and the Auditor-General examined the act and reported in June of this year. The report of the Auditor-General, *Operation of the Public Access to Government Contracts Act*—report No 2 of 2002—was, to put it simply, quite damning. Its summation was:

The Public Access to Government Contracts Act is not effective and is not being administrated effectively.

The Auditor-General made nine key recommendations in this report, mostly administrative recommendations that needed to be reconciled within the departments, but there were some that required legislative direction. The government has introduced one minor legislative change to try to put the onus on the chief executives of agencies to take some ownership of the implementation of the Public Access to Government Contracts Act.

This was a small step—one of many steps that need to be taken. The bill I present today takes a few more of those steps. In direct response to the Auditor-General's report, it will include the University of Canberra College as a government agency for the purpose of this act. It is quite pertinent to point this out, as the University of Canberra and the university college have been a matter of great discussion in this chamber.

The college is a limited company, wholly owned by the University of Canberra. This means it faces few of the rigours of a public company and none of the rigours of a government agency. This small measure of including it will ensure that contracts of greater than \$50,000 face the same scrutiny as those of other government agencies.

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Also taken from the Auditor-General's report is the setting of a limit on the time contracts are kept available. Currently, the principal act has no time limit. In order to comply with the act, contracts must be available for a period of three years. This is a direct suggestion from the Auditor-General.

The third element of this bill is taking the principle of public access to government contracts and applying it to tender documents that win contracts of over \$50,000. This, I believe, is one of the most significant accountability reforms to occur since the principal act was passed two years ago.

When dealing with the business sector or the community sector, I often hear from people who have been unsuccessful in their bid for a government tender. They accuse the winning tenderer, the government or the public service of favouritism, nepotism or preferred treatment due to some other unmeritorious factor.

The current trend is to contract out many of the traditional government services. From housing to rubbish collection, from park care to laundry services, the list goes on and on. Each of these services is usually put to tender and the winning tender gets the contract. But under current legislation, only the final contract is made public, and rumours and innuendo about uncompetitive behaviour flourish.

This legislation will make the documents of the winning tender publicly available, so that the public and community know what should be delivered, what the time frames are and what to expect—in short, what the government would have been looking for when it put the tender out and awarded the contract. The tender documents will be screened and commercially confidential information removed, similarly to what already applies to government contracts.

In summary, this bill will correct some of the faults of the current act, bringing the ACT government and the ACT community to the forefront in the field of open and accountable governance.

I commend the bill to the house.

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

Costing of Election Commitments Bill 2002

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

Title read by Clerk.

MR HUMPHRIES (10.45): I move:

That this bill be agreed to in principle.

It can be said that the ACT is in the vanguard of public accountability and performance reporting mechanisms within the Australian context. We generally have the best such legislation in Australia and the best such practices in Australia. Over a number of years we have built up a rhythm of developing legislation which is groundbreaking.

From accrual accounting to the disclosure of government contracts, there has been a consistent pattern of highlighting transparency and accountability in government processes. Transparency, of course, is the key to successful democratic government.

With an articulate and educated community, the only missing ingredient for enhancing the democratic experience is information. Today I am presenting, on behalf of the opposition, two bills, which between them add up to an ACT charter of budget honesty.

This bill is part of a package designed to mandate the documentation of financial strategy, the provision of a full financial picture prior to polling day and the beginning of the concept of intergenerational reporting in the ACT context. These measures are intended to empower citizens and give them a good impression of the territory's position and where it is headed.

The Costing of Election Commitments Bill 2002 deals with the thorny issue of election promises. Prior to the 2001 election there was much discussion and debate about the costing of policies of parties contesting that election. The policies of the major parties were costed in very different ways. The policies of the Liberal government were costed by the ACT Treasury and those of the Labor opposition by an academic from the ANU—both, one might say, as lay observers. Both processes could be said to be potentially unsatisfactory.

The Liberal Party's costings were tainted by the apparent conflict of interest in the role of Treasury as a servant of government, in general, and as a servant, in this case, of a particular party's policies. The ALP's costings were tainted by questions about the quality of the advice given and the resources available to that party.

Since the election, the costings used by the government appear to have been very greatly changed—at least, the estimates put forward during the election do not correlate very closely with the actual costs of proposals brought forward in the Labor Party's first budget. Perhaps the government has changed its mind about what it wants to do with some of those things, but it does throw some doubt on exactly what was achieved by putting out costings that were formulated in various ways.

There is a need for objectivity and for there to be a quality costing resource available to parties that seriously contest an ACT election. I mentioned the Liberal and Labor parties. Extensive costing of the policies of the Democrats or the Greens did not occur. That would be, understandably, very difficult, given the potentially great costs associated with getting election promises properly costed.

People are entitled to know whether the policies announced, particularly by alternative governments, are affordable or whether they will threaten the bottom line of the jurisdiction. The maintenance of the bottom line is a matter of some moment. The idea of deficit budgeting is not acceptable to the community. People want to know whether the promises of alternative governments, or governments in power, are affordable with respect to that bottom line.

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Other jurisdictions have confronted this problem by providing for the costing of election promises at public expense. In 1998 the federal parliament enacted the Charter of Budget Honesty Act, which provides that government agencies cost the promises of parties contesting elections.

Mr Temporary Deputy Speaker, I turn to the approach that is used in this particular bill, which is slightly different to the one used in the Commonwealth legislation. The procedure provided for by this bill is that, six months or more before an election, the Treasurer is to appoint an independent assessor who has the task of costing election promises. The assessor could be an individual, presumably with qualifications in accounting or a related field; a company which specialises in such work; or perhaps a partnership.

Although this is the Treasurer's decision, his instrument of appointment is a disallowable instrument and, if there is disquiet about the person or body appointed, that decision can be overturned by the Assembly. The appointment lasts until election day. The minister may promulgate guidelines for the work of the independent assessor.

Parties in the Assembly may then submit their policies to the assessor for costing and will have to do so between 30 and 60 days prior to the election. The assessor can seek additional information, if required, from the parties concerned or even turn to government agencies for assistance in formulating a costing. At least 10 days before polling day the assessor publicly releases those costings for the community to scrutinise.

I do not pretend that this bill will end controversy about the costing of election promises. In fact, it may well generate some controversy as particular costings are put forward and people debate what they mean and how they compare and whether they are accurate. But a demonstrable level of impartiality will be introduced into this debate, and there will be a sense of quality and resource attached to the process of formulating costings. It is an important step forward in enhancing accountability and transparency within the ACT electoral system.

If electors are uncertain as to what to believe in the blizzard of claim and counterclaim before each election, at least one thing might be believable: the work done by a publicly funded, independent assessor to cost election promises. That would be enhanced by the person belonging to a reputable firm in the accounting field or a related field.

I note that only yesterday the Treasurer tabled the government's budget consultation documents for the 2003-04 budget. That document described the government's objectives for the budget process and its broader agenda. It said that the government was "open, honest, measured and responsible". A measure such as the one I have tabled today should enhance the concept of government being open, honest, measured and responsible, and I hope it will attract support on that basis.

I commend the bill to the house.

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

Financial Legislation (Integrity and Responsibility) Amendment Bill 2002

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

Title read by Clerk.

MR HUMPHRIES (10.54): I move:

That this bill be agreed to in principle.

This is the second bill in the charter of budget honesty that the opposition is bringing forward today. Like the first, it has antecedents in other jurisdictions. The objectives are to maximise the transparency of the process being used by government to produce budgets, to have government account for its performance with respect to budget objectives and to provide clear, useful information to electors to help them judge the government's performance in these areas.

The bill is designed to improve scrutiny of the ACT's financial operations by enshrining certain principles of sound financial management in law and by updating the financial information at appropriate intervals, especially prior to ACT elections.

As I said in relation to the costings bill, the ACT has been in the vanguard of accountability mechanisms, but recently we have been overtaken by standards set in other jurisdictions. In Victoria, and in the Commonwealth, legislation has been enacted which takes these principles rather further than in the ACT. I hope that this bill will be able to redress the extent to which other jurisdictions have taken the march on us.

The structure of this bill is that it amends the Financial Management Act 1996 and the Annual Reports (Government Agencies) Act 1995. The first thing the bill does is set out principles of sound financial management. These principles underpin the government's budgeting and reporting framework. The principles themselves are outlined in section 4A (2) of the act, as it would be if passed. Those principles are that the government must:

- a) manage financial risks faced by the Territory prudently, having regard to economic circumstances; and
- b) pursue spending and taxing policies that are consistent with a reasonable degree of stability and predictability in the level of the tax burden; and
- c) maintain the integrity of the Territory's tax system; and ensure that it takes into account the financial impact on future generations when making its policy decisions; and
- d) give full, accurate and timely disclosure of financial information relating to the activities of the government and its agencies.

The bill goes on to define "financial risks". They include:

- a) risks arising from the level of the Territory's general government sector debt;
- b) commercial risks arising from ownership of corporations and public enterprises;
- c) risks arising from changes in the structure of the Territory's tax base;
- d) risks arising from management of the Territory's assets and liabilities.

One of these sound financial principles, making sure that the government takes into account the financial impact on future generations, dovetails with a measure further on in this package to do with intergenerational reporting.

The next measure in the bill is to require the government, at the time of the budget and again when a budget update is published later in the financial year, to publish a financial policy objectives and strategies statement. This document is designed to make transparent the government's short, medium and long-term financial strategies and establish benchmarks for evaluating the conduct of financial policy in the territory.

That strategy statement has to embody certain things. It must:

- a) state the government's long-term financial objectives within which financial policy for the financial year and the following 3 financial years will be framed; and
- b) explain the broad strategic priorities on which the budget or budget update is based; and
- c) state the key financial measures that the government has identified as being important and against which financial policy will be set and assessed; and
- d) state, for the following year and the following 3 financial years—
 - i) the government's short-term financial objectives; and
 - ii) the targets for each stated key financial measure; and
- e) explain how the financial objectives and strategic priorities mentioned in paragraphs (a), (b) and (d) relate to the principles of responsible fiscal management; and
- f) state any financial policy actions taken or to be taken that are temporary in nature, the reasons for taking them and indicate the process for their revision; and
- g) identify the reporting basis on which subsequent financial reports will be prepared; and
- g) state the reasons for any changes from the previous financial policy objectives and strategies statement.

Some of these occur already. Some of these things do take place and are laid out by government from time to time in a number of documents, be they the budget itself or subsequent statements of its financial position. But it is important to stress that there is no requirement, in any document governing the formation of a budget or similar legislation, that the government indicate its objectives for a range of things or set out much of what is required in this bill.

For example, there is no present requirement anywhere in legislation for government to indicate its objectives for the operating position, the return on superannuation investments, the pattern of capital works expenditure into the future and a whole series of related issues. It is generally the case that those things will be provided, but it is not, as I emphasised, a requirement.

I mentioned that this would be provided at the time of the budget and the time of each budget update. The budget update would be a statement of the budget position on the first sitting day of each calendar year—that is, approximately halfway through the financial year. The update is not the same as quarterly financial reporting showing budget trends. It is not simply producing figures; it is a report against the objectives and the strategies which the government itself lays down in the budget.

The third element of this bill is the requirement for intergenerational reporting every fifth financial year. There has been much discussion about the question of intergenerational reporting in recent years. The Commonwealth government announced that it would be conducting such a report when it presented this year's budget. The requirement in the legislation is that a report on intergenerational issues is to be presented in conjunction with every fifth territory budget.

An intergenerational report is defined, in proposed new section 19G, as one which must:

assess the long-term sustainability of current government policies over the next 30 years, including by taking account of the financial implications of demographic change.

This is an important measure in ensuring that governments at least report, if not think, on a long-term basis. It is important that governments are able to understand and articulate how their policies will affect the next and future generations of Canberrans. Sustainability is a concept tied up very closely with that, and to report on a long-term basis is an important extension of that concept.

The fourth innovation of this legislation is to require a pre-election budget update, to be provided before each ACT election. One was provided before last year's ACT election but has not necessarily been provided before other ACT elections. I think it should be required, as part of legislation, before each election.

This piece of legislation requires that an update be provided at least 48 days before the election in order that members of political parties have a picture of the territory's financial position and performance against financial objectives, so that when election commitments are submitted to the independent assessor under the other piece of legislation it will be possible for the assessment to be done within the framework of agreed outcomes and progress against the government's objectives. Again, this is not just the presentation of figures; it is reporting against the objectives and strategies articulated by the government in its own budget.

The second part of the bill amends the Annual Reports (Government Agencies) Act 1995, allowing the minister or the Assembly to require that certain information be provided to the Assembly on a quarterly rather than annual basis. Again, it is designed to enhance transparency and accountability.

It should be possible for the Assembly to call on reports to be provided more regularly than each year, and quarterly rather than annual segmentation of reports would assist the Assembly to determine whether particular attention has been paid to particular questions of territory public interest. To do so without having to legislate specifically for it on every occasion, or pass a motion which may or may not be acceptable to the government, is an appropriate development.

This package is about enhancing the ACT community's understanding of what is going on in budgeting. It is essential for our economic prosperity to see clearly what is happening and for people to judge and be able to comment upon—and to criticise, if necessary—how budgets are put together and implemented.

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Ultimately, we achieve a higher standard of living and a better quality of life if we are able to manage our dollars effectively, and for that reason prudent financial management leads to better social outcomes. That was certainly the objective stated by the Victorian government when it presented in 2000 its Financial Management (Financial Responsibility) Bill. That put in place much of what has been proposed in this bill today.

I commend this bill to the house.

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

Legislative Assembly (Broadcasting) Amendment Bill 2002

Debate resumed from 20 November 2002, on motion by **Mr Berry**:

That this bill be agreed to in principle.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.05): The government supports this legislation. I think it is important that the prospective broadcasting and proceedings of the Assembly be facilitated to the greatest extent possible, and this legislation achieves that.

However, I have a major concern that broadcasting entities in the town—radio stations and others—that did not take up this offer will be grossly disadvantaged in the market and that there could be some backlash as the ratings of the lucky provider of this service go through the roof, potentially putting most of the people at the ABC and the FM stations out of business. I can see the ABC having to scale back enormously as a result of their failure to appropriately broadcast the proceedings of this Assembly. Then again, they have been told, and we'll just say, "We told you so!"

MR CORNWELL (11.07): The opposition will be supporting this "tidying-up"—as we can probably express it—of the Legislative Assembly (Broadcasting) Amendment Bill. I understand that the amount of money involved is not great. We could take it as an educational step, although I share the Chief Minister's view that the airwaves may not be redolent with debates from this chamber on a regular basis. But we can hope, we can hope.

If we do treat this as an educational expense, it is certainly not a large expense if you look at the cost of other methods of carrying out educational duties, such as print advertisements. I hope that it can be used and will be used properly by the stations concerned.

MS DUNDAS (11.08): The ACT Democrats are pleased to support this bill, as it will allow the airing on the radio of the Assembly's debates and question time. It is apparent that few state or territory legislators actually enjoy the broadcasting of their debates, but it is a way of allowing the Canberra community to take an active interest in what is said in this chamber. It allows Canberrans to hear more about the Assembly than the four-second sound bites that are normally provided by our local news agencies. It also provides the community with the opportunity to hear what it is we say unedited and to respond more promptly.

I look forward to the broadcasting of debates and hope that we are able to expedite the commencement of this legislation. One thing I will promise is that, as the debates are broadcast, I will continue to put my case in succinct speech and not be tempted to make longer speeches for the benefit of the listening audience.

MR BERRY (11.09), in reply: I thank members for their fulsome support for this important piece of legislation. The payment for the supply and use of transmission lines to get access to broadcasting the Assembly was one of the difficulties that I mentioned in the introduction speech. The Assembly was unable to provide a line for access to recording and transmission services.

As it now stands the legislation provides for the Clerk to give access, but one of its conditions was that the person who was going to have access to electronic proceedings had to pay the costs and expenses of connecting and maintaining the access equipment to the recording and transmission facilities of the Legislative Assembly. I did not sense that there was a long line-up of people eager to make large contributions to the Assembly on this score, so I felt it was necessary to alter the legislation.

Enough said. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Legislative Assembly Precincts Amendment Bill 2002

Debate resumed from 20 November 2002, on motion by **Mr Berry**:

That this bill be agreed to in principle.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (11.11): This is an eminently sensible piece of legislation. The primary function of the bill is to allow the Speaker to delegate a function to the Serjeant-at-Arms and the principal attendant to remove people from the Assembly and the precinct.

That is a very wise power to delegate but I do keep my eye, though, on the Serjeant-at-Arms and all the attendants in the Assembly. I attend the Kaleen Gym regularly and, having seen this power delegated, there might be cause for the Clerk to look at the fitness and capacity of the Serjeant-at-Arms, the principal attendant and other attendants to fulfil this delegated function. It is an issue that arises as a result of the passage of this legislation.

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MR CORNWELL (11.12): The opposition will also agree to this piece of legislation. Again, it is a tidying-up matter. As I pointed out to my colleagues, if we did not have anyone nominated to either remove people from or refuse them entry to the Assembly precinct—namely, the Serjeant-at-Arms and the principal attendant—presumably, the job would fall to the Speaker himself. That might create some difficulties if he was in the chair at the time. It is a sensible amendment and I commend it to the house.

MR BERRY (11.13), in reply: I thank members for their support of this bill and I concede, Mr Cornwell, that I am a far better runner than I am a wrestler. It is wiser to have the power of delegation, should this course of action be required, than to be on the spot.

I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Long service leave portability

MS MacDONALD (11.14): I move:

That the Assembly:

- (1) recognises the disparities in provision of long service leave in the ACT between different industries;
- (2) also recognises that the ACT Long Service Leave Act provides pro-rata long service leave at seven (7) years, whereas pro-rata long service leave is provided at five (5) years in NSW;
- (3) calls on the ACT Government to investigate implementing a consistent model for provision of Long Service Leave for all ACT Workers that takes into account:
 - (a) the disparities between different industries;
 - (b) that some industries within the ACT have portable long service leave;
 - (c) the differential between pro-rata long service leave in the ACT and NSW, recognising the important role that ACT employment practices play in relation to the Australian capital region;
 - (d) the impact of female earnings caused by the lack of wide scale access to portable long service leave;
 - (e) the possibility of portable long service leave for Territory workers;
- (4) calls on the ACT Government to reject the underlying proposition put forward by the Cole Royal Commission in relation to construction industry long service leave.

I am very pleased to be standing here today and talking about this very important matter as a member of the Labor government that has signalled very clearly that it intends to treat workers rights, entitlements, pay and conditions as a top priority. This motion is just another sign that the members of the Stanhope government want to treat the Canberra work force with the fairness and respect that was missing for much of the previous six years.

Opposition members: Ha, ha!

MS MacDONALD: It surprises me not that members opposite scoff at that. I expected no less. My motion today calls on the members of the Assembly to recognise that, when it comes to industrial relations, disparities within the ACT and between the ACT and surrounding New South Wales exist, a fact that the opposition cannot deny. That is unfair and places the ACT behind the eight ball when it comes to competing with other jurisdictions for skilled and eager workers.

My motion also asks members to recognise that these disparities play a role in how members of the ACT work force make decisions about when and where they work. My motion asks members to recognise that women are adversely affected due to current long service leave arrangements in the ACT. Most importantly, my motion asks for specific action to be taken by the government, which recognises that a better long service leave model needs to be implemented. As part of that long service leave model for the ACT, I want the Assembly to recognise that portable long service leave for territory workers needs to be considered as a real possibility and one that is achievable.

I thought it was interesting that Chris Peters of the Chamber of Commerce took great delight in announcing last week that the whole notion of portable long service leave was a nonsense. Mr Peters claimed in a *Canberra Times* article that the idea went against the historical application and incentive of dedication to one employer for a long time. In fact, nothing could be further from the truth. The application of long service leave has been changing for some time and I think that the passing of my motion today will see the ACT develop a progressive and affordable industrial relations framework which will benefit employees, employers and the ACT economy and community as a whole.

In the year that the Stanhope Labor government has been in power, a serious and responsible approach to industrial relations has been a characteristic of the government and innovative approaches to selling and improving the ACT economy have been a constant feature. I highlight these points because this motion will cover those areas and members need to be fully aware of the possibilities on offer to the ACT government as we consider the benefits of delivering results in the long service leave area.

I can stand here today and boast with absolute ease about the Stanhope government's record of successfully and responsibly cleaning up the economic and industrial relations mess left behind by the previous Liberal government. I only need to point to the swift and popular resolution of the long-running nurses dispute as evidence of that. The former Liberal government let the dispute drag on for a year. I can only imagine that this matter was just another one of the long list of things they were going to do.

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By contrast, it was just a matter of weeks into a Labor government before the dispute was resolved. If you would like a second piece of evidence as to how the Labor government approaches industrial relations matters in an honest and fair way, you need look no further than to the current wage negotiations. Despite all the choreography of negotiations between unions, employees and the government, Minister Corbell and the Labor government are talking in a constructive way and attempting to reward our dedicated public servants with a real wage increase—a real wage increase, I point out to members opposite.

Mr Corbell: As opposed to a real wage decrease, which is what members opposite delivered.

MS MacDONALD: That is right, Mr Corbell. I expect that a swift, sensible and satisfactory resolution is not too far away. However, my motion is not just about a better deal for the public service; it is about a better deal for all Canberra workers, regardless of their employer. My motion is about getting a better deal for the ACT, boosting the economy and making the territory an employer of choice. I can also say, from personal experience, that I worked for five years in the private sector in Canberra with a number of those employees and they also deserve a better deal, which, I would suggest, members opposite have continually ignored.

I fully expect to see Mr Smyth, Mr Pratt and their colleagues stand up some time in the next hour and bleat about an inability to afford the expansion of ACT long service leave entitlements to workers. I fully expect them to be sticking with their good mate Mr Peters in condemning an improvement in the entitlements and conditions of the Canberra work force. In doing so, however, they would be merely joining Mr Peters in doing two things. The first, and most obvious, would be in denying Canberra's work force better conditions. We expect that from them because they have no intention of doing anything but see the big end of town get bigger. The second would be in denying the ACT economy, Canberra businesses and our community an opportunity to attract energetic, skilled and committed people to our city.

To enable Assembly members to understand this issue, I am going to take the liberty of giving them a brief history lesson. Mr Peters, of course, would do well to take a few notes, as would any other potential detractors of the suggestion of extending the entitlement to long service leave and making it portable. Years ago, back in the 1950s, long service leave took its first steps in the evolutionary process. After a decade or more of hard work, a man could pack up his bags for four months and head back home to mother England. The three months of long service leave was a reward for dedicated and hard work. It meant that, after a decade of not seeing his English relatives, he could afford both the time and the money to jump on a ship for the six-week journey to the UK and, of course, the six-week return trip to Australia. Once there, annual leave of four weeks could be spent with parents planning the details for the next visit in just another decade's time.

Over the years, long service leave became a reward for faithful employment with a single employer. Workers still enjoyed a three-month break, but it was not necessarily spent on travelling to the ancestral home. Again, as time went on, those arrangements changed. Many workers now enjoy the entitlement of long service leave if they work within a single industry, not necessarily with the same employer. This motion is about trying to

make sure that we have equality between all industries. Of course, not all workers are entitled to this portable leave and there are varying timeframes for the application of portable long service leave in those industries where it exists.

There you have it. This motion is not about a revolutionary change, as some on the other side and those not interested in providing equal working opportunities would suggest. But it is, in fact, about evolutionary change. In the modern dynamic marketplace, changes to long service leave in the ACT will become the foundation of a better and more desirable Canberra economy and community. I hope that as a result of my motion today we will see a further evolution. I hope that we will see the ACT develop a long service leave framework which will make the territory an employer of choice.

We know that wages were let run down by the previous Liberal government in the local public service—quite drastically, I should say. We know that the relatively small ACT work force is rarely able to keep with the high dollar, high benefit, highly competitive markets in Sydney or Melbourne. What we need then is a framework in the ACT that will make workers want to come here, want to work here and want to stay here for a prolonged period.

A uniform and fair portable long service leave system is one very powerful way we can achieve that ideal. Canberra has a highly transient work force and population, despite the inability to compete with Sydney and Melbourne, and that is something that is widely accepted. However, with every move out of Canberra, corporate knowledge is lost and a commitment to the territory as a home is replaced by a desire to chase better financial security and employment conditions.

Portable long service leave in the ACT would be a great incentive for people to stay in Canberra and work in Canberra. It would be an incentive to develop knowledge and skills and contribute to the local economy for a long time. By becoming a worker of the territory and being rewarded for long service to the Canberra economy, community and employers, workers would be offered an entitlement that would be a great incentive to them to want to contribute and stay in the ACT.

The ACT is in a unique situation. With a relatively small geography, population and work force, portable long service leave and the addressing of disparities could be handled with relative ease. We have a single jurisdiction with no other local government areas and no competing regions, as occurs in other states around Australia. A brief comparison of long service leave entitlements around Australia will indicate that the ACT is not on its own, with inequities and disparities evident elsewhere. We cannot directly affect the situations and arrangements elsewhere. However, we can provide a shining example in progressive, practical and affordable entitlements.

Taking a look at the different jurisdictions, workers in Victoria and Western Australia receive 13 weeks long service leave after 15 years and a pro rata benefit only after 10 years. However, Tasmania provides 13 weeks leave after 15 years and a pro rata benefit after seven years and South Australia provides 13 weeks leave after 10 years and a pro rata benefit after seven years, as with the Northern Territory. Queensland, the ACT and New South Wales provide 8.67 weeks leave after 10 years. That was done by basing the original calculation on 15 years of service, with a pro rata benefit for the ACT and Queensland after seven years and for New South Wales after five years.

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I will talk about the application of the legislation within the ACT a bit further at a later point. Currently, the Long Service Leave Act provides that all workers in the ACT private sector have the same entitlement to long service leave as long as they are covered by the act. There are a few places of which I have knowledge through my previous work within the clerical area and a couple of other areas which are covered by awards. My motion calls on the situation there to be addressed as well by looking at the disparities between different industries. In that regard, I hope that the areas under the clerks ACT long service leave award, where a pro rata entitlement is not received until after 10 years, will be looked at.

I know of a case from my time working there of a woman being sacked after 9½ years of service because the employer had not been setting aside money for her long service leave and had no thoughts of paying it out. I should say that she was the only clerical worker within the place and there were a number of fitters and joiners whose long service leave entitlements were being taken care of. But the clerical workers are often, dare I say it, seen as easy pickings by some employers.

Workers are entitled to just over two months paid leave after 10 years service with the same employer. After that, workers get an additional two months paid leave for every five years of service they complete with the employer in the ACT. This leave recognises the value that long serving employees bring to an employer's business. Some disparities are caused by the fact that workers can negotiate improved long service leave benefits under certified agreements. However, the ACT government has no power to override the contents of these agreements as they are made under federal laws. (*Extension of time granted.*)

There are three industries that have special long service leave arrangements in the ACT—the construction and cleaning industries and, of course, the ACT public service. Public servants have more generous long service leave entitlements that they inherited from the Commonwealth. Public servants are entitled to 12 weeks paid leave after 10 years. Also, service within an Australian public service normally will be recognised by other public services, so long service leave in the public service is portable.

The ACT has established a special portable long service leave scheme for workers in the construction industry. This is similar to arrangements in all other jurisdictions and recognises the fact that people are employed in this industry to work on particular construction projects and there is limited scope for workers to stay with one employer for any length of time. The construction industry scheme also provides for additional benefits. Construction industry workers are entitled to 13 weeks leave after 10 years service, which is slightly more generous than the public service scheme.

The ACT has also set up a portable long service leave scheme for contract workers in the cleaning industry. I pay tribute to Mr Berry, in his previous role as shadow industrial relations minister, for having pushed long and hard to get that through for some well deserving workers out there who often go unrecognised. Again, because these workers are employed on contract, they have limited ability to stay working for the same employer for any length of time. The benefits provided under the contract cleaning scheme are the same as those applying to other private sector workers in the ACT.

I am pleased to say that the ACT Labor government is committed to ensuring that all ACT workers have working arrangements that allow them to balance their work and other life commitments, something that conservative governments have absolutely no interest in doing. The passing of my motion today will result in the government investigating whether there are problems with workers accessing long service leave in the ACT and developing options to address those problems, which may include amendments to the Long Service Leave Act. Without pre-empting, I can already see that they will find that there are problems. As I have already said, from my experience there are great disparities and it is time that we moved on.

Consistency with New South Wales laws is a problem. ACT laws are similar to New South Wales laws, except in one respect. Where workers are made redundant, they may be paid out their long service leave on a pro rata basis even though no entitlement to take long service leave exists. Currently, ACT workers who have been made redundant can be paid pro rata long service leave after they have been working for their employer for seven years, except, as I said, in the clerical industry and a couple of other industries.

In New South Wales, redundant employees can be paid a pro rata long service leave benefit after just five years, which is the most generous provision in the Australian jurisdictions for the private sector. I would suggest that it is one that we all need to be moving towards in order to recognise the contribution that workers make nationally, through the efforts that they put in wherever they work. ACT laws need to be amended to allow for more generous redundancy benefits available under New South Wales laws.

The effect on women of the current arrangements is of particular concern to me. At the moment, a woman who takes leave from work to have a baby or care for a child has to start accruing long service leave all over again upon return to work. I find that to be unacceptable. It is, of course, a very real impediment to women. I would say that it is actually a discriminatory provision.

The government will consult with employers and unions about the possibility of amending ACT laws so that the periods of service with an employer that are broken by leave to care for children do not interrupt long service leave accrual. This would have significant benefits for working parents and would make ACT workplaces more family friendly, something that we should be working towards.

I understand that the government will also consider whether there is a need to extend portable long service leave arrangements to other industries where the nature of employment affects the ability of workers to access long service leave. I understand that this proposal could impose significant additional costs on employers and I understand that the government needs to consult further with both employers and unions. Today, I am suggesting that we need to start identifying the areas of particular concern, while saying that they are things that we do need to address. We cannot just go on saying that we are not going to do it because it would cost too much. We need to find the most effective and efficient way of addressing those problems and creating fair and equitable working conditions for all ACT employees.

Finally, I call on the Assembly to reject the proposal of the Cole royal commission to remove portable long service leave schemes from the construction industry. That is just a blatant attack on hard-working employees in the construction industry. From looking at

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portable long service leave schemes for the construction industry around the country, it would have seen that they are all operating well. Most of the employers are actually finding that they aid their business because they do not have to think about them too much. In fact, in some cases they do not have to contribute that much to the schemes any more. So what does the Cole royal commission do? It attacks them and wants to get rid of them.

Since the introduction of portable long service leave in the ACT building and construction industry, the board has steadily built up a substantial portfolio which now has total assets of over \$42 million and net assets of over \$22 million. Since the scheme was created by the Fraser government in 1981, contributions required by employers have fallen from 2 per cent of wages to 1 per cent. Currently, there are over 7,000 ACT building and construction workers registered with the board. That is fantastic. We need more of that. (*Further extension of time, by leave, granted.*) I will be short. The scheme protects the entitlements of construction workers by ensuring that they can still receive their entitlements if their employer goes out of business.

I commend this motion to the house. While there are those who, undoubtedly, will get up and detract from the motion and say that it is unaffordable, it is about an evolutionary change. It is one that we need to look towards if we want to encourage people to work in the ACT.

I commend the motion to the Assembly.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.37): The government certainly welcomes the motion forward by Ms MacDonald this morning.

Mr Humphries: It is a government motion. What are you talking about?

MR CORBELL: No, it is a private members business motion, Mr Humphries.

Mr Humphries: Of course, that's right! How silly of me!

MR CORBELL: We have continued antagonism from Mr Humphries on this issue, but what would you expect from the Liberal Party. The ACT Long Service Leave Act provides that all workers in the ACT private sector have the same entitlement to long service leave. Workers are entitled to just over two months paid leave after 10 years service with the same employer. After that, workers get an additional two months paid leave for every five years service they complete with the employer.

This leave recognises the value that long-serving employees bring to an employer's business. Some disparities are caused by the fact that workers can negotiate improved long service leave benefits under certified agreements. However, the ACT government has no power to override the contents of these agreements as they are made under federal law.

There are three industries that have special long service leave arrangements in the ACT. Firstly, ACT public servants have more generous long service leave entitlements that were initially inherited from the Commonwealth. Public servants are entitled to 12 weeks

paid leave after 10 years. Also, service within the Australian public service will normally be recognised by other public services. So, long service leave in the public service is, generally speaking, portable.

The ACT has established a special portable long service leave scheme for workers in the construction industry. This scheme is similar to arrangements in all other jurisdictions and recognises the fact that people are employed in this industry to work on particular construction projects and there is very limited scope for workers to stay with one employer for any length of time. The construction industry scheme also provides for additional benefits. Construction industry workers are entitled to 13 weeks leave after 10 years service, which is slightly more generous than the public service scheme.

The ACT, again as the result of a Labor initiative put forward by my colleague Mr Berry, has also set up a portable long service leave scheme for contract workers in the cleaning industry. Because these workers are employed on contract, again they have limited ability to stay working for the same employer for any length of time. The benefits provided under the contract cleaning scheme are the same as those applying to other private sector workers in the ACT.

Mr Speaker, the Stanhope government is committed to ensuring that all workers have working arrangements that effectively allow them to balance work and other life commitments. Indeed, this is a central tenet of Labor philosophy. The government is committed to establishing the problems with workers accessing long service leave in the ACT and to developing options to address these problems, including amendments to the Long Service Leave Act or through new legislation.

Ms MacDonald has raised the specific issue of consistency with New South Wales laws. ACT laws are similar to New South Wales laws, except in one respect—where workers are made redundant, they may be paid out their long service leave on a pro rata basis, even though no entitlement to take long service leave exists.

Currently, ACT workers who are made redundant can be paid a pro rata sum for long service leave only after they have been working for their employer for seven years. In New South Wales, redundant employees can be paid a pro rata long service leave benefit after just five years, which is the most generous provision made in any Australian jurisdiction for the private sector. The government is committed to consulting with employers and unions about amending ACT laws to allow for the more generous redundancy benefits available under New South Wales laws.

Ms MacDonald has also raised the issue of the impact of long service leave arrangements on women. At the moment, if a woman takes leave from work to have a baby or to care for a child, when she returns to work she has to start accruing long service leave all over again. Again, the Stanhope government will consult with employers and unions about amending ACT laws so that breaking periods of service with an employer by taking leave to care for children does not interrupt long service leave accrual.

That, clearly, would have significant benefits for working parents and would make ACT workplaces more family friendly. The government will also work to establish and to extend portable long service leave arrangements into other industries where the nature of the employment affects the ability of workers to access long service leave. This is

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consistent with the commitment given by the Labor government prior to its election in November last year. The government will work with both employers and unions on this matter. The government will also identify particular problems caused by current long service leave arrangements in particular industries and address them through amendments to the Long Service Leave Act or other legislative change.

Since the introduction of portable long service leave in the ACT building and construction industry, the board has steadily built up a substantial portfolio which now has total assets of over \$42 million and net assets of over \$22 million. Since the scheme was created in 1981, contributions required by employers have fallen from 2 per cent of wages to 1 per cent. That shows that over time these arrangements effectively become self-funding, and any argument from those opposite that this is an impost on business is both short-sighted and short term in its approach. Currently, there are over 7,000 ACT building and construction workers registered with the board. The scheme protects the entitlements of construction workers by ensuring that they can still receive their entitlements if their employer goes out of business.

Finally, Ms MacDonald has called on the Assembly to reject the proposal by the Cole royal commission to remove portable long service leave schemes from the construction industry. I can confirm, for the information of members, that this government is committed to ensuring that this proposal from the royal commission is not implemented and is already preparing a submission to the commission outlining the government's opposition to such a retrograde step.

MR PRATT (11.45): I rise to speak against this motion. As a preliminary comment, I would like to thank Ms MacDonald for assuming to know what I think and what my colleagues think about these sorts of issues. She has been incredibly far-reaching in delving into the minds of members of the opposition. Sadly, that is a reflection of the labelling game which seems to be a strong feature of the defensive political behaviour of the Labor Party; it is just silly. But what is sillier is this motion. Indeed, this motion is pathetic. It is unfair, it is unnecessary, it proposes unnecessary legislation and it is going to be an unjustified imposition on business and progress in the ACT.

What is long service leave? Long service leave is essentially that leave which is provided for loyal workers who remain with one employer for a significant period, thereby contributing to the stability and consistency of that employer's business operation. The employer rewards that loyalty by paying long service leave. Clearly, on changing employers, the first five years of accrued long service leave are automatically lost. That is the system generally right across the country, give or take a couple of years here or there.

There are exemptions in the ACT. In the ACT, as is the case right across the country, exemptions are made for the construction industry, and that should be the case as the construction industry is not a career industry. In addition, the cleaning industry in the ACT is allowed full portability. That is something that does not occur in other jurisdictions. By their non-career nature, both of these industries should have portability allowances. That is currently the case and we do not argue against it.

This motion is fundamentally flawed. The proposal is fundamentally flawed. The fundamental call here is for all ACT workers to be given some sort of portability from day one of their first job. Fundamentally, all employers would be obliged to pay a levy into a government long service leave fund for each employee brought on.

I fail to see how the definition of long service leave applies here. Indeed, if Ms MacDonald were to have her way, the term would be an oxymoron. How do we have long service leave if employees do not give long service? Is this yet another example of the brave new socialist world where all is illogical and unfair? Why is it necessary to disadvantage long-serving, loyal workers who remain with an employer for many years? Why have long service leave as an incentive to encourage loyalty and consistency in business if everybody is entitled to be paid long service leave?

If we are no longer going to have long service leave because everybody is allowed portability for every five minutes of the working day, why are we going to impose this tax on business? In effect, this proposal means that government will be collecting yet another tax from business for what essentially is going to turn out to be a non-event.

Ms MacDonald talks about disparities between different industries. It is not clear exactly what she means there, but if this is supposed to draw a line of demarcation between the construction and cleaning industries and the rest, if that is what Ms MacDonald means, then surely the so-called disparity does not exist. I stress my earlier comment about the special conditions applying to those two industries which cannot apply to others. If it is claimed, however, that there is an inconsistency in the entitlements between industries with like working conditions, then that may justify examination. I look forward to further clarification on this issue.

Indeed, it must be pointed out that the ACT has the second most generous long service leave scheme in the country, only after New South Wales, so why do we need to tinker with it? There are differences between the ACT and New South Wales; so what? She points out in her motion that there are differences. Of course there are differences: two different jurisdictions, two different lots of conditions. The resource bases within the ACT and New South Wales in terms of what business can produce are entirely different.

Another very important issue is that the New South Wales business community may be better placed to absorb such impositions. It cannot be automatically assumed that the ACT business community can be forced to conform with New South Wales imposed benchmarks. The vast majority of ACT workers are covered under a federal award which, of course, must take precedence. Again, to suggest that ACT business, in terms of the costs it must incur to fund long service leave, should be forced to conform with federal benchmarks and the level of resources available to the federal government for funding federal awards is an absurdity and grossly unfair. I hope that that is not what is being proposed here.

Let's talk about the impost on business. Business is being hit everywhere with levies. In the ACT, we look upon our business sector to take the territory forward, to create the conditions to develop new opportunities, to create new jobs. This is not the time to be talking about imposing new taxes to impede business in its ability to move forward, but that is what is being proposed here. Why make business in the ACT more uncompetitive? Why impede growth? This is a near-sighted government initiative.

Portability of long service leave raises costs. Indeed, the respected industrial relations newspaper *Workplace Express* said of the discussion paper on long service leave released by the Cole royal commission that it was “generally agreed that portable long service leave schemes raise the cost of employment in the building and construction industry”. The newspaper report went on to say that the discussion paper had issued the following warning:

This may have a flow-on effect to employment in the industry as higher costs can lead to employers employing fewer people or choosing workers who do not carry a long service leave obligation.

The exclusion of particular workers from participating in portable long service leave schemes also created an anomaly in the construction industry that unfairly disadvantaged those not employed on construction sites.

That is what the commission said. The newspaper report goes on to say that the commission had identified management factors that affected the implementation of long service leave schemes in the industry. Finally, in reference to portability, the Cole commission stated that lower returns on investments, the maturing of schemes, increased wages from enterprise bargaining and increased employee benefits were significant factors that affected workers’ access to long service leave. The Cole commission wants to look at these schemes and see how they could be made more fair and, where there are administrative impediments, they want to clean them out so that the majority of workers can access their entitlements.

I think that the governments sees this as a sacred cow to be milked in terms of applying yet another imposition on business.

Mr Corbell: That is really mixing metaphors.

MR PRATT: Indeed. Ms MacDonald points out in paragraph 3 (b) of her motion that some industries in the ACT have portable long service leave. Of course they do. The two industries that are identified with—

Ms MacDonald: Three.

MR PRATT: Okay, but the two most important ones with non-career structures are allowed portability. Indeed, the ACT is the only jurisdiction in the country to provide portability to the cleaning industry; that is, the act is already most generous in its long service leave provisions. Why tinker with it?

In paragraph 3 (d) of the motion, Ms MacDonald raises the issue of “the impact of female earnings”. If this relates to maternity issues, there are other provisions that come into play and the two employment conditions should not be confused or compared. I point out that the report of the Goward review is just arriving and it would be wise to fully examine those findings, otherwise the relevance of female earnings to the issue being discussed today in this motion is perhaps non-existent.

Surely, if female workers are covered under existing legislation regarding maternity leave provisions, there is no impact on their long service leave entitlements. If there is, then that is a fair point. That is to be examined by the Goward review and other reviews under way at the moment. Therefore, I do wonder whether this motion is a red herring. (*Extension of time granted.*) I agree that the lot of women in terms of maternity breaks needs to be addressed, and it is being addressed now by the federal government.

Paragraph 4 of the motion calls on the ACT government to reject the so-called underlying proposition put forward by the Cole royal commission. What sort of statement is that? I have found it hard to ascertain exactly what underlying proposition Ms MacDonald is referring to as this section of the motion is so imprecise. I assume that Ms MacDonald is trying to get on board to protect her union mates who are suffering by having to be transparent, for God's sake, to a commission which was set up to try to stop the unlawful practice of coercion, collusion, intimidation and other harassment within the construction industry, including, of course, any mismanagement of long service leave entitlements.

Might I point out that mismanagement of long service leave entitlements has been encouraged by schemes like the one we have in the construction and cleaning industries in the ACT. I understand that the system is so gummed up by questionable claims and questionable management practices that an overbloaded fund is unable to be accessed by those construction and cleaning workers who are entitled to long service leave. Perhaps I am wrong. I hope that the Cole commission will get to the bottom of that and really answer the fundamental questions that ACT workers are asking.

For the government here to be criticising the Cole commission, frankly speaking, is to impede analysis of the long service leave system, which appears to be poorly managed. A clean-up would allow fair and timely access by ACT workers. Let's encourage that; let's get on board. A responsible government would encourage and support the Cole commission in terms of what it is trying to get to the bottom of.

In conclusion, I would say that this motion only encourages the placing of further imposts on business. It is another unfair, old-style attack on business. It is milking the sacred cow. This is not the way to guarantee jobs for the workers of the ACT. It is unfair on the majority of workers.

The long service leave scheme that we have in the ACT is the second most generous scheme in the country and it does not need tinkering with. Employees who are dedicated, who work hard—if I may borrow from the words that Ms MacDonald used—and who demonstrate loyalty will be discriminated against if these provisions go ahead.

Finally, the long service leave system in the ACT is fine but perhaps the management of it is not. Let the Cole commission look at it, let the Cole commission clean it up, and let the majority of workers get access to the entitlements they justly deserve and let those loyal workers who do give long-term loyal service be recognised as receiving an entitlement to which other people should not be entitled.

MR BERRY (11.59): The first time I became involved in debates about long service leave was in the mid-1970s, when the portability of benefits of firefighters who transferred from the New South Wales Fire Brigade to the ACT Fire Brigade was an

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issue. Different benefits applied in each scheme. The one in New South Wales was slightly more generous, and there was an argument about portability. The award for firefighters attempted to address the issue but was on shaky legal ground, and ultimately laws had to be passed in the territory to guarantee the portability of benefits of firefighters who came from New South Wales.

That was not the end of my interest in long service leave schemes. Later, as was mentioned in earlier discussion, the federal government provided a scheme for construction workers in the ACT, and the portability argument was left unresolved until 1984, when there was a massive dispute to gain portability with New South Wales and the rest of the states. That was during the construction phase of the new Parliament House.

These things do not come easy for workers. In the construction industry, because of subcontracting and workers moving from one employer to another, declining access to long service leave was an issue that had to be dealt with. Eventually, the portability issue was resolved, and there is a portable scheme for construction workers throughout Australia, save for the Northern Territory.

This is the scheme upon which the cleaning industry long service leave scheme adopted by the last Assembly was modelled. Mr Pratt, on behalf of the Liberal opposition, supports that scheme. I wish I had had that level of support when I put the legislation forward during the last Assembly, because it would have been a much easier job to pass it through the Assembly.

It is interesting to hear complaints that this is going to be a tax on business and will be a disaster. It reminds me of headlines in one of the Melbourne papers in the 1860s about the eight hour day, which said, "We'll all be rooned. The world will not be the same tomorrow if we have an eight-hour day." That cry has continued ever since. We all know that a worker's benefit is a cost on business. There is nothing new in that.

To use a phrase which is used often, we live in a society, not so much an economy, and we have to provide a fairer and fairer society as we try to provide incremental improvements to the people who live in it. That is what we are here for. Workers are no different. They are not ghosts in the community. They are the people we represent. We are responsible for providing better benefits to them.

A universal scheme would provide access and portability for all workers throughout the ACT. That is the fairest approach, because it accommodates the changes that have occurred in the workplace over recent years. There is far more casualisation and part-time work and people shifting from job to job. Under the present arrangements hundreds of thousands of employees will never have access to long service leave. This is the issue we faced in dealing with the cleaning industry scheme during the last Assembly.

Employees represented by the LHMU, which lobbied this place, had worked in only the one industry. In fact, one worker had worked as a cleaner in the one building for 25 years and had never got access to long service leave because her employers had changed so often. We fixed that. But that is no different from the experience of an overwhelming number of workers in industry. In the ACT, the public sector aside, 8,000 or 9,000 workers are covered by portability schemes—namely, the construction industry

scheme and the cleaning workers scheme—and 70,000 or 80,000 workers are not covered by such schemes. So there is a lot of work to be done.

They are the workers Labor intended to address when it promised to deal with portable long service leave schemes. I had a great deal of pride in delivering that promise outside Canberra Airport during a meeting of Ansett workers who had just been crushed by the Ansett collapse and had lost their benefits, among which was long service leave.

That will not happen to cleaning workers anymore. That has been fixed. It will not happen to construction workers either. If I have my way with my Labor colleagues, it will not happen to any other workers either. This is about protection of workers' benefits, which has become such a high-profile issue in recent times, with some tragic company collapses which have affected thousands upon thousands of workers. If I can be political for a moment, it is a great pity that you have to be working for a company headed by a relative of John Howard if you want to get benefits. That was the experience in a number of tragic company collapses which affected workers.

Mr Pratt said that the Cole royal commission drew attention to the unfairness of the construction industry long service leave scheme because some workers could not get access to it. If my plans come to fruition, all workers will get access. It will be much fairer, and you will be much happier, Mr Pratt. The aim is to make sure that all workers have long service leave for working.

Things have moved on since long service leave first found its way into the work force, as have so many other work benefits. We have been part of an incremental improvement in conditions for workers. Surely we should be proud of that.

One of the most important features of a long service leave scheme is the protection of benefits. The biggest issue for workers is job security and benefit security. They want security for themselves and their families. It would be a proud moment for me to be part of a legislature able to provide guaranteed protection for workers' benefits, in particular long service leave—the same protection as is provided in other schemes.

As has been pointed out, schemes vary. The 1976 act covers the private sector generally in the ACT. The construction industry act 1981 and the cleaning industry act 1999 provide for various conditions. The construction industry has generous extra provisions that were the product of this Assembly. I introduced amendments to the construction industry long service leave scheme in 1994 to improve the benefit when the then government was attempting to whittle the funds in the scheme. Happily, the numbers in this Assembly fell in favour of the workers on construction sites. They now have benefits which we as an Assembly can be proud of. We have improved those benefits along the way. (*Extension of time granted.*)

It is fundamental to these schemes to recognise that employers ought to be provisioning for long service leave. To complain that this is a cost on business is a bit rich when everybody knows that one should provision for long service leave to ensure that when the day comes the money is there to pay for it.

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The problem in a lot of cases is that some unscrupulous employers manage their work force to ensure the benefit never falls to their workers. In turn, their workers have insecure jobs and those employers are in a better position to trade in the marketplace than are competitors who look after their employees. We need to rule out of the equation employers who reduce their costs by manipulating their workers out of long service leave. If you are paying into a scheme at 2 per cent, reducing over time, there is no incentive to exploit your work force.

At first there was agreement by employers to the contract cleaning industry scheme. That support then evaporated a little. Then there was concern about it. But now it is in place there is general acceptance across the board. The cleaning industry nationwide is very interested in it. There are discussions now about having a national scheme for cleaning workers. Employers can see the benefits of keeping their employees by providing them with decent, humane wages and working conditions and giving them security. We have to rule out of the equation the incentive for exploitation and to make sure that employers are all working from a level playing field. The thing we hear most from advocates of the free market is that everybody should be on a level playing field. This is a way to get one for workers' benefits, and an honourable one at that.

Women are the most disadvantaged because they are least likely to have continuous employment, particularly in the private sector. If they want to start a family, it is even more difficult for them. The benefits of a scheme for portable long service leave right across the board will fall mostly to women.

This is an issue of importance to this Assembly, because it goes to the provision of a fairer workplace for the constituents we represent. Members will have received from me copies of a proposal for a long service leave scheme which essentially mirrors the cleaning industry scheme. It also has attached to it a model for a parental leave scheme based on the same sort of arrangement. It did not take Einstein to work it out. There are schemes in place that are working pretty well, so you would not want to reinvent the wheel. I am happy to talk to anybody about my proposed scheme over the ensuing months, with a view one day to improving conditions in accordance with the promise we made before the last election.

There is no reason to oppose this motion. I cannot see why the Liberals or anyone else would do it. It makes sense. It will ensure the development of a proposal for workers in the ACT. I am happy to support it. I look forward to legislation which provides a scheme of portable and protected long service leave for all ACT workers in the near future.

MS DUNDAS (12.14): Employment benefits enjoyed by employees in the ACT exist because members of a union struggled to win those benefits. Employers have almost never given anything away free. The main goal of most employers is to run a business that is as competitive as possible and that returns the largest possible profit. These goals are sometimes difficult to reconcile with the granting of benefits over and above the legal minimum for workers.

Our industrial relations system, like industrial relations systems across Australia, has been developed piecemeal as a result of uneven influence of union activism in different industries and different workplaces. These inconsistencies, though fully explainable, serve to confuse both employees and employers about their legal entitlements.

Ms MacDonald has identified an opportunity for harmonisation and modernisation of employment conditions in the area of long service leave.

There would be a cost to employers in the change proposed in this motion, because so few employees currently get access to their long service leave. They change employers before they can take it, and employers generally get a windfall from entitlements not accessed.

When I was working in the union, I had many conversations with workers who threw their hands up in the air and said, "Let us abolish long service leave, because it is unlikely that I will ever get to access it. Give me the benefits now." With the passing of this motion, we will have the opportunity to turn that idea on its head and to explore ways in which workers will be able to access long service leave even if they change jobs.

Of course, we have heard a lot of vocal opposition from employers about this. But there are always both costs and opposition when any new employee entitlement is discussed or awarded. We need to refocus the discussion not just on costs but on value—the value of workers and the work they do in many industries.

The long service leave system has failed to keep up with changes in employment patterns. Very few jobs are now permanent, and those classed as ongoing seldom last more than a few years, because organisations are constantly changing, constantly restructuring and constantly retrenching staff.

Many of the people I went through school and university with will not be in any one job for more than about three years. The average time to be able to access long service leave is seven to 10 years. We need to recognise the changing nature of work, not just here in the ACT but around the globe, and ensure that workers are not disadvantaged by our systems.

As has been discussed, a portable long service leave scheme was developed for the construction industry in recognition of two aspects of that industry—firstly, the regularity with which construction companies went bankrupt before employees could use their leave entitlements; and, secondly, the fact that many employees moved between employers because of the boom and bust nature of the construction industry.

The conditions prevailing in the construction industry in the 1970s are the same kinds of conditions seen throughout most industry sectors today. So I not only oppose the abolition of the portable long service scheme in the construction industry, but I believe there is a strong argument for extending portability to other industries. I expect that the cost of long service leave is lower now than it was 20 years ago, resulting directly from the shift to casualisation and short-term contracts, the use of consultants, higher levels of female employment and a trend towards constant business restructures resulting in regular retrenchment of long-term staff.

When we discuss female employment, we cannot just look at maternity leave and how that will solve all the problems relating to the lack of benefits women receive as part of the work force. Maternity leave or paternity leave may result in 12 to 14 weeks of paid leave for the time a woman has off work to have a child. But it does not recognise the part-time return to work or days off as parents look after their children and raise their

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children, often on leave without pay, which directly cuts into the accrual of long-term benefits.

We need to look at a long service leave scheme that takes into account not only the casualisation of work but a society that recognises that people need both to work and to raise families.

The changes proposed by Ms MacDonald through this motion promise to restore some equity to access to long service leave and bring about gender equality. For these reasons, I wholeheartedly support the motion and hope that we can work to ensure a system that looks after employees and employers and recognises the changing work force in the ACT.

MS TUCKER (12.20): The real debate about long service leave is probably now about what it represents. We are all aware that it grew out of a very different work environment and was seen, in part at least, as a reward for loyalty and service and as a mid-career holiday that would see employees return to work with enthusiasm.

There was an interesting story on the Myer family on the ABC TV program *Dynasties* earlier this week. Sidney Myer, the founding father, organised his businesses so that they provided holiday homes and dental services, and he generally built communities in his workplaces.

Loyalty in the workplace is a far less meaningful concept these days from both sides. People expect, or are expected, to move from workplace to workplace, department to department, career to career. We live and work in more fragmented times, the Myer family notwithstanding.

So the argument that loyalty should be rewarded is rather lost in a free-wheeling, globalised, individualised world that is struggling to find a contemporary ethical framework. However, long service leave has a place in what was its secondary function—a reasonable opportunity for a mid-career breather which has in one way or another been paid for through employment.

In that context, there is nothing particularly unreasonable about employers contributing to long service leave schemes where they exist, and the question is about equity. Commonwealth public servants' long service leave is already portable within the service. That can be across a wide range of workplaces and occupations. It can be argued that Canberra public service conditions need to be the default conditions and that any employee without long service entitlements is disadvantaged.

The motion points out a number of disparities in long service leave entitlements in the ACT. I do not have a problem with the government investigating the provision of a universal scheme. I was a little confused with paragraph (4) of the motion, asking me to reject the underlying proposition put to the royal commission regarding long service leave in the construction industry. The final paragraph of the commission's discussion paper on long service leave in the construction industry reads:

In the future entitlements may change with changes in society's approach to leave because—

here it quotes a 1999 research paper prepared by those great advocates for employees rights, the WA coalition government at the time and the federal Department of Employment, Workplace Relations and Small Business—

moving away from prescriptive approaches in the determination of working arrangements such as long service leave can enable employees to have better access to their entitlements; to have more of a say at work; to have their interests catered for in more flexible work arrangements; and to be better rewarded for their particular efforts and skills. Freeing up traditional restrictions on long service leave entitlements will have benefits for those employees who are eligible for it, as well as their employers, in the same way that the introduction in the application and use of annual and sick leave arrangements has benefited those in the workplace, and in turn the economy overall.

If I understand this correctly, the underlying proposition appears to be that greater flexibility brings greater benefits to employees. My view is, however, that in many cases employees who are not in a strong bargaining position suffer from too much flexibility. In a society which is driving the employed harder and harder and trading off conditions against income time and time again, this is an unhealthy and undesirable trend.

We will be supporting this motion.

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

Leave granted.

MR CORBELL: The government's intention is very clear. The government, in accordance with its election commitment, will introduce portability provisions for all private sector workers in the ACT. It is a clear election commitment by the government and a commitment the government stands by.

It will be done in very close consultation with employers, employees and the unions that represent employees. It is extremely important from the government's perspective that the benefits of such proposals be well understood by the community as we move forward on these issues. We believe that we can achieve the best possible result for workers, and indeed the best possible level of industry support on these matters through such an approach, recognising that we perhaps will not achieve complete industry support, .

The first stage of the government's approach will be the release of a discussion paper early next year. This will enable informed community discussion on the issues surrounding portability of long service leave provisions. Further, Mr Speaker, the government will consider the matters you have raised, along with the matters raised by other members, from both within and outside the government, in this debate. Then the government will move to introduce legislation to address this matter comprehensively.

Mr Speaker, I am sure that I speak for all members when I say I look forward to your continuing cooperation and that of all other members as we move forward on this very important reform.

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MR HUMPHRIES (12.25): My first comment is a procedural comment about what is happening today. I do not believe this motion is private members business at all. What we are seeing today is the announcement of government policy by way of a backbencher. We have seen this repeatedly throughout the life of this government. Effectively, ideas are floated by the government, no doubt channelled from government advisers and ministers to backbenchers to use in private members time.

Mr Speaker, as you would recall, until the beginning of the Third Assembly private members time finished at 12.30 and afternoons were dedicated to government business. At the beginning of the Third Assembly, when the Carnell government came to office, it was extended to the whole day, because the then opposition and crossbench wanted more time to get non-government business on the agenda. I wondered whether we would revert to the old system when Labor came back into office last year. They have not done that. Instead, they have put a great deal of government business on in private members time. It is an abuse of process.

Mr Corbell: Move a motion to amend standing orders, Mr Humphries.

MR HUMPHRIES: Perhaps we should.

Mr Corbell: I invite you to do it.

MR HUMPHRIES: I will consider doing that, Mr Corbell.

Mr Corbell: We will see what the rest of the Assembly thinks about that.

MR HUMPHRIES: I am sure that somehow you will wheedle the numbers on that. It does not make what is occurring right. Private members business should be principally for non-government members. Practice has been to provide time for government backbenchers—

Mr Corbell: I take a point of order on the grounds of relevance, Mr Speaker. Mr Humphries is not addressing the motion.

MR SPEAKER: Mr Corbell, you probably distracted him with your interjections.

Mr Corbell: But he knows it is disorderly to react to interjections.

MR SPEAKER: Mr Humphries, please do not bait Mr Corbell.

MR HUMPHRIES: I will try not to do so, Mr Speaker.

I turn to the substance of this motion, if there is any. In this debate we have the quite typical stereotype of opposition to this idea. Of course, if you are opposed to portability of long service leave, you must be akin to the owners of coal mines in the 19th century who sent their workers underground for long hours in dangerous conditions and must be in favour of cutting workers off without a penny at the end of their useful time, leaving them with broken limbs and so on and so forth. It is all a little bit of a caricature that goes on here.

Let me put on the record my view. I would love to give workers in this territory and elsewhere the maximum possible benefits. I would love to give them extensive access to portability of long service leave. I would love to give them significant pay rises. I would love to give them benefits in the instance of disability or death in the workplace. I would love to greatly increase the standard of living of the people who work in this city. Almost everybody in this city is either a breadwinner in the work force or dependent on such a person.

The question in this debate is whether any of that is affordable. Every benefit we bestow from our lofty comfortable positions on the benches in this place on the workers of the ACT does not come out of our pockets. It comes out of the pockets of the people who employ them. The one element which is completely absent from this debate, which is paid lip-service to in the broadest way, but very slightly, is that there is some cost associated with this. We will get around to having a talk about what that cost might be. The cost is fundamental. That is what will decide whether or not we can afford to extend benefits of the kind referred to in this motion.

The territory is enjoying a buoyant economy at the moment, unemployment is low and we have the kind of economic activity which you might expect would lead us to think about expanding and spreading the benefits of our good economic fortune across a larger number of people—that is, from more employers to more employees.

Measures of the kind Ms MacDonald is talking about here do not exist just while there are good economic conditions. They subsist into the indefinite future. When the cycle turns round, people find that times are harder and employers think about shedding staff or not being able to hire staff is when—

MR SPEAKER: Order! With the time being 12.30, I understand it is the wish of the Assembly to suspend for lunch.

MR HUMPHRIES: I thought we wished to suspend when I finished my remarks, which is only 4½ minutes away.

MR SPEAKER: I am told that it is the wish to suspend for lunch, so we will have to come back to you later, Mr Humphries.

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

Sitting suspended from 12.31 to 2.30 pm

Questions without notice

Health action plan

MR SMYTH: Mr Speaker, my question is to the Minister for Health. Minister, given that the health action plan is a three to five-year plan, can you inform members how much it will cost to implement its goals in that time frame?

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MR STANHOPE: To the extent that actions will be implemented between now and the end of the financial year, they will be implemented in accordance with the funding allocated within the last budget. In the years immediately following that they will be implemented in accordance with the budget allocation made in each of the succeeding budgets.

MR SMYTH: Mr Speaker, my supplementary question is: part-time health minister, have you costed your health action plan?

MR STANHOPE: I have costed yours, Mr Smyth.

MR SPEAKER: Mr Smyth, I have raised the issue of referring to people by their correct title. Please refrain from using incorrect titles.

MR SMYTH: I withdraw, Mr Speaker. I will ask again: minister, have you costed your action plan?

MR STANHOPE: This is the critical but constructive new Leader of the Opposition. This is the Leader of the Opposition who, on his first day in the Assembly in the job, committed his party to another \$200 million of expenditure. The Leader of the Opposition, the day before his predecessor introduced into the Assembly legislation on fiscal responsibility—

Mr Smyth: On a point of order, Mr Speaker: I asked about his action plan and his costings. I would ask that you remind him of that.

MR STANHOPE: Just to give some context to my costings, I will make some reference to Mr Smyth's costings. His predecessor, one of three Senate candidates within the Assembly, introduced the Costing of Election Commitments Bill. Of course, yesterday we got the first major policy statement from the shadow Minister for Health. We got a six-page document of election promises, including an injecting room and needle exchange in each of the three—

Mr Stefaniak: No, no.

MR STANHOPE: Mr Stefaniak, are you actually denying your leader? The day after he delivered his policy on health, are you suggesting that you are not going to have a needle exchange?

Mr Stefaniak: Why don't you read it, Jon? You have a selective reading disability, do you?

MR STANHOPE: Ah, backdown one. This policy initiative lasted a day. The policy didn't survive a single party meeting.

Mr Smyth: On a point of order, Mr Speaker: I have not asked about Liberal Party policy. I have asked about his costings on his health action plan, which I am sure we will not get an answer on, but I would dearly like you to ask him to attempt to at least answer the question.

MR SPEAKER: Mr Smyth, you might not have been helped by one of your colleague's interjections.

MR STANHOPE: We will have to adjust the \$200 million costing. We will just have to reduce that bit that applies to the needle exchange for prisoners. We will have to reduce the costing for that. That policy has been wiped. It didn't get through the first party room meeting. The numbers were not there. Can you imagine Senator-elect Pratt, can you imagine Senator-elect Stefaniak, copping a needle exchange for prisoners?

Mr Smyth: On a point of order, Mr Speaker: it is a very simple question. It is about his health action plan; it is about whether or not he has costed it. One would normally expect a very simple answer.

MR SPEAKER: Point well taken. Come to the subject matter, Chief Minister.

MR STANHOPE: I will. I will actually go through some of the individual items that—

Mr Humphries: It is your policy we are asking about.

MR STANHOPE: That is what I am doing—just let me finish. Mr Smyth has drawn attention to certain items within the action plan. We spoke in the broad about our strategy for health-care delivery. Let me go to some of the individual items that Mr Smyth has drawn attention to in his Liberal Party policy document on health—I will go to “Improving health care through information management technology”.

Mr Smyth believes that the health information network will be expanded beyond the public system to include pharmacists and GPs by June 2004. The department has quite concrete costings on that. This is one area where the costings are quite complete. As members know, we have been working on that issue for some years. Indeed, it was a policy position that was put by Mr Moore, and now his successor, the person who is now implementing the Liberal Party strategy document on health, has picked it up.

The health information network has been costed in the terms that Mr Smyth has relayed and with the target that Mr Smyth puts on it, namely that it will be fully implemented by June 2004 and will cost around about \$25 million in terms of the IT upgrade that would be required. So Mr Smyth believes that this government should implement this by June 2004. Let me tell you now: we had no intention of implementing this by June 2004. So tell me where is your \$25 million coming from?

Mr Smyth: When? No intention—

MR STANHOPE: No, Mr Smyth. Where is your \$25 million coming from between now and June next year? Mr Smyth, you have got 18 months, one budget, to find \$25 million for a health information network. That is just one item out of \$200 million. This is so irresponsible. What hypocrisy, what irresponsibility! On the day before Mr Humphries brings in the Costing of Election Commitments Bill and the Financial Legislation (Integrity and Responsibility) Amendment Bill, Mr Smyth promises to spend \$200 million between now and June 2004, with \$25 million just on an information list. Where is the money coming from, Mr Smyth? What are you going to cut, which taxes are you going to put up?

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Mr Smyth: On a point of order, Mr Speaker: my question is about his own action health plan. The question was whether or not he has done a costing. Has the Chief Minister and Health Minister done a costing for his own action plan?

MR SPEAKER: Come to the—

MR STANHOPE: \$25 million just for this single item in Mr Smyth's budget. Mr Smyth, where is the \$25 million coming from? Where do you plan to get it?

Mr Smyth: That is not the question. It's your action plan. It's your promise, it's your plan.

MR STANHOPE: Where did June 2004 come from? Let us go to Mr Smyth's other big-order issues. Let us go to the one in the press release issued today—this is one that I am more than happy to deal with. Mr Smyth explains how I missed the point on screening programs.

Mr Smyth: Again, on a point of order, Mr Speaker: the Chief Minister continues to defy the direction to answer the question. The question is about his costing: has he done a costing of his own action plan? It can't be too hard to answer that, unless he has not done it and he is embarrassed and he has been caught out.

MR STANHOPE: I am not a bit embarrassed.

Mr Smyth: Have you done it?

MR STANHOPE: Mr Smyth, you are going to be awfully embarrassed about this—the \$200 million Brendan Smyth black hole. All of a sudden we have got a Leader of the Opposition who thinks it is fine to just say, "We'll spend \$200 million in the next 18 months but we won't say where it is coming from and we won't say what we are cutting."

Mrs Dunne: Mr Speaker, on a point of order: the Chief Minister and Health Minister is becoming tedious and repetitive. His standard ploy to avoid answering a question is to give background. This background has been going on for seven minutes now, and it went on for seven minutes yesterday when he was asked a difficult question. I think it is about time the minister actually answered this very simple, straightforward question, which was: "Have you costed your health action plan?"

MR SPEAKER: The Health Minister will come to the subject matter of the question, please.

MR STANHOPE: Mr Speaker, I am more than happy to go through seriatim, item by item—and I intend to do so this afternoon—the health action plan and Mr Smyth's six-page press release. Do you want me to go through Mr Smyth's six-page press release item by item?

Mr Smyth: On a point of order, Mr Speaker: I am happy for him to go through it line by line because then we might get an explanation of his costings. But it is a simple question: has he done his own costing of his own action plan?

MR STANHOPE: I am happy to go through it line by line and I intend to do so. We are going to go through exactly what it would cost to meet Mr Smyth's targets in relation to category 2 patients. Let me tell you now: I will have details on it; I will have detailed numbers that your proposal in relation to category 2 patients will cost, on its own, \$10 million.

Mr Humphries: Mr Speaker, on a point of order.

MR STANHOPE: \$10 million on that one item. Where is the money coming from? Where is that \$10 million coming from?

MR SPEAKER: Chief Minister, resume your seat.

Mr Humphries: Mr Speaker, you have now twice asked the Chief Minister to come to the point. There must be a point reached where the minister is disrespectful of or in disregard of the chair. You have upheld the point of order and the question should now be answered.

MR SPEAKER: Come to the point.

MR STANHOPE: I look forward to the debate on this matter later on today where we will expose the appalling hypocrisy, the total lack of responsibility, the complete irresponsibility of this shallow hypocritical nonsense from the Leader of the Opposition.

Mr Humphries: On a point of order, Mr Speaker: you allowed the preamble to this question on the basis of it being context for an answer that was going to be given. We have had 12 minutes of context and no answer. He simply refuses to answer the question.

MR SPEAKER: All I can do, Mr Humphries, is do my best to get people to answer questions. As you know and as you would have experienced yourself not so long ago, it is not up to me how ministers answer questions.

MR STANHOPE: It is in the budget. Do you know what a budget is? There is a 12 per cent increase in funding. That is what we have done there. It is in the budget.

MR SPEAKER: Chief Minister, order! If the Chief Minister doesn't want to answer the question, that is entirely up to him.

Sale of land

MS DUNDAS: My question is to the Minister for Planning. Minister, as you would be aware, the Belconnen Community Council has been in contact with your office to request the deferral of the auction of two pieces of land on the Lake Ginninderra foreshore—one next to Hungry Jacks and the other on the north side of Beissel Street. Minister, can you explain why the site next to Hungry Jacks has been scheduled for auction tomorrow when the government has spent \$250,000 on a study examining the

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best use of the foreshore land between the skate park and the water police station, and that study report has not yet been released?

MR CORBELL: I am not aware of the release of that site. I am not aware of the details of the site that Ms Dundas refers to. Mr Speaker, I will take the question on notice and provide an answer to Ms Dundas by the conclusion of question time.

MS DUNDAS: Mr Speaker, I have a supplementary question. Could you also please provide an explanation of why the site on the north side of Beissel Street is up for auction tomorrow when it is my understanding and the understanding of the community council that there was an agreement that the south side of Beissel Street would mark the limits of retail development along the lake shore.

MR CORBELL: Again, I will take the matter on notice.

Police and emergency services

MR HARGREAVES: My question is for the Minister for Police, Emergency Services and Corrections. Yesterday the federal government announced the creation of the Bushfire Cooperative Research Centre. Can the minister inform the Assembly of the ACT's involvement in the BCRC.

MR QUINLAN: Thank you, Mr Hargreaves. The Bushfire Cooperative Research Centre was proposed by the Australasian Fire Authorities Council—I might add it had been proposed since about January by federal Labor. It will bring together researchers from universities, the CSIRO and other government laboratories as well as private industry and public sector agencies. The intention is to enter into long-term collaborative arrangements which support research and development and education activities that will achieve real outcomes of national, economic and social significance.

Mr Speaker, the ACT will have extensive involvement in the centre and it will continue the tradition of the Canberra community being at the forefront of Australia's bushfire research effort. The ACT Department of Justice and Community Safety, the Emergency Services Bureau, the Department of Urban Services and Environment ACT will work with other local stakeholders, including the CSIRO bushfire management unit, the forestry program of the School of Resources, Environment and Society at the Australian National University, and the mathematics department, of all things, at the Australian Defence Force Academy.

Under the BCRC, the ACT will be responsible for coordinating research into bushfire arson. The research will focus on quantifying the extent to which arson is the cause of bushfires throughout Australia, profiling offenders, evaluating prevention measures, and evaluating treatment programs for offenders. As part of the program aimed at combating arson, the ACT government introduced new bushfire arson legislation earlier in 2002.

The research program of the BCRC focuses on five interrelated areas of research and related activities: safe prevention, preparation and suppression; management of fire in the landscape; community self-sufficiency for fire safety; protection of people and property; and education, training and communication. Canberra will be a major centre of research effort, with the ACT government in conjunction with the stakeholders

mentioned previously working directly on a number of areas of research, including bushfire arson, decision support tools for firefighters, improved handling of vegetation data in fire modelling, et cetera.

Mr Speaker, I can advise that it was my pleasure this morning to participate with my federal Labor colleagues in the launch of their national bushfire strategy. This strategy, which Labor has earmarked as a priority, includes: a national commitment; a call for dedicated research, which is now being heeded by the federal government; the provision of a pool of national resources, particularly equipment resources and aircraft that might be used to the optimum to protect all of the states and territories; better operational coordination; and support for volunteer firefighters, particularly in protecting their employment position when they may be involved in firefighting at times that may not be necessarily considered convenient to employers.

This measure has been brought forward by federal Labor to ensure that we let volunteer bushfire fighters know they are appreciated before the event. We have seen ticker tape parades and we have seen the awarding of swatches and medals after the event in the euphoria that follows a particularly bad bushfire season. But we have not seen many initiatives taken *ex ante*, before the event. Federal Labor is moving to ensure that firefighters know they have the community's full support before the event, and not just for a week or so after a major fire.

New Year's Eve fireworks

MR STEFANIAK: My question is to the Minister for Urban Services, Mr Wood. Minister, last year the ACT was the laughing stock of the nation when the New Year's Eve fireworks display was cancelled because your department had forgotten to order the fireworks. Can the minister advise the Assembly whether he has remembered to order the fireworks this year?

MR WOOD: Actually I would have thought you would not want to run this furphy, which is a whole lot of nonsense. I would have thought you would know that, Mr Stefaniak. The new ACT government did not forget about fireworks at that time.

Mr Humphries: That is what you said on the radio. It was overlooked, you said.

MR WOOD: No, no. An interviewer might have said we forgot. But the government did not forget. In fact, I will be generous to you and say that I think what you did was a fair thing. If anybody forgot, it was the former government. But you did not forget. The former government, Mr Stefaniak, did not forget to program fireworks for New Year's Day. The former government, as best as I can understand, did not program fireworks for New Year's Eve. You didn't do it.

Obviously, the former Minister for Urban Services made a decision, either alone or in a cabinet process, that there would not be fireworks on New Year's Eve. Mr Smyth, I have to say I think that was a good decision that you took. Indeed, if there were going to be fireworks on New Year's Eve last year the decision would have needed to be made well before the new government came into being.

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Perhaps your question was prompted by a media release from the Australian fireworks organisation or something of that nature. I told the media today that I am following the tradition established in the ACT, and that is that we traditionally don't provide fireworks on New Year's Eve. We have not over the years provided fireworks on New Year's Eve.

There were two special occasions and I support your decisions in that respect. The millennium was a fairly important occasion, and maybe we needed to do something about that. That was fine. And so, come the next "trillennium" or "triennium", whatever it is called—the next thousand years—by all means let us have it. The next millennium might well have fireworks. The other date, 2001, was the bicentenary. So by all means, for the tricentenary—

Members interjecting—

MR SPEAKER: Order! Minister, resume your seat. This is just getting out of control. Mr Wood is doing his best and I am having difficulty hearing him. Would you please observe a bit of order. Mr Wood, continue.

MR WOOD: Thank you. It was a stupid question, of course. If you want fireworks for the tricentenary, by all means that can be arranged. But the pattern in Canberra has been that fireworks have not been provided on New Year's Eve, and I am very comfortable with that. On New Year's Eve this year there will be no fireworks.

MR STEFANIAK: Mr Speaker, I have a supplementary question. I thank the minister for that fascinating answer. Can the minister advise what actions he has taken to promote the events, given that the publicity to date has been very low key?

MR WOOD: Mr Stefaniak, I don't know what events you mean.

Mr Humphries: There is nothing for New Year's Eve?

MR WOOD: I have to say, Mr Humphries, that nothing has changed. We have carried on the tradition that you carried on. Canberrans have always shown over the years they are not bad at entertaining themselves and I am quite happy for that to continue.

There may be one slight change in Civic if arrangements bring something to fruition. But I would not want to raise that to a very high level. It will be something appropriate and very modest.

Civil proceedings

MRS CROSS: Mr Speaker, my question is to the Attorney-General, Mr Stanhope. In the usual course of events the territory is sometimes named as a defendant in civil proceedings before the courts. Minister, can you please inform the Assembly what policies govern whether public servants and statutory office holders are indemnified by the government when the government is named as a defendant in civil actions? In your answer, Minister, I would appreciate it if you could indicate whether a policy exists or whether indemnification exists as a matter of discretion by you as the Attorney-General or some other minister.

MR STANHOPE: I thank Mrs Cross for the question. I can give you my understanding in relation to some of these issues but I will have to take the detail on notice, and I am happy to do that.

This is a vexed question, particularly as it affects politicians and as it affects public servants. In relation to potential legal action instituted against politicians, certainly against ministers—and more often than not or almost always it involves a minister who would be named as the defendant—the prevailing view of the practice in this jurisdiction, which I think matches the practice in other jurisdictions, is that if action is instituted against a person in that person's capacity as a minister, the general or broad situation is that it is appropriate for the territory to not so much indemnify but certainly meet the reasonable legal costs for that minister in that minister's or person's defence.

If a minister does something, acts or is confronted with a legal action as a result of some alleged act or omission and that act or omission is alleged to relate to the performance of that person's duties, then the principle is that it is only reasonable that that person should receive legal support.

That principle applies, as I understand it, to public officials—in other words, the public servants and others who might also be caught up in legal matters as a result of an alleged act or omission which it is alleged they committed or omitted to do pursuant to their duties. In those circumstances, the territory not so much indemnifies but it does meet the reasonable legal costs of that person. So, to that extent, they are indemnified as to their costs.

That is the position as I understand it. I would prefer, for the sake of completeness, to take advice from the department on whether or not there is a formal positional protocol in relation to that. I believe we, as a government, certainly have guidelines in relation to action against members of the Assembly. As I say, it has always been a difficult issue.

From time to time politicians who are not members of the executive are subject to legal action and more often than not it is in circumstances where they are being sued for defamation. Many politicians in that circumstance think, "Look, I was just doing my job as a politician. I didn't really mean to defame anybody. I was just trying to be open and honest," and this writ comes out of the blue. The position in relation to that, of course, is that it is not part of our duties as politicians to go around defaming people.

I think the position that has generally been taken by governments around Australia is that it is not reasonable to ask the taxpayer to fund a legal defence in circumstances where it cannot be said that the action relates to the performance of duty. But there may be circumstances where a person should perhaps be indemnified in those cases. So it is not simple; it is not cut and dried. But they are the general principles, as I understand them. I am more than happy to get the details of all the rules, the guidelines and conventions that apply.

MRS CROSS: Mr Speaker, I ask a supplementary question. I thank the minister for his answer. Minister, without trespassing into the realm of a hypothetical question, can you please inform the Assembly whether a defined list of conduct exists, such as violent behaviour or drunkenness, that would remove a public servant's or statutory office holder's indemnity when their conduct exposes the territory to a civil liability?

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MR STANHOPE: As I said, I will seek to gain, for your information, Mrs Cross, and for the information of all members, all the guidelines, protocols and conventions that apply to circumstances in which a decision would be taken to meet the reasonable legal costs of a person who is being sued or who is involved in legal action.

As I said before—and I used the example of defamation—my understanding, which I will have clarified, is that it is not reasonable that the taxpayer should be asked to fund the legal costs of a politician, a public servant or a public official to defend an action other than where the act or omission that is subject to or relevant to a prosecution was quite clearly undertaken or pursued or done or not done consistent with a person's duties or responsibilities in whatever position they hold.

So, no, if a person were drunk and that person were sued for having done some act or omission as a result of having been drunk or intoxicated, then certainly, as far as I am concerned, it takes them well outside the bounds of a circumstance in which they should receive taxpayer funding.

Bill of rights

MRS DUNNE: Mr Speaker, my question is to the Attorney-General, Mr Stanhope. I refer the minister to a letter in the *Canberra Times* of 6 December 2002 from Professor John McMillan of the ANU law faculty about the deliberative poll held recently, and I quote from Professor McMillan's letter:

I nevertheless walked away from the process with a bad taste in my mouth. All the listed speakers on the second day were proponents of a Bill of Rights.

He goes on to say:

The speakers in favour included all four members of the Consultative Committee established by the ACT Government to gauge community opinion. I warned against this appearance of bias in the planning of the deliberative assembly, but the objection was ignored.

Minister, was the second day of the deliberative poll structured so that every speaker on that day supported a bill of rights when the participants of the forum were coming to a conclusion? If so, was this done in order to develop, in Professor McMillan's words, "the laughable myth that this is prompted by some groundswell of community support"?

MR STANHOPE: I am pleased to receive the question. I must say I have been somewhat concerned by and somewhat dismayed at the aspersions that have been cast on the deliberative poll and its organisers, and indeed its integrity.

Deliberations Australia is a company of enormous reputation, and I believe that its reputation has been sullied to some extent by allegations that it in some way distorted the deliberative poll. I have not taken a detailed briefing on this, but my understanding is that Deliberations Australia went to very significant lengths to in fact ensure that there was equality of representation between people that would support and people who would oppose a bill of rights.

My understanding is that there were 16 people making presentations. I was advised that eight would be described as people in favour of a bill of rights and that eight were people who were opposed to a bill of rights. That is as it was described to me. But I will take greater detail. I have to say that I trusted in Deliberations Australia and I didn't take detailed briefings on some of the specifics of its organisation and operation. But I know it is a matter of some moment to Mrs Dunne, and I will respect her question.

I have to say that what was outlined in the question is not my experience or my understanding of any advice that I have received in relation to Deliberations Australia and the deliberative poll. Certainly this does concern me. To the extent that I thought the deliberative poll was an interesting experiment in a alternative consulting mechanism, I am concerned that there are some questions around its structure and operation.

I regret as well the language that Professor McMillan found it necessary to use in his letter to the editor. It has to be remembered, of course, that Professor McMillan is one of those who were invited to speak against the bill of rights, and did so. To that extent, of course, these are always matters for judgment, aren't they? It perhaps would have been fairer for Professor McMillan, in providing some objectivity or balance in his letter, to have said, "I should state here and declare that I am opposed to a bill of rights. I was one of those that appeared at the deliberative poll and spoke against a bill of rights." Having said that, I am concerned that—

Mrs Dunne: He is on the public record as saying he is opposed to a bill of rights.

MR STANHOPE: Well it was not in his letter. If he was being fair and objective and truly open, it should have been in his letter, particularly since he was putting the boot into everybody else.

Having said that, I think you have got to go back to day two of the deliberative poll. I thought the structure of the deliberative poll was quite reasonable. A whole day was spent arguing: "Should we have a bill of rights or not? Why: why not?" On the second day—and this is the direct subject of your question—the title of the section, as I understand it, generally was: "If we do have a bill of rights, what should it include?"

The suggestion made by Professor McMillan is the subject of your question. It is perhaps logical to think that you would not put a person who is totally opposed to a bill of rights on a panel considering the question "If we are going to have a bill of rights, what should it include?" I would imagine that the thinking of Deliberations Australia would have been: "Look, we've had an all-day debate about whether or not we are going to have a bill of rights. Some of you may not have come to this conclusion but, for the sake of this session, we are assuming that, yes, the ACT will have a bill of rights. Now, what should we include in that bill of rights?" That was all that was discussed on day two, and the people who were asked to form a panel to answer the question "If the ACT is to have a bill of rights, what should it include?" were people who were described as people who support a bill of rights.

I have to say there seems to me to be a certain logic to that. If you want a discussion about "What would you include in a bill of rights?" you would ask people who support bills of rights, and that is what Deliberations Australia did. I have to say I think that was a very reasonable thing to do.

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When I first saw this issue raised by Professor McMillan, I thought, “I suppose you could have on the panel somebody who is vigorously opposed to a bill of rights.” But what would happen if such a person was asked, “Do you think we should have a right to freedom of speech in a bill of rights?” The person would probably reply, “Well let me say I’m totally opposed to a bill of rights so I wouldn’t have freedom of speech in a bill of rights because I think they’re a bloody stupid idea.”

So you can ask the other question: why would you ask somebody who is totally opposed to a bill of rights what rights it should include? Why would you force such a person to engage in a discussion about what rights should be protected in a bill of rights? That is the basic rationale, as I understand it, and it seems quite reasonable and logical to me.

MRS DUNNE: Mr Speaker, I have a supplementary question. Minister, why did you appoint a panel to determine community opinion on a bill of rights consisting entirely of supporters of the concept, and do you understand the growing community scepticism about the process, given the flawed consultation process that has been followed to date?

MR STANHOPE: Mr Speaker, I have to say I do not believe there is growing community concern or scepticism about the process and I do not believe the process was flawed. Mrs Dunne is trying to debate the question.

I have been asked before in this place about the make-up and nature of the consultative panel. The consultative panel is comprised of Professor Hilary Charlesworth as chair. Professor Hilary Charlesworth is the head of the Centre for International and Public Law at the Australian National University. I believe that Professor Hilary Charlesworth is regarded by her peers as the outstanding, the pre-eminent, rights lawyer in Australia and perhaps one of the most outstanding rights lawyers in the world. Professor Hilary Charlesworth’s reputation is simply beyond question.

Mrs Dunne: No-one is questioning it.

MR STANHOPE: No, but her integrity has been questioned. You are not questioning her standing: you are questioning her integrity. Her integrity is beyond question; it is unimpeachable.

Mr Corbell: On a point of order, Mr Speaker: the opposition are continually interjecting on the Chief Minister. He is trying, quite legitimately, to answer the question and they should allow him to answer the question.

MR SPEAKER: That is a clear point. Mrs Dunne, you asked a supplementary question. All you can do is wait for the Chief Minister to answer it. Interjections don’t help.

Mrs Dunne: In that case, Mr Speaker, I will take a point of order. Mr Stanhope implied that I questioned the integrity of Professor Charlesworth. I have never done that.

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

Mrs Dunne: Mr Stanhope should withdraw the assertion.

MR SPEAKER: That is not a point of order. You are taking advantage of the standing orders. Please don't do that again. If you want to make a statement at the end of question time, please seek leave to do so. Chief Minister.

MR STANHOPE: A second member of the consultative committee is Professor Larissa Behrendt, a professor of law at the Sydney University of Technology and a visiting fellow at the Australian National University. I regard Professor Behrendt as the pre-eminent indigenous lawyer in Australia. I think it was vitally important that there be an indigenous person on this committee for the sake of balance.

A third member of the consultative committee is Ms Penelope Layland, an ex-associate editor of the *Canberra Times*, now a federal public servant and, once again, somebody of a reputation that is simply exceptional.

The fourth member of the consultative committee is Ms Elizabeth Kelly, an executive director in the Department of Justice and Community Safety; an officer in whom I have the utmost confidence, unlimited confidence; and, once again, whose integrity is simply unquestionable and unimpeachable.

So what we have here are four outstanding Australians of outstanding reputation, of outstanding understanding in relation to the issues, of outstanding integrity; outstanding Canberrans prepared to give of their time, their energy and their knowledge to this particular function. The suggestion is they have a view—we all have views—

Mr Humphries: What is the point of what you are saying, Jon?

MR STANHOPE: Let me just answer this question because this is a serious matter. This is what you did with Ms Connors in relation to education. It is the same thing. You are all worried about it. You are anti. You have all stood up and opposed a bill of rights. Not a single one of you will support it.

You got in the ditch, you didn't even listen to the arguments, you are not interested in the consultative process, you don't care what happened at the deliberative poll, you know the government supports it, you are concerned the numbers in the Assembly might be subject to the outcome of the consultative committee's report. So now it is a case of "We are opposed, we are in the ditch, we are not interested in the consultative process, we didn't make a submission. So where can we attack? We can't attack on the issues, because that would force us to use a bit of intellectual rigor. We can't address the issues. We can't argue the case for why there should not be a bill of rights, we can't argue why we don't think rights should be set out in print, we are not interested in drawing a line in the sand. So what will we do? Where is the little niche, where do we put the knife in?" You put the knife in by attacking those who are undertaking the consultative process. You attack those who cannot respond for themselves.

You don't take me on, you don't take on the issue, you don't take on the government, you don't take on the Labor Party. You actually have a go, in the first instance, at the process. You attack the integrity of Deliberations Australia and their processes. You claim that they are biased and put up a flawed product, and then you attack those that are undertaking the consultation—four people of unimpeachable record and integrity. It is so

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gutless. You are so gutless that you actually attack those that are asked to do the consultations. Absolutely gutless.

Mr Smyth: On a point of order, Mr Speaker: Mrs Dunne's supplementary question in no way impugns the stature of the four individuals that have been appointed. The question was: why were only those that are pro a bill of rights appointed to garner the community's opinion of the bill of rights? We have made no statements that the Chief Minister apportions to us. He should answer the question that was asked.

MR SPEAKER: Order! I think the Chief Minister is entitled to address the question in the way he desires but I would ask him to make sure that he confines his remarks to the substance of the matter.

MR STANHOPE: I have just about concluded, Mr Speaker. I think the point has been made. It is a pity that this should happen. The Liberal Party believe they don't have community support for a view that they have adopted, they know the position they have adopted is not a popular position, they know it is not supported by a majority of the people of Canberra and they are looking for some way of attacking a bill of rights. So what is the attack? The attack is on the process, the attack is on the deliberative poll.

I need to make the point that the deliberative poll is only a minor part of the consultation. Over 150 other submissions were received. Dozens of other community consultations were undertaken. The suggestion is: "Well, these people might have some personal private views about this," and I have to say—

Mr Pratt: Well they are so obvious, though, Chief Minister, for God's sake!

MR STANHOPE: It is not so obvious.

Mr Pratt: They are so obvious. They are.

MR STANHOPE: It is not so obvious. I don't know what people think about it. I didn't know you supported a needle exchange program for all of our jails. I didn't know that—that is news to me. But it is so sad that, in order to attack the possibility or prospect of a bill of rights—something that now obviously has you just so wobbly at the knees—you feel the need to suggest that the incredibly significant consultative group that have come together to undertake this consultation cannot be trusted to be honest and objective.

Maternity leave for public servants

MS GALLAGHER: My question is for the Minister for Industrial Relations, Mr Corbell. Can the minister please advise the Assembly of the ACT government's moves to enhance maternity leave benefits for all ACT public servants?

MR CORBELL: Mr Speaker, I am delighted to advise members of the Assembly that the Stanhope Labor government is moving to increase the period of time available for paid maternity leave for ACT public servants from 12 to 14 weeks.

Further, I am pleased to advise members that the unions representing ACT government employees in the bargaining process have welcomed this major improvement in maternity leave provisions in the ACT. This long overdue reform puts ACT public servants ahead of their Commonwealth counterparts when it comes to maternity leave provisions in the ACT. This means that the ACT and the Northern Territory are the only two Australian jurisdictions that comply with the International Labour Organisation's international minimum standard of 14 weeks paid maternity leave.

Mr Speaker, I believe this is a very important reform. It is important in two respects. It recognises the important challenges faced by women returning to work, in the juggling of family and work responsibilities. In that regard, I believe it is a very important reform. I hear senator elect Pratt grumbling away over there in the departure lounge, but I hope that even senator elect Pratt would welcome such an initiative.

This is an important initiative, Mr Speaker, not solely because it delivers real benefits for women returning to work in the ACT government service, but also because it gives a competitive edge to the ACT government when it comes to seeking to attract and retain staff in the ACT government service, over the Commonwealth.

We now have better paid maternity leave provisions than the Commonwealth. That, along with other measures the government is moving to implement now, as part of the enterprise bargaining agreement with ACT government employees, will, I hope, redress the six years of inaction and neglect we saw under the previous Liberal Party when it came to wages and conditions in the ACT government service.

Mr Humphries: The highest paid teachers in the country; the highest paid firemen; the highest paid nurses and bus drivers.

MR CORBELL: The highest paid, Mr Speaker. Under their leadership, real wages of ACT public servants went backwards. This is the man—Mr Humphries—who I think was Treasurer at the time, or certainly a member of the government, and Chief Minister for a period—who stood up in this chamber earlier today and said, “We would love to deliver better outcomes for all workers in the ACT.” What is their record in government?

Mr Humphries: We had the best employment rate in the country—lowest unemployment.

MR CORBELL: I know you don't like this. Their record in government over four years resulted in real wage decreases for ACT public servants. That is their record—real wage decreases over four years.

MR SPEAKER: Order! Members of the opposition will come to order.

MR CORBELL: Maybe that gives them something to boast about at Liberal Party branch meetings, but what has been the impact on ACT government employees and their families, and the health of the service? It has meant that ACT government employees and their families have had to struggle to maintain a reasonable standard of living. What it has meant for the health of the service is that the government has lost too many people to other jurisdictions which pay better.

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Whilst it is simply not the case that the government here in the ACT can ever seek to be at the top of the range with all of the relevant Commonwealth agencies, we can at least be better. Mr Speaker, increasing paid maternity leave from 12 to 14 weeks is one way of doing that.

In addition to the 12 to 14-week increase in paid maternity leave, there are a range of other maternity leave initiatives. Employees returning from maternity leave will have an entitlement to access regular part-time employment for a period up to two years from the birth of a child. This option was previously at the discretion of the employer. It is now an entitlement fully accessible by all employees, upon request.

Further, there is an option for the leave period to be doubled at half pay, which also is not currently offered by the Commonwealth, with an additional period to count as service for all purposes. That again is an option for employees which was not previously available. Further, there will be access to annual leave and long service leave on half pay, when taken in connection with maternity leave. This therefore improves the flexibility of employment conditions for ACT government employees, improving the ACT's reputation—of which this government is very proud—as an employer of best practice, when it comes to maternity leave conditions in particular.

Let me highlight what this means for the several thousand ACT public sector employees entitled to the additional leave. An employee not entitled to maternity leave, who is the primary caregiver of a newborn or adopted child, will have access to equivalent provisions. The total combined paid leave entitlement under this clause is 14 weeks.

I am sure Mr Cornwell will feel much better about that now. The equivalent caregiver is also entitled to 14 weeks leave. If you choose to adopt and you want to come and work in the ACT government service, we will look after you, Mr Cornwell.

Mr Speaker, as I have indicated, these provisions will take the ACT public service beyond International Labour Organisation standards. These are really important and worthwhile reforms. They are reforms that could have been introduced some time ago, but for the mean-spirited and destructive approach when it came to employee relations that we saw under the previous administration.

Self-funded retirees—concessions

MR CORNWELL: My question is to Mr Wood as Minister for Disability, Housing and Community Services. I refer to correspondence from you dated 17 October, Mr Wood, wherein you advised the extension of pensioner concessions to self-funded retirees, which I think you will agree would lead to some better outcomes for people, as Mr Corbell likes to say.

Pensioner concessions for self-funded retirees was a procedure agreed to by this Assembly in July this year and was the subject of discussions between officers of your department and the Commonwealth Department of Family and Community Services. Further you said, "Details of the proposal will be brought back to the Legislative Assembly in the December sitting period for consideration by members." I am quoting your letter, Minister. Where are the details you promised?

MR WOOD: Mr Speaker, clearly they are not here, are they? This matter is under continuing discussion. Mr Cornwell, you said this would result in better outcomes. Yes, we do want better outcomes, but we want those outcomes to be based on equity and consideration to those most in need. That is very much part of what we are thinking about.

At the same time, a review of the concessions program is being undertaken by the Chief Minister's Department. That is nearing completion—it is due about this time. We will be taking that into account in our broad understanding. Negotiations are continuing on the Commonwealth's offer—at that level. We are still considering that, but we have not yet signed on to it. We will find difficulty in signing on to it if it gives a disproportionate amount to people who have a lesser need than others in the community.

MR CORNWELL: I have a supplementary question. When might we expect these details, Minister? Just a moment. I have not finished. Sit down—behave yourself. When might we expect a decision by your government upon a motion supported by this Assembly for social and financial justice for 5,000 low income self-funded retirees? We always made that point very clear. When might we expect these details and a decision from your government, in the interests of equity?

MR WOOD: When the matters have been thoroughly examined, Mr Cornwell, and the needs of all in our community have been taken into account in this process. That is not at this minute.

Land—rezoning

MS TUCKER: My question is to the Minister for Planning. Minister, your recent announcement of the rezoning of the Hungarian-Australian Club site in Narrabundah to residential is apparently based on your assertion that all other options have been exhausted. You have stated that redevelopment is the only way of preventing the site from becoming derelict, because the Hungarian-Australian Club could no longer continue on the site; that there has been no serious interest by other groups shown in purchasing the current lease, and that the land could not be resumed by government.

In light of this decision, and recent comments made by you on ABC radio's morning program, could you please table the following documents in the Assembly by close of business tomorrow night: Legal and/or planning advice relating to the ACT government's inability to resume the Hungarian-Australian Club site, and any caveat lodged on the Hungarian-Australian Club concessional lease.

MR CORBELL: Mr Speaker, I will take the question on notice and advise Ms Tucker of my response to that later today.

MS TUCKER: I have a supplementary question. If the government is unable to resume the land, why did it fail to support and encourage the negotiations being conducted between the Hungarian-Australian Club and another interested club which had indicated serious intent in taking on the current lease?

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Mr Cornwell: On a point of order, Mr Speaker: there is a question on notice relating to this matter. I do not know to what extent it might be covering some of Ms Tucker's statements or questions.

MR SPEAKER: Would you like to repeat your supplementary question? I have in front of me a question with notice from Mr Cornwell. The number is 360 and it is page 655.

Mr Corbell: Mr Speaker, I do not think the questions are in conflict. I would be happy to try to answer Ms Tucker's supplementary question if she repeats it—because I have forgotten part of it.

MR SPEAKER: The difficulty is that, if she repeats it and it is in conflict, I will rule it out.

MS TUCKER: I am sorry. What did you say?

MR SPEAKER: If your supplementary question anticipates this question, then it is out of order.

MS TUCKER: I am not sure. I have not had time to read the question—it is rather long. You can make a judgment.

MR SPEAKER: I will do my best.

MS TUCKER: Mr Speaker, I was interested to know why the government did not encourage the negotiations on the sale of the lease between another club and the Hungarian-Australian Club.

Mr Corbell: No, it does not conflict with the question, Mr Speaker.

MR SPEAKER: Part (1) of the question was:

Have you received any notification of any sort that another club was negotiating to purchase the Hungarian-Australian Club...?

I think that goes to part of the question you asked. Then it says:

(2) Why did you not wait to see the result of these negotiations...?

I think that goes to some of what Ms Tucker has asked. Then it says:

(3) How much was this club offering for the premises, as opposed to the amount offered by a developer...?

Ms Tucker, I think your points are covered.

MS TUCKER: May I speak to it?

MR SPEAKER: Yes.

MS TUCKER: I do not agree with you. My question is specifically: why didn't the government facilitate negotiations? These are specific questions, such as, did they know that there was some other negotiation going on? And, why did you not wait to see?

MR SPEAKER: Rephrase it, if you have to. Read out what you have said.

MS TUCKER: I have said it a couple of different ways now. I do not think it is quite what Mr Cornwell is asking. I am asking why the government did not actively encourage negotiations between another club and the Hungarian-Australian Club for this site.

MR CORBELL: Can you say that again, Ms Tucker? I know you have worked very hard on it. I will endeavour to answer the question—I believe I caught the gist of it. Mr Speaker, it is not the role of the government to facilitate negotiations between a lessee and a purchaser—full stop. That is why we did not do it.

I think it is important to clarify, however, that the existing lease of the Hungarian-Australian Club is still in effect. It is a concessional lease and ministerial consent is required for the lease to be transferred. If a prospective purchaser wishes to purchase the lease, receives consent for the transfer of that lease to it and wishes to continue to operate within the terms of that lease, as a club, it can do that.

***Yellow Pages* small business index**

MR HUMPHRIES: My question is to the minister for business, Mr Quinlan. I refer to the recent *Yellow Pages* business index for small and medium enterprises. In November 2001, a net 18 per cent of local small and medium businesses considered that the ACT government's policies had a positive effect on their businesses. In November 2002—that is, after one year of Labor government—a net 10 per cent of local small and medium enterprises considered that the ACT government's policies had a negative effect on their businesses.

That is a turnaround of some 28 per cent from overall confident to overall not confident—or not positive—about the government's business policies. Why does the *Yellow Pages* index show such a dramatic turnaround in support for your government's business policies in only 12 months?

Mr Corbell: On a point of order, Mr Speaker: the minister for business is not responsible for the *Yellow Pages* survey. Mr Humphries is asking why the *Yellow Pages* survey shows this result. Surely that would be a matter for the *Yellow Pages* survey—not the minister for business.

Mr Humphries: On that point of order, Mr Speaker: if negative criticism of the government could not be commented upon because the government minister was not responsible for that commentary—

Mr Corbell: You need to rephrase the question.

MR HUMPHRIES: All right. I will rephrase the question, to satisfy Mr pedant Corbell.

MR SPEAKER: Okay, Mr Humphries—in rephrase mode!

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MR HUMPHRIES: Why is it that there has been a dramatic fall in support for your government's business policies from small and medium enterprises in the ACT?

MR QUINLAN: Mr Speaker, this is one of those Gary Humphries situations where, when they are asked a general question such as "Does government get in your road or not?" all of a sudden, it is "your government".

I am prepared to accept that Mr Humphries does not keep abreast and has not observed that, on a wider scale, both nationally and internationally, there is growing concern about business. That generally reflects itself in all of the indices. Let me say that, whilst business confidence has fallen in the ACT, the ACT still enjoys the second highest level of business confidence in Australia.

Mr Humphries: Because they are all Labor governments—that is why. What do you expect? It is going "phfft".

MR QUINLAN: It will go up. It will go up and it will go down. This is about the same question as the hospital waiting lists—you know, ask at the right time. Let me inform members that I did an interview with the *Financial Review* yesterday. I do not know how that article is going to turn out.

Mr Corbell: It is in the paper today.

MR QUINLAN: Is it? Is it good? All of the feedback that I got from the reporter, Chelsea someone, on the relationship between business and the Labor government was very positive. I am assuming that has been reflected in the *Financial Review* article today. I am only assuming that.

MR HUMPHRIES: I have a supplementary question. Has the delay in developing the economic white paper of your government made a major contribution to the dramatic fall in business confidence in your government's policies?

MR QUINLAN: No. The short answer to that is no. Of course there are people out there who are impatient and saying, "Give us a look at it." I deal regularly with the business sector. I have met and discussed this particular matter with business leaders in the past couple of weeks. I can assure you that no—as far as I know, with regard to plummeting business confidence—it is not a concern that my paper isn't out this week.

Connors inquiry

MR PRATT: My question is to the minister for education. Minister, you announced on 28 November that you had approved an extension for the Connors inquiry, despite having said only nine days prior:

The Connors inquiry is on track. Ms Connors has indicated to me that she still proposes to submit a report by the end of this month.

Why have you allowed a delay, when you are relying on this report to tell you where to spend the \$7 million slush fund from the budget? Why can you not give the Assembly a brief about the broad themes of the report, given that you have previously told the Assembly, “Ms Connors has provided a briefing to me on the broad theme she is looking at”?

MR CORBELL: Mr Speaker, I refer Mr Pratt to a website—www.act.gov.Australia/educationfundinginquiry. All the submissions to the inquiry are on that website, along with all of the formal investigations Ms Connors has undertaken in relation to her inquiry.

Ms Connors has briefed all the stakeholders who made submissions to the inquiry on her potential future directions, and she has given a similar briefing to me.

Mr Speaker, perhaps the reason Mr Pratt does not have this information is because one, he does not know how to use the internet; or, two, he was too lazy to make a submission to the inquiry.

MR PRATT: I have a supplementary question. Minister, when did you know that Ms Connors could not meet the deadline imposed?

MR CORBELL: After you asked me the question.

Elective surgery waiting lists

MS MacDONALD: My question is to the Minister for Health, Mr Stanhope. Can the Health Minister tell the Assembly the average length of time category 2 and 3 patients are currently spending on elective surgery waiting lists?

MR STANHOPE: Mr Speaker, at the moment, the average waiting time of category 2 patients is 120 days. It is relevant to note that, when this government took office, about 50 per cent of category 2 patients were waiting longer than the target of 90 days. That is that, when we took over a year ago, 50 per cent of category 2 patients were waiting longer than 120 days. Around 50 per cent of category 2 patients are still waiting longer than 90 days. That is the history. It has been thus probably for years.

It is interesting in any discussion around waiting times and waiting lists to reflect on just how intractable the waiting lists are, even with the efforts that successive governments have made. I repeat, Ms MacDonald, that, in relation to category 2, in response to your question, 50 per cent of category 2 patients wait longer than 120 days.

Mr Smyth has asked us, in the Liberal Party’s policy on this, to believe that the Liberal Party expects that to be reduced to a situation where 98 per cent of category 2 patients should have their surgery within 90 days. This is the target Mr Smyth has set, and he wants that achieved by June 2004. He wants to move from a situation in which 50 per cent of category 2 patients receive their surgery within 90 days—the accepted target—to a position where 98 per cent of them do. That is an increase of 48 per cent over current numbers. Mr Smyth wants that to be achieved between now and June 2004.

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I had the department look at the implications of that. The implications of that, in a cost sense, are that it would cost \$10 million. The department tells me that, to deal with the existing category 2 waiting list, it would cost between \$7 million and \$10 million—to achieve Mr Smyth's target. That is what it would cost to deal with the existing category 2 waiting list in Mr Smyth's timeframe.

Where is the money going to come from for this single item, to move from a situation where it is currently 50 per cent? Of course, we haven't been able to budge on the 50 per cent that the Liberals sat on. All of a sudden, between now and June 2004—over the space of the next budget—just for category 2 patients on the list, Mr Smyth wants this government to find a minimum of \$7 million.

Then we must extrapolate. What happens then? We find the \$7 million to \$10 million that we need just for category 2 but we stop doing something else. However, we cannot do it in Health because we have this six-page list. So I suppose we close a couple of schools, double car registrations or double rates.

There is a problem. Once you deal with that category 2 waiting list—once you get to those 48 per cent of people that Mr Smyth wants to get to by June 2004—guess what happens? You generate enormous demand! We all know that, under the health-care agreements, the ACT boundary is irrelevant. I bet it would not sit at just 30 per cent of clients from New South Wales and the region going to Canberra Hospital for too long—from down at Wollongong and up in Sydney. "Hey look! The ACT government has just stuck another \$2 million into category 2. Let's whip down to Canberra. You can get in straight away—you don't have to wait." What would happen? The waiting list would go again! You could never catch up. You would be chasing your tail forever.

The department anticipates that, even at the rate of addition to the waiting list now—namely, 700 clients a month—it would take \$25 million, between now and June 2004, which is Mr Smyth's target, to deal just with Mr Smyth's targets for elective surgery. Between now and June 2004, it would take around \$25 million.

Where is the \$25 million to come from for elective surgery? What do we cut? What do you have to cut to find another \$25 million for elective surgery? What do you have to cut when you cannot take it from Health because you have to do all these other things in Health? You have to find \$25 million for your new information technology system alone. What do you do? Where do you get that \$25 million from?

If you are not going to close a couple of high schools, close down half of Calvary Hospital or move, say, maternity, you still have to raise the money. So how do we raise the money? Where do you get another \$25 million from, just for elective surgery? Where do you get it from? Well, you double car registrations, I suppose. But don't forget—we need \$200 million for this whole package. So I guess we double rates.

Mr Humphries: On a point of order, Mr Speaker: comments are supposed to be directed through the chair, not through the clock at the back of the room. You are over here, I believe—not up there.

MR SPEAKER: Order! Chief Minister, resume your seat. Please direct your comments through the chair.

MR STANHOPE: The new Leader of the Opposition, on his first day in the job in this place, adds \$200 million. The “\$200 million man”, on his first day in the Assembly, adds \$200 million to the health budget. There has been no analysis, no consultation, no costings, no understanding of health at all—just a shallow, simplistic, hypocritical, nonsensical, \$200 million.

I ask that further questions be placed on the notice paper, so that we can get to the debate about the \$200 million.

Land development

MR CORBELL: Mr Speaker, in question time today, Ms Dundas asked me questions in relation to block 80, section 65 Belconnen, and block 23, section 149 Belconnen. I am happy to provide this information to Ms Dundas.

In relation to block 80, section 65, the Belconnen Community Council has commissioned a study—which, as I understand it, is being funded from the Chief Minister’s Department—into whether there is a need for a cultural facility in the town centre. The Belconnen Town Centre master plan, which was approved by the ACT government in August 2001, identified block 5, section 187 for possible community uses associated with some commercial development.

All previous discussions between Planning and Land Management and the Belconnen Community Council have focused on block 5, section 187. This block is not in the December auction program. This follows on from a commitment I gave in this place following a question earlier this year from you, Ms Dundas. Given this, no consideration has been given to withholding block 80, section 65 from the program. If there is a need identified for community uses, block 5, section 187 will be the site considered.

In relation to block 23, section 149, this site has been identified as commercial on the Territory Plan since its inception. An allowed use for this site is residential purposes.

I am advised that the Belconnen Community Council does not accept that this should be a commercial site and that it wants the site incorporated into the open space network. Mr Speaker, the use of the site as commercial/residential was the subject of extensive consultation through the Belconnen Town Centre master plan process, and its use was confirmed through that process. Given that the proposals are consistent with the Territory Plan, as approved by the Assembly, and the intentions of the Belconnen Town Centre master plan, the government sees no reason for either of these blocks to be removed from tomorrow’s auction.

Hospital implosion

MR STANHOPE: Yesterday I took a question from Mrs Cross on a Calderbank offer. A Calderbank offer is an offer of settlement made by one party to another in the course of litigation. If the offer is not accepted and its terms are more favourable for the party receiving it, then the outcome of it will be determined by the court and the court may make orders in relation to costs which are adverse to that party.

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The use of Calderbank offers is common in litigation. A Calderbank offer has the effect that a party with unrealistic expectations is forced to confront the reality of his or her case against the possibility of an unfavourable costs order. It is open to any party involved in litigation to make a Calderbank offer, and it cannot be regarded as a device designed to gain an unfair advantage. Even where such offers are not accepted, the response often opens the way to further negotiation, with compromises by both parties, and matters which were seemingly unable to be resolved in fact are settled amicably.

Calderbank offers—and, in other jurisdictions, formal offers of compromise, which have the same effect—are seen by courts as promoting expedition and cost saving in the disposition of cases. Some jurisdictions are giving consideration to making such offers a compulsory part of the litigation process.

It would not be appropriate for me to comment on confidential negotiation between parties in any matter which is currently before the courts. The government remains hopeful that a mediation session, scheduled before Christmas, will lead to a mutually acceptable resolution of the claims made by the members of the Bender family.

I might add, by way of postscript, Mr Speaker, that the government has been paying, and continues to pay, the medical and out-of-pocket expenses of the Bender family.

Health executives

MR STANHOPE: Mr Speaker, yesterday I was asked a question by Mr Smyth, which I took on notice. Mr Smyth asked me about levels of positions in the department of health. He asked me about the level of Executive Coordinator—Strategic Development, Executive Coordinator—Territory-wide Services and the chief nurse. For both the executives, the levels are executive level 2.6, and the chief nurse is an executive level 1.2.

Personal explanation

MRS DUNNE: Mr Speaker, I seek to make a personal explanation in accordance with standing order 46.

MR SPEAKER: Proceed, Mrs Dunne.

MRS DUNNE: Today in question time, the Attorney-General, in attempting to answer a question about why he had composed the Bill of Rights Consultative Committee in a particular way, said that I had wished to impugn the motives of Professor Charlesworth and the other members of the bill of rights panel.

I would like to put on the record that at no time have I impugned the credentials of Professor Charlesworth or any other member of the panel. I have observed Professor Charlesworth in her consultative capacity as chairman of the bill of rights panel and I think she is a lawyer of very high attainment and achievement. This is not the view that has been put forward by myself—and, might I add, other members of the opposition. It had to be asked why there is an apparent bias on the committee, but it is not an imputation of the composition of the committee.

Auditor-General's Report No 7 of 2002

Mr Speaker presented the following report:

Auditor-General Act—Auditor-General's Report—No 7 of 2002—*Financial Audits with Years Ending to 30 June 2002*, dated 10 December 2002.

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

That the Assembly authorises the publication of the Auditor-General's Report No 7 of 2002.

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 seek leave to make a statement in relation to this audit report.

Leave granted.

MR QUINLAN: I have not seen this audit report, but I have been advised that it contains adverse comment in relation to a payment from the Treasurer's Advance to ACT Housing for the purpose of addressing urgent fire safety retrofitting. I take the Auditor-General's comments seriously. I understood at the time of preparing this statement—I do not know what is in the report—that it contained the terms “misuse of Treasurer's Advance” and “its legality could be questioned”. This statement was prepared without the benefit of reading the report, so I cannot give a page number.

Understandably, I am anxious to make a prompt statement in response, particularly as I am also informed that this report was issued to the media at midday today under embargo. Nevertheless, it is likely to receive promulgation today.

Under advice from Treasury to cabinet, the government applied \$10 million of unexpended Treasurer's Advance to an urgent maintenance need in relation to fire safety within public housing. This was done late in the financial year when the urgent need was communicated to cabinet. As Treasurer, I take responsibility for that decision.

Criticism of the action would swing on the timing of the expenditure by government versus the timing in carrying out the work by ACT Housing—that is, was the expenditure in the year 2001-02?—and would also swing on the foreseeability of the need for the spending.

Let me first address the expenditure in 2001-02. The Auditor-General expressed concern that the moneys would not be expended in the financial year. However, I am advised that in discussions with officials the Auditor-General did not broach the subject of changed accounting treatment other than as expenditure in the 2001-02 year. At no time was there a suggestion that the expenditure should be treated as a prepayment to transfer the actual cost into 2002-03. The Auditor-General's certification of the financial statements—again I am assuming—without a related qualification within that certificate means that it has been accepted as expenditure by government in 2001-02, at least technically.

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Foreseeability at the time of the appropriation bills is another element that may come into the argument. The absence of anything like adequate fire safety in public housing could not have been foreseen until a Labor government came to government and had time to receive and assess relevant information. We did bring down two appropriation bills. I think one was brought into this place in December and passed in February. One was brought in in February/March and passed in April.

Mr Humphries: The first one was passed in December, at the same time as it was introduced.

MR QUINLAN: Two days later, yes. That was a bit early in the piece. I agree with you, Mr Humphries. Thank you for that support. And there was one early in this calendar year.

Clearly there was an urgent requirement for the action to be taken. There was a need and there was unexpended funding. I would like to put this issue into context. In so doing, I would like to refer to Auditor-General's Report No 11 of 2001. Under "Significant findings" it says:

Non-compliance with the [Financial Management Act] probably occurred in relation to the use of Treasurer's advances.

... a number of payments from the Treasurer's Advance were made around the times of passing Appropriation Act (No. 2) and Appropriation Act (No. 3).

These are selected quotes, by the way. The report also says:

It is therefore probable that Treasury officials, if they had considered the issue, would have reasonably foreseen the need for some of the payments to be made at the time the Appropriation Acts were passed.

I assume the Treasurer of the time, as I am doing, took responsibility for that. The issue addressed in this statement is therefore not a new one. I have no doubt that in future times there will be debate at the margin of the use of the Treasurer's Advance, no matter where that margin is set.

As for changes for the future, we have certainly taken on board the comments of the Auditor-General and his recommendations for review and probable amendment of the Financial Management Act to make it tighter.

In conclusion, the government acted promptly to address an urgent problem related to fire safety in public housing, using available funds. This was a matter, effectively, of life and limb. It was also an issue that had direct parallels in previous years, including 2000-01.

I table a copy of the statement and a listing of the urgent fire retrofitting that was considered necessary as a function of audits dating back to 2000. I present the following papers:

ACT Housing—Fire Safety Upgrades—Estimate of Cost to Rectify Deficiencies—Copy of table
Auditor-General’s Report—“Financial Audits with years ending 30 June 2002”—Statement by Treasurer, Ted Quinlan, dated 11 December 2002.

MR HUMPHRIES: I seek leave to make a statement on the same matter.

Leave granted.

MR HUMPHRIES: I have not had notice of this matter. The media apparently have and Mr Quinlan obviously had some. I have not, except in very general terms. Therefore, careful examination of what this report says will be required in the next few hours before tomorrow’s meeting of the Assembly.

I view with some concern the suggestion that the \$10 million paid from the Treasurer’s Advance in June of this year to ACT Housing potentially amounts to an illegal payment. That is what I assume to be the effect of the findings in chapter 7 of this report, as I have briefly examined it. This will need careful examination, but I remind members that it was the making of an illegal payment which led to the fall of my predecessor as Chief Minister, Mrs Carnell. It was perfectly clear that there was no action on her part which contributed to the making of that illegal payment, but rather it was a fault that occurred within the agency she administered as ACT Treasurer at the time.

According to chapter 7 of the Auditor’s report, the \$10 million was transferred, and authorised for transfer by the Treasurer, on 14 June of this year, a date very close to the end of the financial year. I think we need to ask whether any reasonable person would take the view that a transfer of that magnitude could possibly be spent by ACT Housing in the space of two weeks before the end of the financial year. Spending \$10 million in two weeks is a pretty tall order.

We also need to ask whether the transfer of \$10 million at that late stage was perhaps designed to reduce the territory’s operating result—an operating result which the Treasurer was insisting, until about that point in time, would be a deficit. He was almost banking on it being a deficit.

These are questions that need to be answered. I am not sure we can answer them on the brief view we have had of them today. But I put the government on notice that I am asking these questions, and I expect we will return to this issue when some time has been spent examining what this report is all about.

MS DUNDAS: I seek leave to make a short statement on the same matter.

Leave granted.

MS DUNDAS: As Mr Humphries has foreshadowed, we will probably be having further debate on this Auditor-General’s report. I would like to bring members’ attention to a question without notice I asked on this topic in August. I asked how this \$10 million for fire safety was viewed as unforeseen, considering that the report on the need for the fire safety upgrades came out in June 2000.

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Mr Quinlan, in his answer, said that this was perhaps a question for the former government. He said:

It was a problem that should have been funded in the previous budget and it was not.

That statement is quite interesting, considering the statements made today about the two supplementary appropriation bills that were debated and went through last financial year before the budget came down for this financial year.

I too have concerns about the Treasurer's Advance. I am glad that the Auditor-General has brought this matter to our attention. I look forward to greater clarity and greater tightening of the rules that relate to the Treasurer's Advance. This is an issue I have been quite concerned about for some time.

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 respond.

Leave granted.

MR QUINLAN: Mr Humphries drew a parallel with Bruce stadium. I am sure the opposition will try to extend upon that, as you do in the political game. But as I pointed out in my original statement, I think parallels are much more closely associated with what happened in the audit report of last year.

Bruce stadium was a vain, glorious ego trip which included 12 months of flat denials of an illegal overnight loan, seven or eight incorrect cabinet submissions and a bottom line by the Auditor that said we did not get value for money. This issue, I am sure, will create heat, but it certainly will not generate 13 volumes of audit reports.

MR SMYTH (Leader of the Opposition): Mr Speaker, I seek leave to make a short statement.

Leave granted.

MR SMYTH: As all Auditor-General's reports automatically come to the Public Accounts Committee, the Public Accounts Committee will certainly be taking this matter seriously as they review this report.

It is important to put on the record that the Treasurer's Advance is normally for urgent and unexpected calls on the budget. At page 39 of the report the Auditor states that the \$10 million was transferred on 14 June and was deposited in the Housing bank account shortly after authorisation. You would have thought that if that money had been urgently needed or unexpectedly needed, or both—which is what the Treasurer's Advance is meant for—it would have been spent. The Auditor-General says in paragraph 7.5 on page 39 that at 31 October 2002 less than \$220,000 had been paid for the authorised purpose. So clearly it was neither unexpected nor urgent. This is something the Public Accounts Committee will be looking at.

Long service leave portability

Debate resumed.

MR HUMPHRIES (4.06): Mr Speaker, as I was saying before my speech was interrupted, we have seen some stereotyping of opposition to this proposal. It was typical of the hysteria which has been generated around this debate, but it did not much illuminate the community with respect to what was going on. I repeat that I am happy to see workers have greater entitlements, but someone has to pay for those entitlements. We also have to acknowledge that there are some associated problems with conferring extra benefits. Benefits can create problems of their own. This needs to be worked through very carefully.

For example, if a worker is able to take with them their long service leave as a portable commodity when they leave the employment of a employer, say, after nine years, they are going to have difficulty going to a new employer, who would be aware that that employee would have only one year's service before going off on extended long service leave. That long service leave would be paid for, presumably, under this arrangement by the portable long service leave which is brought with them. Nonetheless, the employer would lose that employee for whatever the period might be—three or six months.

Not many employers are able to say, "I will take you on as my employee, but I realise that I am going to lose you for a fifth or a sixth of the next 18 months." That is not a particularly attractive arrangement. That might in turn cost the employee a job with such employers, because it is naturally not seen as an attractive employment proposition.

Similarly, an employer who employs somebody, say, for nine years before they leave, for whatever reason would be paying for the long service leave of that employee but in a sense not getting any benefit for it. An employer presumably sees in the payment of long service leave up to 10 years a reward for service and a capacity to have that employee back refreshed at the end of the period of long service leave. They do not get that in an arrangement where the employee can take the money from that employer and disappear somewhere else.

I do not think this arrangement should be taken at face value. We need to look very carefully at extending benefits in this way. I have no opposition to extending benefits in all sorts of areas, but they have to be paid for. I see in this proposal an agenda which is rather broader than it appears to be on face value. It is, as I suggested in my opening remarks, a soapbox for the government's backbenchers, all three of whom are here today. I see it as an attack on the Cole royal commission, which obviously rankles the ALP. I also suspect there are some factional issues because of the people who get a guernsey with this sort of thing. Particular unions have a particular interest in this. No doubt those games are being played out—not to the visibility and transparency of all the rest of us but presumably somewhere in the background.

This motion needs to be treated with a great deal of caution. I suggest to members that we not support an open-ended motion of this kind and, in particular, not support the process whereby the government of the day runs its government business through private members business on a Wednesday. We have seen this week after week in this place. It is not appropriate.

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Ms MacDonald: You are not speaking to the motion, yet again, Mr Humphries. What does this have to do with the motion?

MR HUMPHRIES: Are you telling me that your speech was not seen by a minister in the government or an officer in a minister's office before it was delivered, Ms MacDonald?

Ms MacDonald: Yes, I am.

MR HUMPHRIES: Nobody in a minister's office saw anything to do with your speech?

Ms MacDonald: No, they did not.

MR HUMPHRIES: I cannot say that I am confident about that in every other case when it has occurred. The minister had a well-prepared speech on the subject which dovetailed beautifully with yours. I remain a touch cynical.

MS MacDONALD (4.11), in reply: Mr Speaker, I thank those who have taken part in the debate. I might talk about the negatives first and finish on a positive note. This motion is about bringing in positives for people in Canberra, employers as well as employees. The former Leader of the Opposition is hoping soon to be a senator, if he can beat off his colleagues in this place trying to get that position as well.

Mr Cornwell: You are not going on for another 22 minutes, are you?

MS MacDONALD: Only if you want me to, Mr Cornwell. I would be happy to oblige you, Mr Cornwell. I will start with Mr Pratt. Mr Pratt had a few interesting theories. Yet again he failed to listen.

Mr Hargreaves: No, he didn't.

MS MacDONALD: I use the term "interesting" loosely, Mr Hargreaves. Once again Mr Pratt has failed to understand—

Mr Hargreaves: His name.

MS MacDONALD: No, he has failed to understand what has been said in this place. He has failed to understand the reasons for the motion. (*Quorum formed.*) Thank you, Mr Hargreaves, for calling a quorum. I needed an audience. Mr Pratt failed to understand the basics yet again. The most curious comment during the debate came from Mr Pratt. For some reason it is all right to give portable long service leave to the construction and cleaning industries because they are not career industries. I would like Mr Pratt to explain to apprentices in the construction industry that what they are going to do is not a career. I do not understand the point Mr Pratt was making.

Mr Pratt said that what I am suggesting would turn the term "long service leave" into an oxymoron, because you get the leave even if you have not given long service to the one employer. That is the whole point of the debate, Mr Pratt. We are trying to make an evolutionary change, with the ACT being the organisation you give long service to. You

put a long time and a lot of effort in, and therefore you should be entitled to some recompense at the end of your long service with that organisation. It makes the ACT a place of incentive to work, Mr Pratt.

Mr Pratt obviously was not listening to me when I talked about the history of long service leave. He said that long service leave is about working for the one employer. That is not why long service leave came about. People wanted to return to Mother England. People do not do that anymore. They do not pack their bags and spend six weeks on a ship going to England and then coming back to Australia.

In respect of the difference between the ACT and New South Wales, Mr Pratt said, “So what?” What about all the cross-border businesses with employees working between places on both sides of the border? When I was working for the union, New South Wales employees of Grace Bros, which had a store for a number of years in Queanbeyan, had different long service leave entitlements from those of Grace Bros employees in the ACT. There are anomalies that need to be fixed.

Mr Pratt said, “Why tinker with it? Why fix it if it ain’t broke?” There are disparities. Therefore, we need to fix them. Mr Pratt said that criticising the Cole royal commission impedes analysis. I dispute that, Mr Pratt. The Cole royal commission is just a reason to attack trade unions. The commission’s discussion paper 14 attacks portable long service leave in the construction industry. The commission allowed only two weeks for comment on its discussion papers. So much for analysis. The entire industrial relations system around the country was supposed to make a decision within two weeks of receiving lengthy discussion papers of 71 pages.

Mr Pratt suggested that the Cole royal commission could fix up long service leave conditions within the ACT. That was not the reason for the Cole royal commission. As I have already said, it is a union-bashing exercise. Its purpose is not to fix up long service leave in the ACT.

I dispute Mr Pratt’s comment about attacks on business. Most businesses, unfortunately, do not put aside money for long service leave over a length of time. They do not plan for it. They should be planning for it. If they had a centralised fund, it would help them do that.

According to Mr Humphries, the sky is falling and we all going to fall apart if we introduce portable long service leave and fix up conditions for employees—not to mention his conspiracy theories.

I would like to thank Minister Corbell. I am pleased to hear that the government will be rejecting the Cole royal commission and addressing the issues raised in this motion.

I enjoyed the history lesson from Mr Berry. I am always keen to hear more about what has taken place in the past, to inform myself further. I agree with Mr Berry about the need for a universal long service leave fund protecting benefits. Hopefully, this motion will lead to that. (*Extension of time granted.*)

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I agree with Ms Dundas that long service leave has failed to keep up with changes in working patterns. That is why this motion is before this place today. We need to make changes. The changes are not revolutionary; they are evolutionary. It is time we looked at what entitlements we wish to put in place for people in the territory in continuing the good traditions the Stanhope Labor government has started. I commend the motion to the Assembly.

Question put:

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

The Assembly voted—

Ayes, 10

Noes, 6

Mr Berry	Ms MacDonald	Mr Cornwell	Mr Stefaniak
Mr Corbell	Mr Quinlan	Mrs Dunne	
Ms Dundas	Mr Stanhope	Mr Humphries	
Ms Gallagher	Ms Tucker	Mr Pratt	
Mr Hargreaves	Mr Wood	Mr Smyth	

Question so resolved in the affirmative.

Motion agreed to.

Health action plan 2002

MR SMYTH (Leader of the Opposition) (4.27): I move:

That this Assembly:

- (1) recognising the positive sentiments set out in the Health Action Plan 2002; also
- (2) recognising the lack of measurable goals, outcomes and accountability mechanisms;
- (3) calls on the Minister for Health to meet the requirement at Part A and adopt the specific goals at Part B.

Part A. The Requirement

This Assembly requires the Minister for Health to adopt the specific goals and targets set out as Part B of this motion that transforms the Health Action Plan 2002 from general motherhood statements to a genuine action plan.

Where the Minister considers that:

- (4) The proposed specific goals are either not onerous enough because he is prepared to set more rigorous goals for better health outcomes, or
- (5) The proposed specific goals are too onerous and it would not be possible to meet such outcomes,

the Minister shall report to this Assembly by the end of February with alternative goals and a detailed explanation of the reasons for the changes.

Part B. The Specific Goals

A. Healthy people

A1. Promoting healthy living/well-being

General:

The ACT will be reaffirmed by the World Health Organisation as a Healthy City by December 2003.

Specific examples:

Nutrition:

- . Low or no cholesterol fat will be used in food preparation by ACT government schools by February 2004.
- . 50% of restaurants and "Take-Aways" will use low or no cholesterol fats in food preparation by June 2004
- . The ACT will be reduced on the "does not eat fruit at all" indicator from 7.3% to 6.0% by June 2004.

Adult Immunisation:

- . 10% increase in immunisation rate of 2002 Action Plan specified target groups by June 2004.

Screening program:

- . Participation rates will reach national average by June 2004.

Smoking:

- . The rate of participation of young people in smoking will be reduced by 5% by June 2004.
- . Health Protection (Safe use of medicines):
- . Adverse incidents monitoring will be established and a reduction of 10% of adverse incidents will be achieved by June 2004.

A2. Improving mental health

General:

ACT will reach national averages for:

- . Substance use disorders;
- . Anxiety disorders;
- . Depression;

by June 2004 with a goal of lowest incidence by December 2008.

Specific examples:

Suicide prevention:

- . Mind Matters will be introduced to all ACT Schools by February 2004.

Dual Diagnosis:

- . Expansion of services will include a minimum of 4 new mental health workers/nurses in the 2003-2004 budget.

Reducing stigma:

- . Measures for reduced stigma will be adopted by June 2003.

A3. Meeting the health needs of an ageing population

General:

There will be a percentage increase in services commensurate with the increase in the population of older people in the ACT (WHO definition) at the 2003-2004 and the 2004-2005 budgets.

Specific examples:

Aged Care:

- . "The ACT will work with the Commonwealth to reach the required number of beds". However, by December 2003 there will be an increase in the number of aged care beds by 20 and by June 2004 the total increase will be 30 beds.

Podiatry and Dental Care:

- . Waiting list times and numbers for dental and podiatry services will be published on the ACT Health Website by June 2003 (in a format similar to the public hospital elective surgery waiting lists).
- . Reduction in waiting times of 5% will be achieved by June 2004.

Frail older people:

- . Increase by 10% the number of frail older people supported by services so they can remain living within the community by June 2004.

A4. Working with the Aboriginal and Torres Strait Islander community for better health outcomes

General:

Improved data collection by June 2003 will allow goals for improved health outcomes in:

- . Injury;
- . Substance misuse;
- . Diabetes mellitus;
- . Cardiovascular disease.

In each of these areas there will be a 5% improvement by June 2004.

Specific examples:

Immunisation rates:

- . Immunisation rates of Aboriginal and Torres Strait Islanders in the ACT will improve by 30% by June 2004.

Alcohol and drugs:

- . "Detoxification and rehabilitation programs ... will be further developed". By June 2004 culturally specific programs will be available on a basis proportional to the number of Aboriginal and Torres Strait Islander people in treatment.

A5. Dealing with problematic alcohol and other drug use

General:

The Alcohol and other Drug Task Force to report with recommendations on government priorities by June 2003. The Government's response is to be tabled in the Legislative Assembly by October 2003.

Specific examples:

Treatment:

- . Methadone treatment waiting times will remain available with no waiting list for 95% of the time until June 2004.
- . Waiting times for treatment other than methadone will be reduced by 20% by December 2003.

Alcohol:

- . Binge drinking by school/college aged young people will be reduced by 5% by June 2004.

Tobacco:

- . Vending machines will be prohibited by June 2004.

A6. Improving the health of detainees

General:

The Corrections Health framework and policy position, with measurable goals and milestones, will be tabled in the Legislative Assembly by June 2003.

Specific examples:

Health programs:

- . Programs will be introduced to ensure that sharing of needles in ACT detention and remand centres will cease by June 2003.
- . Smoking by detainees will be reduced from 75% to 65% by June 2004.

B. Health systems

B1. Building a sustainable workforce

General:

The shortage of nurses and other health professionals to be resolved by June 2008.

Specific examples:

Recruitment:

- . By June 2004 the number of nurses required will be no worse than in December 2001.
- . There will be an adequate supply of radiographers by June 2004.

Career pathways:

- . By December 2003 the recommendations of the Career Pathways Enhancement Project will be tabled in the Legislative Assembly.

Indigenous Workers:

- . An increase of 10 Aboriginal and Torres Strait Islander workers will be achieved within the ACT Department of Health by December 2003.
- . An increase of a total of 15 Aboriginal and Torres Strait Islander workers will be achieved within the ACT Department of Health by June 2004.

B2. Strengthening acute care

General:

For honesty and accountability the website for ACT waiting lists will be modified by March 2003 so that it will include:

- . A consistent set of comparisons against both the previous month and the same month in the previous year in all categories.
- . Definitions that use the same language as the published data (eg use of days as in definition instead of weeks).
- . Will keep previously published data stored as an archive so that any constituent can examine progress to that time. Data should be held going back a minimum of four years.

Specific examples:

Waiting lists:

- . 98% of Category Two patients will have their surgery within 90 days by June 2004.
- . 90% of Category Three patients will have their surgery within a year by June 2004.

Outpatients:

- . Average waiting times at emergency areas of both public hospitals will reduce by 10% by June 2004.

B3. Expanding primary and community care

General:

The expansion of primary and community care will mean a reduction of public hospital inpatient episodes from 60,000 (page 65) public hospital inpatient episodes by 5% to 57,000 episodes by December 2003.

Specific examples:

After hours GPs:

- . Extend after hour GP services so that each region within the ACT will have an after hours GP clinic by June 2004.

Telephone Services:

- . The single call triage, advice, referral and appointments system will be in operation by June 2003.

Primary care:

- . Multidisciplinary primary health care services, which include working with local pharmacists, will be in operation by December 2003.

B4. Integrating hospital and community health services

General:

Through the integration of hospital and community health services the average length of stay in hospital will be reduced by 5% by June 2004.

Specific examples:

Complex care needs

- . The clinical information system with a single patient identification number will be in operation across the ACT public health system, GPs and pharmacies by June 2004.

Chronic illness:

- . Increased capacity will include an extra 8 workers by June 2004.

B5. Boosting research and development

General:

Published papers in peer review journals will increase by 10% from across the ACT Department of Health and funded bodies by June 2004.

Specific examples:

Research advice:

- . The Health and Community Care Research Council will be established by March 2003 and its first report will be tabled in the Legislative Assembly by October 2003.

Research Support:

- . The Health and Community Care Research Support Program will allocate its first set of funds in the 2003-2004 budget.

B6. Enhancing the quality of health and community care services

General:

The ACT Quality program will mean a reduction in adverse incidents of 20% by June 2004.

Specific examples:

Legislation:

- . Legislation supporting patient safety and quality of care will be tabled in the Legislative Assembly in the Spring sittings of 2003.

Medication Safety

- . Adverse incidents arising out of medication errors will be reduced by 10% by June 2004. (see A1)

B7. Improving health care through information management and technology

General:

The Health Information Network will be expanded beyond the public system to include Pharmacists and GPs by June 2004.

Specific examples:

Health records:

- . The secure, confidential ACT electronic health record for individual clients and patients to be introduced by June 2004.

Data:

- . The draft policies around quality and timeliness of data management, collection, storage and release to be tabled in the ACT Assembly in June 2003.

Mr Deputy Speaker, before I start, I would like to apologise to members for a typographical error in the motion I circulated earlier in the week. It appears that somewhere along the line the Microsoft spell check decided to change "Torres Strait" to "Torres Straight". I apologise for that. It was a simple oversight and I mean no disrespect to the Torres Strait Islander community.

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When I was elected as Leader of the Opposition, I indicated that it was time for the Liberal Party to take a new, constructive approach to the important task of opposition. That does not mean that we are not going to be critical of government. It means that our focus will be on what is in the best interests of the community. We will not criticise for criticism's sake, but will always look for ways to make up for the government's inadequacies.

In doing so, the inadequacies of the government and its ministers will be exposed, but the goal will be better outcomes for the people of Canberra. The goal will be better health outcomes, better education outcomes, better financial outcomes, better social outcomes, better planning outcomes and, overall, a better Canberra community.

The Chief Minister has presented a health action plan 2002 which, nobody can deny, provides a set of lofty values. These values include wellness, patient/consumer/carer focus, equity, collaboration, excellence and honesty. Like so much of this government's work, the plan does not have the potential to adequately turn those ideals into reality.

The Chief Minister, in his capacity as Health Minister, has failed to drive, ask or demand of his public servants a set of measurable outcomes. Who knows the reason why? We know from our experience that the public servants are more than capable and would have provided these outcomes if only asked.

The Chief Minister has a whole department to focus on these issues. We know from his statements when he came into government that he thinks, and I quote him, "Being leader of the government is easier than being leader of the opposition," because he has thousands of public servants to do his bidding.

This plan is inadequate. It lacks openness and honesty about what is really achievable. But it exposes the attitude of this Chief Minister. It may well illustrate why ACT departments wallow under his leadership. Mr Deputy Speaker, if you do not want departments to wallow, you have to give clear guidelines, you have to request, you have to make demands, and you have to set demanding but realistic goals.

With regard to this action plan 2002, it is clear that this minister has done none of these things. We have a plan that makes all the right noises—well, most of the right noises. We have a plan that has been through extensive community consultation. Unlike the Chief Minister's press release that claimed I did not attend any of the public meetings, I certainly went to the two forums at the convention centre and the launch earlier this month or late last month, whatever the date was.

But we have a plan which cannot be evaluated, cannot be measured and cannot be tested and which would seem to cost in the order of a \$1 billion by the figures used by the minister yesterday and today. Ironically, the plan sets a test on page 14, where it deals with honesty and accountability, yet it barely stands up to the standard that it has set itself. Under "Honesty", the plan says:

Our health and community care system will encourage honesty. We will admit mistakes and welcome constructive feedback.

Except, apparently, from the opposition. Faced with such a plan, what can a constructive opposition do? We do not have the departmental resources available to the minister. We do not expect to be able to completely rewrite his health plan 2002. It is his plan. It is the health plan that he will be judged on. However, as the alternative government, we have a higher priority—the health outcomes of the people of Canberra.

We can provide an insight into what he ought to have demanded from his bureaucrats, and we can do so from a sensible basis. We know that if there are to be genuine achievements, if there is to be genuine progress, then the weight of academic opinion demands that the policy cycle require measurement and evaluation.

In Bridgman and Davis' Australian policy cycle model a process is offered that helps to bring structure to an approach that might otherwise appear chaotic and unordered. Surely those who advised and those who wrote this policy plan were aware of this type of model.

The gurus of policy evaluation, analysis and implementation agree that policy implementation cannot be achieved without identifying specific goals and allocating implementation targets. These commentators of policy development include people such as Gardner, the editor of *Health Policy Development, Implementation and Evaluation in Australia*, Davis and Ashton in *Health and Public Policy in New Zealand*, Palmer and Short in *Health Care and Public Policy* and Parsons in *Public Policy: An Introduction to Theory and Practice of Policy Analysis*. That is the academic background, but it should be a matter of just plain common sense. If you are to achieve outcomes, you have to set goals and targets and you have to be able to assess your achievements against those goals and targets.

Mr Deputy Speaker, to be constructive, the motion is framed in two parts. In the first part we present the challenge. However, we expect the minister, in the spirit of constructive criticism, to rise to that challenge. We understand that, with our limited resources, we may have set an occasional unrealistic goal. Therefore, the motion allows for a process of reconsideration and, if the minister finds an unrealistic goal, he could do one of two things. He could slip into his old opposition approach and guffaw and poke fun about why he thinks a particular target is impossible, or he could respond positively to the constructive nature of the motion and return to the Assembly with an alternative.

In the second part of the motion, we have provided general and specific measures against a wide range of the plan's goals. These targets are lifted from the Health Minister's own goals. This is what you should have demanded from your department, Minister. If you want to go to the next election saying that you have achieved something, if you want to be able to argue that you have not just wallowed in a sea of philosophy, plans, consultation and strategies, you set targets and you are measured against them.

Our method has been to provide a set of realistic goals. In fact, we have attempted to be particularly conservative in our approach. That approach has been to interpret the lofty goals that have been identified and then make a judgment about the sort of improvement that this Assembly should expect and, indeed, the people of Canberra should expect over the period of this government. It is a judgment call. That is why the motion allows the government to come back and say that it can do better or that we have asked for the impossible and it will need to modify.

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This is a plan of lofty ideals. A 5 or 10 per cent improvement in the short term will indicate to this Assembly that the government is on the right track. Where such goals are not being achieved or are unlikely to be achieved, the government should be asking why and reconsidering the approach it has taken.

We have not provided measures against all of the goals. We have chosen a wide range so that you are started, so that you can come back to this Assembly with a complete action plan to achieve better health outcomes for the community. This motion shows you how to do so. It gives you room to change specific goals and it provides you with the opportunity to deliver accountability, honesty and openness.

It gives you the ability to deliver better health outcomes. That is what this opposition is about—working for the good of the community, not partisan politics. This motion is a critical but constructive approach to an inadequate document. It provides you with the opportunity that we, in opposition, hope you will take up. We hope that you will take it up for the sake of the community.

Mr Deputy Speaker, one could argue that the health plan does provide for monitoring and reporting. It will be the job of the new ACT Health Council. Let me quote:

The ACT Health Council will be charged with monitoring and reporting on progress in implementing the strategies and actions set out in the Health Action Plan.

The Council will also be asked to refine the draft set of key performance indicators in the Plan and to monitor progress.

The broad representation on the Council, with membership and expertise drawn from the portfolio, clinicians and the community, will help ensure that the many actions described in the Plan are actively pursued.

The Council will agree on appropriate monitoring and reporting mechanisms with the Government and the portfolio.

But it is clearly a cop-out in terms of achieving outcomes and will delay even further any chance to get on with the job. Is it really honest to say that the council will help ensure that the many actions described in the plan are actively pursued? It has already taken over a year to get to this stage.

The minister has now advertised for expressions of interest in the council. What are the chances that it will be appointed before Christmas? When is the likelihood of the first meeting? How will such a council quickly come up with a full range of measurable goals? How long will it take for the new council to arrange the meetings where it can get an agreement on appropriate monitoring and reporting mechanisms with the government and the portfolio?

I am not criticising the establishment of the council, but to pass this task to it without having set out such targets in this plan seems to be a way of avoiding accountability. This process is designed to effect yet another long delay in delivering anything concrete. It does not allow an honest and open appraisal of any improvement to health outcomes. Should we have expected more? Of course we should.

Even if your writers had not been prepared to do the research, Minister, they could hardly be blind to the information that exists within the department. Consider the instructions on your own department of health website about “how to” in health promotion. Let me quote again. Under “Evaluation basics”, it says:

Planning for evaluation is an essential part of the initial health promotion program planning process—

the initial part—

There are three different levels of evaluation which can be used to assess the effectiveness of a health promotion program:

process evaluation
impact evaluation
outcome evaluation

These must be done in a logical order—the short term effects of the health promotion program must be assessed before any long term benefits can be measured.

Mr Deputy Speaker, you will see that in the motion before the Assembly we have provided examples of the process, the impact and the outcome evaluations. However, we have emphasised outcomes because the most important aspect of any project is measuring the goals and the mile posts on the way to achieving improved outcomes.

We all want better health for our community. I presume that the minister has read his own website. I certainly presume that somebody within the department has read the website. Why, then, was the methodology that you preach not applied to your own plan? There are two possibilities. One possibility is that the Chief Minister has deliberately conveyed this notion to them so that his own government cannot be held accountable. That is the first possibility. However, this would hardly be consistent with his constant assertions that he places high value on his honesty and accountability.

The second possibility is that he simply believes that the department should do all the work and that he does not need to take responsibility to ensure that such a plan would really deliver outcomes on the lofty ideals that are portrayed. Whatever the possibilities, it is now time to move on. It is time to accept this motion and it is time to accept the constructive intention of improving the health outcomes of the ACT and the region.

Mr Deputy Speaker, there is another aspect of this plan that warrants discussion. The Chief Minister put his toe in the water on the issue of the social determinants of health in a discussion on pages 17 to 19. Once again, there are non-measurable strategies for achieving improvements in this area. Of course, we can all look at the unemployment figures as one of the key measures of the social determinants of health.

Actions on the social determinants of health are, of course, already under way. The previous government, my government, used the term social capital and deliberately framed a series of budgets around improving social capital—improving, if you like, the social determinants of health. However, even before the social capital budgets, we had

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announced the healthy cities program. When you read the few pages on the social determinants of health in the health action plan, you really have to ask yourself about the openness and honesty of presenting the same concepts as the previous government under a different title without acknowledging the achievements to date.

Mr Deputy Speaker, on releasing this plan, the Chief Minister suggested in a media release that it is a five-year plan. The advantage for the government of the five-year concept is that they could attempt to argue that there should be no measurable goals for five years. I presume that this sort of lack of accountability would be unacceptable to this Assembly. Can this Assembly really risk allowing five more years of wallowing? We have a motion to set specific goals. I am sure that no member will have difficulty with the Chief Minister adding further goals to those that the motion requires. Long-term measurable goals will, I am sure, be welcomed by all members. (*Quorum formed.*)

The Chief Minister has said that he will welcome constructive feedback. (*Extension of time granted.*) This motion tests the extent to which he openly and honestly meant it. Chief Minister, through you, Mr Deputy Speaker, are you now willing to welcome the constructive feedback we are presenting? Are you willing to accept this motion in the spirit of constructive criticism? Will you consider its contents and turn your health action plan into genuine action. We are all keen to see a genuine action plan that is a step beyond the platitudes and the set of motherhood statements which are the plan that you have released.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (4.45): Mr Deputy Speaker, I think that it is a pity, in a way, that I have to speak to this motion today. In attacking the health action plan, Mr Smyth has lived up to his pledge to be critical and he has made much of that in his presentation here today, but he has failed by any measure to be constructive. That is a pity, because the government's new health action plan does represent a terrific opportunity to shape the ACT's health system for the future and the Opposition Leader has spurned his chance to make a positive contribution.

The health action plan was developed in full consultation with the Canberra community. Discussions began at the health summit in February. The health summit was attended by a representative of almost every organisation in Canberra that has an interest in the delivery of health services to the Canberra community and it was widely applauded by everybody within the community associated with health. It was genuine consultation with the community and the health action plan sprung out of that. This assault by Mr Smyth on the health action plan is, essentially, an attack on everybody that participated in that consultancy process, that bothered to attend the summit and that bothered to make submissions.

As indicated, we invited them to that and we did hold public meetings. It is interesting that we did not get a submission from the Liberal Party. Mr Smyth is coming in after the event. He did not bother to contribute, but now claims to be the saviour. If Mr Smyth were genuine in aspiring to constructive criticism, he would have taken the opportunity to participate in an open and consultative process. Despite that, he has the temerity to suggest that his list of performance measures responds to community concerns.

He flies in the face of the consultancy process that was undertaken, but then suggests that he is responding to community concerns and provides no evidence that these measures have been developed as a result of any community consultation. He did not give the community the chance to contribute or respond prior to presenting his measures to the Assembly.

The health action plan contains more than 135 actions against 13 key areas of focus. It maps detailed actions in key areas, including health promotion, mental health, alcohol and drug use, Aboriginal and Torres Strait Islander health, building a sustainable work force and strengthening primary and acute care. The plan is action oriented. It was developed in consultation with the community and will involve the community and clinicians in its implementation, monitoring and evaluation.

This stands in stark contrast to *Setting the agenda*, the Liberal government's blueprint for health in the ACT. That document was extremely long on rhetoric and very short on reality. You need to bear in mind in digesting Mr Smyth's comments, statements and release on this matter that *Setting the agenda*, his blueprint for health in the ACT, contained no actions, contained no goals, contained no targets, contained no measures and contained no accountability mechanism. What an amazing turnabout we have had here! We have Mr Smyth, the doyen now of *Setting the agenda*, a document with no actions, no goals, no targets, no measures and no accountability mechanisms becoming the champion of all of those in this government's action plan.

The government is willing to be held accountable to the commitments made in the health action plan. The plan specifically states that the development of a meaningful set of performance measures for the ACT health system is properly the main concern of the new ACT Health Council. A key role that my government has given to the council is to construct such a set of measures based on the real and genuine involvement of consumers, community groups and health professionals. I expect the council to draw on a range of sources in this work, though I doubt that it will spend all that much time considering Mr Smyth's collection as presented here today.

The types of indicators we will need will measure our progress against key health indicators such as survival rates for cancer, the proportion of children fully immunised, emergency department waiting times, and days waited for elective surgery. Many of these indicators are already in existence and are reported against regularly as part of the Chief Health Officer's biennial report. This is the type of data the council will need to work with to develop meaningful markers of health system performance.

A consistent feature of Mr Smyth's list was the apparently random nature of many of the targets. Why are some of these numbers chosen? There is a reference to reducing binge drinking in young people by 5 per cent. Why 5 per cent? Why and how did Mr Smyth decide that it was appropriate before June 2004 to reduce binge drinking in young people by 5 per cent? Why 5 per cent? And, more interestingly, how would this be measured? How would the health system measure a 5 per cent reduction in binge drinking? How would it be actioned?

This would presumably be part of the very expensive health promotion campaign that would also promote the use of low cholesterol food and get kids to eat more fruit. Some of the measures put forward by Mr Smyth appear reasonable. However, he demonstrates

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with other measures that his knowledge of the health system is extremely shoddy and shallow. The targets Mr Smyth has suggested have clearly not been developed rigorously. Some have clearly been plucked out of the air, some do not make sense, others try to hold the ACT government responsible for the failings of the Commonwealth government, and a number would be extremely expensive to introduce.

I do not need to go through them all, but I will highlight examples of the problems. First, he proposes as a target for screening programs—I presume he means cancer-screening programs—reaching national average participation rates by June 2004. For breast and cervical cancer screening, ACT participation rates are currently above national averages, so we assume that Mr Smyth thinks that we are spending too much on screening and we need to decline participation in our screening programs to bring them back to national averages. That just shows how shallow and absurd his targets are. He wants us to work to achieve national averages when we are above national averages. He wants to go backwards, such is the depth of his understanding of the issues contained within his release.

In relation to mental health, he proposes as a target that the incidence of substance use disorders, anxiety disorders and depression reach the national average by June 2004 and be lowest in the country by December 2008. These, of course, are laudable targets, but require substantial additional resources for health promotion, early intervention and treatment programs. Indicative costings of the investment required put the figure for this initiative at \$6 million per annum; that is, \$6 million per annum just to achieve the targets that Mr Smyth includes for mental health.

That, of course, is coming from the party that, in government, was content to allow funding for mental health services in the ACT to be the lowest in the country, a situation reported on just this year. Mental health funding in the ACT is 17½ per cent lower than that for the next worst jurisdiction in Australia, yet Mr Smyth came in here yesterday and set out some targets, some of which need to be reached by June 2004, which my department has advised me would take a minimum of \$6 million a year to reach—that is next year, that is in this budget cycle.

Are we to introduce another appropriation bill? Are we to cut some other program? Where is the \$6 million just for mental health to come from? What is to be cut? Which new taxes are to be raised? When should we introduce the appropriation bill that deals just with this funding for mental health, this \$6 million just for mental health? Mr Smyth seems to expect the ACT government to take on responsibility for the failings of the Commonwealth government. He proposes targets for increased aged-care places. I would like to remind him that the allocation of these places is a Commonwealth government responsibility and that perhaps he should be helping us to get his Commonwealth colleagues to provide adequate services for the ACT community.

If the ACT has to take on this responsibility from the Commonwealth—that is, the responsibility and the target set by Mr Smyth in his document—the initial estimates from the department of health are that the expenditure required to run the 30-bed facility that Mr Smyth wants us to conclude before June 2004 would be \$1.5 million per annum and the capital cost would be \$5 million. Those are Commonwealth expenditures and responsibilities that Mr Smyth asks us to pick up. He wants us to pick up the \$5 million

cost of building a 30-bed facility and he wants us to find \$1.5 million a year to run it. Those are the targets in his document.

For Aboriginal and Torres Strait Islander health, he proposes goals for improved health outcomes and injuries, substance misuse, diabetes and cardiovascular disease, all things which we pledged to work towards in the action plan. He actually goes on to say that we need a 5 per cent improvement in each of those. He wants a 5 per cent reduction in a whole range of health indicators as they affect indigenous people.

Other indicators he simply picked out of the air. He suggests that we should be aiming to reduce the average length of stay in hospital by 5 per cent. What is the significance, once again, of the 5 per cent? Is that actually what the community wants, when people are concerned about being discharged quicker when sick? Does this include time spent, for example, in facilities like the convalescence service that we opened earlier this year?

We have talked about some of the specifics of elective surgery. In question time I went to the elective surgery waiting list suggestions Mr Smyth made. His comments just now on having honest and accountable information were really quite amusing and cynical in the extreme, particularly in relation to the elective surgery waiting list website. It needs to be pointed out that it is my government that puts the information on the web, specifically to be more open and accountable. The information was not available anywhere to members of the public under the previous government. We have to question Mr Smyth's focus on the information being based on days and weeks.

I am not sure, again, where the targets that Mr Smyth proposes for elective surgery waiting lists come from, and we need to go through them for the sake of this debate. I mentioned them in question time. He speaks of 98 per cent of category 2 patients having their surgery within 90 days by June 2004. It is so easy to say, isn't it? Just bung it in a press release or bung it in a policy document, as Mr Smyth did yesterday. The Liberal Party's position is that 98 per cent of category 2 patients should have their surgery within 90 days by June 2004. That is easy to say, quick to say, a simple little sentence, and there it is. That promise of Mr Smyth's would cost us between \$7 million and \$10 million a year to achieve. Just that one little sentence, that quick little sentence that 98 per cent of category 2 patients will have their surgery within 90 days by June 2004, would cost between \$7 million and \$10 million a year.

It could be done if anybody in this place could find \$7 million for me or tell me which \$7 million program they are happy to cut, which \$7 million program they are prepared to stand up in this place and get out in public with me and say, "We insist the government cut this program. We insist the government close this school in order to fund category 2 waiting lists." Is anybody in this place prepared to come out with me now and say, "We are happy to close three schools. We will propose it to the government. We will actually run the media on it. We will stand in the ditches on it. We will defend this \$7 million cut. We will actually close three schools. In fact, we will even agree to close a school in the suburb in which we live, that is how much we are committed to this category 2 waiting list"? Will Ms Tucker get out there and stand in front of the Ainslie Primary School and say, "Close this school so that we can actually reduce the category 2 waiting list. I want this school closed and I demand it"?

Mr Smyth: Nobody is suggesting that.

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MR STANHOPE: Yes, they are. You cannot come into this place and put on the table a document like this one that racks up \$200 million in potential expenditure and not tell anybody how you are going to pay for it.

Mr Smyth: How are you going to pay for yours?

MR STANHOPE: Out of the budget. That is the point and that is the difference. This government—

Mr Smyth: What existing programs are you going to cut in the budget to fund your health plan? Out of the budget, fine.

MR STANHOPE: Out of the budget. You did not read the document; it is in there on page 5. That is what it says. The whole point is that this government is responsible and this government understands the basis of fiscal responsibility. We understand that you do not go out and say, “We will do this for the waiting lists. We won’t say how much it is going to cost. We won’t say where the money is going to come from. We won’t say if we are going to cut. We won’t say if we are going to increase taxes. We will just put it on the table.” It so simplistic, it is so easy, to say that. You know that it will strike a chord, but you will accept no responsibility.

It is irresponsibility of an order we have never seen in this place to rush out such a document, to get it running out in the media, without any analysis of the wonderful things you are going to do, without costing it, and these costs are real costs. That is what it would cost. That is what we are talking about.

As I explained before, you can knock off the category 2 waiting list. If you find the \$7 million or \$10 million for it, we will do it, but all you are going to do, I will tell you now, is just generate demand because that is the nature of the waiting list. The demand is endless; it climbs and climbs.

Mr Smyth: So we won’t try.

MR STANHOPE: No, what you will find is that people will rush here from across the border and actually generate demand within the ACT community. Already we add 700 people a month to the waiting list. That is what we currently do; that is how great the demand is. If you actually deal with it, the list will simply respond. It is never ending; you chase your tail forever. You could never satisfy the demand for elective surgery; it can’t be done.

To do it to the extent that you get down to, essentially, no waiting list or a minimal waiting list would cost tens of millions of dollars, just that item by itself. The same point applies in relation to cancer screening. Mr Smyth wants 90 per cent of the category 3 patients to be treated within a year. Currently, about 80 per cent of the category 3 patients are seen within a year. Whichever way you look at it, these claims, these timelines, these targets are simply meaningless. They are not attainable; they are meaningless. Within the context of a \$2 billion budget, we do not have another \$200 million on top of the \$450 million we already provide for health.

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.

MR STANHOPE: Mr Smyth also says that he would like to change the average waiting times in the emergency units at both hospitals to reduce them by 10 per cent. (*Extension of time granted.*) That is a particularly interesting target in itself. We measure ourselves against the Australian triage standard in relation to emergency services and we are proud of the fact that 100 per cent of our category 1 patients are treated immediately. It is a bit hard to make a 10 per cent improvement on that. Eighty-four per cent of our category 2 patients are seen within 10 minutes. The Australian standard is 80 per cent. Mr Smyth wants us to go to 94 per cent.

Mr Smyth: Why not?

MR STANHOPE: Because of the cost, Mr Smyth. You can't move without it costing. You can't make an improvement of that sort without employing another dozen nurses. Another dozen nurses would cost you another half a million dollars. You can't keep doing it. Where is the money going to come from, Mr Smyth?

Mr Smyth: Read your policy.

MR DEPUTY SPEAKER: Order, please! I do not want an argument across the chamber.

MR STANHOPE: We are already performing better than the Australian average and you want to get us 10 per cent above it, without saying how many more nurses you are going to employ and how many more doctors you are going to employ to deal with those additional people coming in. Why do you seek to establish a system where everybody abandons GPs and other alternative forms of health care and goes to accident and emergency? Don't you want doctors to be involved in primary health care? Do you want everybody to go to the hospital? Do you want 100 per cent all the time?

Mr Smyth: You know that that's not true. You misrepresent, as you always do.

MR STANHOPE: That is what you want. It is the same story with category 3 patients. The target is to see 75 per cent of these patients within 30 minutes and we do better than that. We meet all the targets in accident and emergency. We have the best responding hospital in Australia.

Mr Smyth proposes, and we dwelt on this before, to improve health care through better use of IT. He wants to introduce a secure, confidential electronic health record for patients by June 2004. The establishment of an electronic health record is something that has been considered for some time. It is patently true that such a system would promote a seamless transfer of health information and improve patient care. We do not doubt that for a second. We would love to have such a system and we are committed to working towards having it. We would love it.

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However, the investment in IT that such a system would require has been costed by the department of health at \$25 million—\$25 million for the system that Mr Smyth insists we have in place by June 2004, that is, in the next budget. The next budget should contain \$25 million for a new IT system for health. That is a laudable aim. For that, nothing. This investment would be spent primarily on systems.

The ACT's current health information systems aren't connected; they are not connected at all. This means that GPs cannot talk to hospitals, which cannot talk to pharmacists in an environment guaranteeing patient privacy. The investment required would be to either massively upgrade existing systems to provide an interface between them or to start again with a new common system. We have a choice. It is a wonderful idea, but, like all matters of health, it must be balanced against a range of competing priorities for health service delivery.

What can the Assembly see from these highlights? I think that this IT system is a great example. Whereabouts do you start in this shopping list? Which of these issues that has to be dealt with by June 2004—

Mr Smyth: It's your promise.

MR STANHOPE: I did not promise to deliver that by June 2004. I did not promise to find \$25 million in this budget for an IT system. I did not say that I would take \$25 million out of the health budget and apply it to IT. I did not say that I would take \$25 million for a new IT system out of accident and emergency.

Mr Smyth: In which year are you going to do it?

MR STANHOPE: Where are you going to take it from, Mr Smyth? Are you going to take it from elective surgery? Where do you want the government to take the \$25 million for IT from? Where do you want us to take it from? Do you want to take it out of elective surgery? Do you want to take it out of accident and emergency? Do you want us to close the convalescence facility? Do you want us to move the maternity section at Calvary to Canberra? What do you want us to do to find the \$25 million for the IT system?

This is real bunkum; it is classic populous nonsense. The new Leader of the Opposition is trying to make a mark by putting out a policy without thinking about it, putting out a policy without costing it. The Liberal Party thinks it can actually go to the people of Canberra and say to them reasonably and responsibly, "We think that this government needs to spend another \$200 million on health."

I'll tell you what: going out and telling this community that they need to find another \$200 million for health will actually convince them of just how totally irresponsible you are and why you cannot be trusted with the reins of government and why they were justified in kicking you out of office 12 months ago. You are simply not to be trusted, particularly with this nonsense here. What we see from these highlights is that the Liberal Party has failed to learn anything about financial management or accountability.

The policies issued by Mr Smyth not only are unclear but also come with a massive price tag that would, essentially, bankrupt us. On the government's early indicative analysis, as I have said, and I will have these numbers confirmed, the proposals would cost us

\$200 million. The ACT government already spends \$415 million a year on health services. Mr Smyth's proposal is that we increase health expenditure by 50 per cent in 18 months.

Mr Smyth wants us to increase the expenditure on health from \$415 million to \$615 million in 18 months. He is happy to commit to figures and targets for which he is not accountable. He makes no effort to identify where the money would come from. He does not say what services we should stop funding in order to meet these targets. Does Mr Smyth think that we should close our schools? Does he think we should increase the rates? Does he think we should double car registration charges?

For a Leader of the Opposition to put his name on this sort of proposal is completely irresponsible. The proposals are nothing but a shallow stunt which send alarming signals about Mr Smyth's leadership of the Liberal Party. Either he is playing cheap political tricks by demonstrating his complete and total inexperience or, even worse, he is showing that the Liberal Party has learned nothing about responsible fiscal management and has not yet understood why it was ejected so clearly and forcefully from government 12 months ago.

With this sort of performance from the new Leader of the Opposition, the people of the ACT have no reason to expect any improvement in the Liberal Party's capacity to manage the finances. It is an appalling, shallow, irresponsible stunt of the worst order.

MS DUNDAS (5.07): Whilst I do not agree with every aspect of this motion, I do agree with Mr Smyth that the health action plan is lacking clear targets of the kind contained in this motion. Everyone here agrees that the reforms of the health system are intended to create better health outcomes for the community.

Yesterday, I supported the Health and Community Care Services (Repeal and Consequential Amendments) Bill to abolish the purchaser/provider system for the ACT public health service. I have no doubt that the government, the health department and our hospital management teams have the clear intention of improving communication, quality and efficiency for the benefit of all ACT residents.

I have no doubt that progress has already been made towards achieving those goals and will continue into the future. However, since the health action plan we are debating identifies no targets for improvement, it might be difficult for anyone outside the health system to decide whether gains have been made as a result of the current government's reforms. The action plan also appears to overlook some of the key concerns in the community, and I am not yet confident that these shortcomings will be adequately addressed in the future.

For example, I had hoped that this health action plan would outline the government's plan to address our general practitioner crisis, but it did not. In the key areas of access to bulkbilling, after hours access to GPs and escalating medical indemnity insurance premiums there was nothing more than a promise to do more talking and more thinking, a common answer of this government to issues put to it. We will think more and we will talk more, but where is the action and where is the leadership? Mr Smyth's motion does tackle the areas I have raised which we know are of critical importance to the community.

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I noted the government's "\$200 million man" media release, to which Mr Stanhope has made reference today in the chamber, claiming that the targets in Mr Smyth's motion would require a 50 per cent increase in health expenditure and an extra \$7 million would be needed to improve the waiting list targets, as Mr Stanhope has talked about at length this afternoon. While I am not privy to the details of the costings that he was referring to, I am doubtful that the \$200 million he has put forward as the amount is actually what it would take to implement the suggestions put forward by Mr Smyth. What would be needed would be a refocusing of existing expenditure, a reprioritisation of what it is that we want to do in the ACT in regard to health care.

If the government could come up with a better list of measurable targets for health outcomes, I would gladly support it. I was informed this morning that the government is planning to develop such a list of targets and I look forward to seeing this document. I hope that we will have it very soon. But I do find it almost ludicrous that we have a plan such as the health action plan for 2002 that does not include timelines, that does not include performance indicators, and that does not include clear goals.

Mr Stanhope stood here today and laughed at Mr Smyth's proposal. I put the question back to him: where are the details of the government's proposal? The fact that we are having this debate and that there are amendments that will be discussed later calling on the government to develop an implementation strategy for the health action plan for 2002 clearly shows that the leadership and action needed from this government to support health care in the ACT are lacking.

MS TUCKER (5.11): I move the amendment circulated in my name, which reads:

Omit all words after "calls on the Minister for Health", substitute "to develop by the end of the last sitting week in June 2003, an implementation strategy with timelines and targets".

I went to the launch of the health action plan 2002 and listened to the presentations by Mr Stanhope and by community members. I have to say that the frustrations that have been expressed here today were certainly echoed by the community representatives who responded at the launch. I do understand that Mr Smyth's intention here is to make the point, pretty clearly, that there should be more detail and more accountability if we are to be confident that this government is going to deliver health services that meet needs as much as is possible, and that it presents a plan for which we can hold it to account.

However, I will not be supporting Mr Smyth's list of priorities for a number of reasons. Mainly, the issue is that you do have to consult pretty carefully with service providers. I also feel that it is not a well thought out process, but I think Mr Smyth has made a good point. What I have done is amend the motion to call on the government to develop, by the end of the last sitting week in June—oh, I see that Mr Smyth has an amendment to my amendment. My amendment says June, but his amendment to my amendment says March. You should change the March to June, Mr Smyth.

Mr Smyth: I will change the March to June.

MS TUCKER: I have this as “to develop by the end of the last sitting week in June 2003, an implementation strategy with timelines and targets”. That is obviously giving government an opportunity to produce an implementation strategy.

I think that the question of performance measures and targets is really important, because these actually force governments to produce, in a coordinated way, a plan for action that can be applied in the short term, the medium term and the long term, a model I have seen used on occasions. I think that model is a good one, because it allows you to actually then see the government’s sense of priorities and know what the long-term plan is. Of course, these plans can be amended. It is not as if they are set in concrete. I certainly feel more confident if I see something like that, because it gives me the sense that the government actually does know what it is doing.

This government has also committed to developing a social plan. If the government is committed to developing a social plan then I would have thought that what I am proposing here would be quite acceptable, because it is consistent with the notion of a social plan. It is about bringing the health planning process into alignment with the philosophy behind commitment to a social plan. I think there have been some real problems with such performance measures in the past.

One of the measures that I find rather useless is ministerial satisfaction with the work of the executive officers. I feel that, in a way, this came out of Kate Carnell’s chief ministership. There was a tendency to manage problems rather than deliver services. Performance measures such as ministerial satisfaction really only reinforce that approach.

By the same token, you could say that Bob Hawke’s promise that no child would live in poverty by the year 2000 was also an inappropriate performance target, because it was unrealistic, and obviously because no-one really felt that the Hawke government would shift resources to the massive degree required to reach such a target. I think we do need to see an implementation strategy that is well thought out and developed in consultation with community services and other stakeholders.

It is interesting to look at the notes that I took at the launch of the health action plan 2002. The first representative who spoke was from the nursing union and the response was that this plan was very broad brush and an aspirational document, and that is clearly what it is. There is nothing wrong with that, and it is good to have such a document. However, as I have already said in a couple of ways, it now has to be supported by an implementation strategy. That was a comment that came from the nursing profession at that launch.

There were also concerns expressed by the Australian Salaried Medical Officers Federation about financial accountability and a lack of transparent figures. The federation felt that the health action plan 2002 was a glossy brochure produced to make people feel good, but it needed more detail. Once again, they felt it needed clear articulated goals—times and targets. That was a comment from the salaried medical officers.

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The CPSU representative also commented that it is easy to agree on a broad vision, but it is harder when you get more specific. That comment repeats the point on implementation. That speaker made a few more specific comments that I will not read out now.

The general practitioners also said that we need an action plan and time lines, and monitoring and accountability. They made the interesting general comment that 9 per cent of GDP is spent on sickness not on health, and no government can really say how much is spent on health. That was obviously a plea for primary and preventative health care, and an expression of concern that our society deals with illness rather than wellness. I think that is actually a very important point. They also made the point quite clearly that professionals' working lives should be accommodated, and that equity has to apply to service providers and carers, as well as consumers.

Daniel Stubbs from ACTCOSS also accepted it as a good aspirational document, but he also made the point that there should be greater accountability, and stressed the notion of equity, as ACTCOSS always does. Comments were also made about the need for greater understanding of hospital finance, in particular cross-border payments, and the need for a hospital summit. I do feel that this is an important point and it is something I might raise again in this Assembly.

If you would just look quickly at the health action plan 2002, I would like to give an example of the reason that people are feeling frustrated with this. You could choose any page, but when you look at "Working with the Aboriginal and Torres Strait Islander community for better health", there is a section on our priorities for action for each area. There are broad philosophical principles there, which are good, but once again we do not see any real commitment that tells us what the government will do. Will the government give Winnunga Nimmityjah better facilities? Will there be more drug and alcohol workers?

Talking about cultural awareness, the document says, "We will work with the Aboriginal and Torres Strait Islander community in developing effective cultural awareness training programs in mainstream health services." We know that they exist but, in an implementation strategy, what we would want to see is how many there are now that actually cross mainstream health services, how many there are in mainstream health services, what evaluations have occurred to show how they are working, how many are needed in the long run, and how many the government is going to provide for the next budget.

Once again, this involves actually putting in short-term, medium-term and long-term plans. What I am hoping is that the government will take this as a constructive suggestion, and that the Greens will get support for the amendment that I have circulated. This amendment requests that the government brings an implementation strategy back here in June.

I will speak briefly to Mr Smyth's foreshadowed amendment so I do not have to speak again.

Mr Smyth: No, I am not going to do that one.

MS TUCKER: Okay, I will conclude with that.

MR SMYTH (Leader of the Opposition) (5.21): I move the following amendment to Ms Tucker's proposed amendment:

Add the words "and costings".

There are two amendments on the table now from me. I will not be moving the nice, neatly typed amendment. In regard to Ms Tucker's amendment, I think it achieves exactly what I am seeking to achieve in part A of my motion, which is that, if the government is not happy with my motion, then it should set some targets itself.

MR DEPUTY SPEAKER: Could I just have that confirmed? You are not proceeding with your original amendment, is that right?

MR SMYTH: No, I am not proceeding with the original amendment, but I will modify Ms Tucker's amendment by adding the words "and costings".

MR DEPUTY SPEAKER: Thank you. Is that clear, everybody?

MR SMYTH: In his foreword to the plan, Mr Stanhope actually said,

The plan is not dependent on additional resources however the Government will place a high priority on increasing the funding for key priorities in the annual budget processes.

We are not going to fund it, but we think it is important and it is just going to happen. Mr Stanhope, himself, points out that his goal of a computer system is worth \$25 million. How does he know that? Because he has been working on it. He has been doing the work that follows on from the work to which the previous government made a commitment. There is a cost to implement this of a minimum of \$25 million. You can spread that out as \$5 million each year.

Mr Stanhope has to tell us what programs he will cut to implement his health action plan. That is the information I am trying to obtain. How do we get this to work for the benefit of Canberrans? He is saying that he can implement it with no additional resources: "the plan is not dependent on additional resources". Okay, so he is either cutting programs or he is not doing it. That is the point that I have been trying to make. I am happy to accept Ms Tucker's amendment but I would prefer to see the words "and costings" included. I think it is a reasonable thing to expect from the government.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (5.24): The government will oppose all of the amendments. I actually think the motion itself is a nonsense and it is obvious that Ms Tucker recognises that and will not support the motion as a whole. The amendment is extremely disrespectful of the health council that I have proposed be appointed precisely to do the task of monitoring the implementation of this plan.

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For the first time, an ACT government has proposed to appoint an overarching peak health council, the ACT Health Council. The ACT Health Council will be comprised of three clinicians, three consumers and three representatives of community organisations. The council will be chaired by the chief executive of the health portfolio. I will attend meetings and the council has been tasked with overseeing and monitoring implementation of the health action plan.

In the last couple of days, I have extended the period during which expressions of interest may be submitted regarding membership the ACT Health Council. I have to say that the Health Council was a proposal that arose out of the health summit. I think it was supported by every single participant and representative. It was unanimously accepted as something that has been missing, a gap in community, clinician and consumer representation at the highest level of decision making in the ACT.

Its terms of reference are to oversee the implementation of the health action plan. That was the strategy that the ACT government developed. We wanted to involve community organisation, we wanted to involve consumers of health services, and we wanted to involve community representatives in overseeing this plan. Ms Tucker and Mr Smyth want a public servant to sit down over the holiday period in the ACT—

Ms Tucker: I said June—that is a long holiday.

MR STANHOPE: It is March we are looking at, for you.

Ms Tucker: No, June.

MR STANHOPE: I did not think the Liberals supported you on that, Ms Tucker. I certainly do not.

Mr Smyth: If you would listen, you would know that I just said that we would support you.

MR STANHOPE: It is June. The proposal now is that we get a public servant to do the job. We ignore the clinicians, we ignore the community, we ignore the consumer representatives and we bring down a Clayton's/Smyth list of time lines, percentages and costings.

Mr Smyth: You have not done any costings, clearly.

MR STANHOPE: I have done costings. The costings are in the budget. They are there for all to see: a 12 per cent increase in health funding this year. That is it. There will not be a second appropriation bill, and this government is not closing down any hospitals.

You mob can close down hospitals or you can close down schools. You can close things down. You can do it. You have the numbers. This is a minority government. If Ms Tucker wants to move a motion in the next sitting that we close down Ainslie Primary School to provide some additional health funding, then fine, go ahead and do it. Have some courage.

You have all these fanciful notions about the need for us to spend more money, but you never stand up and say where the money is going to come from. Where is this \$200 million coming from? That is what we are looking for: we are looking for a little bit of honesty and accountability from those who support such a motion.

Mrs Dunne: No, that is what we are looking for.

MR STANHOPE: No, that is what the community is looking for, and we are accountable. We provided \$415 million for health in the budget which was passed in August. That is the budget that applies until the end of this financial year. Then we will introduce another budget. In that budget, subject to the deliberations of the cabinet, there will be another appropriation bill and it will be roughly the same as the appropriation in this budget, having regard to our budgetary situation.

We will not be spending another \$200 million on health. Let me tell you now, there will not be a 200 per cent increase in funding for health in the next budget. We will be lucky if there is 5 per cent of that \$200 million, having regard to the losses we have taken on our investments, and what they have done to the bottom line. We all know about that. What we have said—and it is said there clearly in the health action plan—is that this is a plan that asks what we need to do to continue to be the pre-eminent health system in Australia, and on what do we have to concentrate.

Ms Tucker bewails the fact that when she opens the plan to the page that refers to Aboriginal and Torres Strait Islander people, there is no action, just some grand statements of principle. Ms Tucker, I regret and apologise that we did not staple to the back of the plan the indigenous health action plan that exists—the regional plan for enhancing indigenous health under which we operate—which contains a whole range of detailed actions. I am sorry that we did not attach to this particular document all of the individual action plans in each of the areas of health care.

That is like saying this document does not go into the nitty gritty of what we propose in relation to mental health. Everybody knows we are currently engaged in a major process of review for the development of a mental health strategic plan. The complaint is that it is not attached to this document, that we did not bring it down, we did not make it available to you, we did not say, “Here is the health action plan, the overarching plan.” Of course, feeding off this are a range of detailed action plans in specific areas, a pile a foot high.

Ms Tucker opens this and says, “They are all nice statements about what we want to do, but they are all very general.” However, there is another document, as there is in relation to almost every aspect of health care, from which we operate. The criticism is that it is not in this document. It was never meant to be in this document.

Mr Smyth: Why is it called an action plan?

MR STANHOPE: There is a whole raft of individual strategic plans in relation to a whole range of health-care areas. That criticism misunderstands the nature of the document and the nature of the implementation. Obviously, people have not bothered to look. Nobody in this debate has mentioned the role of the ACT Health Council in relation to monitoring the implementation of the plan.

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Mr Smyth: I did.

MR STANHOPE: I have not heard it mentioned. There is a statement here on page 81, under monitoring and reporting:

The ACT Health Council will be charged with monitoring and reporting on progress and implementing the strategies and actions set out in the Health Action Plan.

The Council will be asked to refine the draft set of key performance indicators in the Plan and to monitor progress.

That is the task we give that peak council. I think the motion and the amendments that we are drafting today effectively render irrelevant the role of that council.

MS TUCKER (5.31): I will speak to Mr Smyth's amendment, and also generally to my amendment. I will not be supporting Mr Smyth's amendment because I think the costing question will be dealt with in estimates and through the budget process. We will have the opportunity to do that. My understanding of an implementation strategy is that it would not normally have costings connected to it.

I do want to respond to a couple of points made by the Chief Minister. I am very well aware of the role of the Health Council. When I read the plan, and still when I reread it, I cannot see how my amendment is disrespectful in any way to its role.

MR DEPUTY SPEAKER: You have spoken to your own amendment, Ms Tucker. Try to restrict the subject of your speech to Mr Smyth's amendment. You can talk about the Health Council, though.

MS TUCKER: Can't I speak twice to my amendment?

MR DEPUTY SPEAKER: No, you do not get to close an amendment, apparently.

MS TUCKER: No, I know I don't get to close; I just thought I could speak twice.

MR DEPUTY SPEAKER: We are discussing a motion. We are not in the detail stage. That is the difference.

MS TUCKER: Okay. I will talk about—

MR DEPUTY SPEAKER: Talk about Mr Smyth's amendment. It is all right.

MS TUCKER: Yes, it is not quite what I wanted to talk about, though.

MR DEPUTY SPEAKER: Deal with it in a broad sense.

MS TUCKER: The question of costing as related to the role of the council is obviously very interesting, because ACTCOSS made the comment at the health action plan launch that there will be a lot of pressure on the Health Council. There is the potential for them to be given the task of driving policy and finding money and, if council members are

overworked, it will not function as a council. There were general concerns about how that council will be selected. Daniel Stubbs said there needed to be an open and wide selection process, that cultural change was needed, and that Mick Reid had dealt with some of that. How do you do that? He raised some questions there.

The role of the council is really to refine the draft set of key performance indicators in the plan, and to monitor progress. This is certainly not in any way suggesting that the indigenous health plan does not exist, or that I was not aware of it. The indigenous health plan and the process involved with it is not the process that I asked for, where you would articulate short-term, medium-term and long-term goals, unless this council is actually a policy-making body. I did not think it would be, because advisory bodies are usually not policy-making bodies. It is government that ultimately makes the policy decisions, informed by community consultation and the work of the council. I did say that in my original presentation.

I did not say at any point—and I think Mr Stanhope misrepresented me when he said this—that the bureaucrats would just come in and write a strategy over the top of the community work or the council. The point is that the council has a monitoring and implementation oversight role, but what is it monitoring and what is it overseeing? That is the thing that we are asking for: that we have an implementation strategy that is developed with the community by government, so we have some capacity as an Assembly, and as a community, to see how well the government is progressing with these admirable goals.

All the various strategies that exist have to be refined to definite targets and time lines. The strategies that exist are also quite often not tight in that way. All these strategies exist, and I acknowledge them and I commend the work, but that does not take away from what I am asking for here today.

MRS DUNNE (5.35): I will be speaking to the original motion. What we have here today is a reprise of what we had all through the estimates process, when members of the opposition and members of the crossbench were asking the government, “Where are the performance measures?”

In the budget process we saw performance measures taken out of budget papers, taken out of the departmental agreements and, for the most part, disappearing. They just kept saying, “Don’t you worry, Mrs Dunne, the Auditor-General has very strong views about performance indicators and we are out there preparing performance indicators.”

Here we are, six months later, and when we ask this health minister for some performance indicators in one of the most crucial areas of public policy in this territory, what does he do? He has a spac attack at the audacity of this opposition in asking for performance measures. What’s more, this opposition has been so audacious as to actually take his lack of ideas and substitute them with some substance. What does he do? He has a spac attack. He goes over the top, as usual.

MR DEPUTY SPEAKER: Order, please. Mrs Dunne has the floor.

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MRS DUNNE: At no time will he do anything to acknowledge the needs of the ACT community to have performance measures included in this action plan, so that the residents of the ACT can actually tell how their government is performing, and how their health system is performing. There has been a constant reprise since I have been in this place, and before, about the need for accountable, measurable, realistic performance measures.

When this opposition has the temerity to do the job that this government will not do, all it is confronted with is derision from the health minister. The health minister has shown by this that he does not care about aged people, the waiting list, mental health and people in need of other assistance, people who have drug and alcohol problems: all he wants to do is criticise. He has not made the cultural change. He has not realised that he is the Chief Minister. He is sitting on the sideline carping, as he has done for the past three years in this place.

It is imperative in public policy to have quantifiable, measurable, recognisable performance measures, so that we in this place, and the community at large, can determine whether the policies implemented by government—whichever government—are in fact being met. Are the needs of the community being met? If you do not measure your performance, you will never know. What this boils down to today is that this government never wants to know whether it is achieving something. At this stage, it will never know because there is nothing to measure. If it has its way here today, there will still not be any measures.

Such measures are the important element of this area of public policy, and any other area of public policy. To have this health minister here today, and through the media, deriding the attempts of the opposition to impose some rigour on his department, and on his stewardship of the health department and the health services in the ACT, is an absolute disgrace. I commend the members of the crossbenches who, over the time that I have been here, have been constantly calling for these measures. It is time that this Assembly started to exert some influence over this government, its waywardness, and its lack of concern for the people of the ACT.

MS DUNDAS (5.40): I rise briefly to speak on the amendments that are floating around, and to again make the point that I still find it quite interesting that we have to move these amendments and have this debate in the Assembly at all. The amendments call for an implementation strategy with time lines, targets and actual costings to be developed for health in the ACT. I understand that the government believes that it already has key developments in other plans and guidelines that exist for the health portfolio. However, I then have to ask: what is the purpose of the health action plan 2002 if it is not to guide and to set clear goals for the provision of health care in the ACT?

If that is the basis of the health action plan 2002 document, then I do not see why it does not include goals, implementation details and costings. Otherwise, it is just a glossy brochure and I understand that that is what members of the community have called it. Dr Peter Collignon from the Salaried Medical Officers Federation called it a glossy brochure to make us feel good. If we all felt good, we would not need a health-care system in the ACT. However, unfortunately, that is not always true.

Let's bite the bullet, take some action, write down some clear goals and decide on a time frame in which to achieve those, so that we know that we are actually meeting the guidelines that we set ourselves for the provision of quality health care in the ACT. I am happy to support these amendments. I hope the government carefully considers the debate that has happened today and the proposals put forward throughout the debate and in the substantive motion, and that it seriously considers clear outcomes, clear time lines and clear costings for improving the health-care system in the ACT.

MR SMYTH (Leader of the Opposition) (5.42): Do I speak now to close the debate, Mr Speaker?

MR SPEAKER: No, you do not get to close the debate on an amendment.

MR SMYTH: Sorry about that.

MR SPEAKER: You want to close the debate on the matter?

MR SMYTH: Yes.

MR SPEAKER: If there are no more speakers, Mr Smyth, you can close the debate.

MR SMYTH: I am happy to speak now to close the debate and then I assume we will vote on the amendments.

I just want to make a few comments on some of the things that Mr Stanhope said. Again, he fails to pay attention and he gets things wrong. He berates all of us because nobody spoke about the ACT Health Council. I am going to go back to page 8 of my speech and, if he wants, I can read the half a page where I actually spoke about the Health Council and its role. It is indicative of the level of attention that the health minister pays to his portfolio.

He reveals in his own document that there will be no extra resources. The plan is not dependent on additional resources. He said, during the course of the debate, that the costings are in the budget, that they are actually there. That raises an interesting point, because the budget process would have culminated in early May-June and then the documents would have gone off to the printer, but I thought we were still consulting at that phase. It raises the question of whether it was a sham consultation: were we consulting although the decisions had already been made, or was the government listening with its ears closed?

I suspect it was the latter. If this is an action plan that was released less than two weeks ago, and I assume it is new work, but the money for it had already been allocated in a budget six months ago, then who is not listening? The answer is the health minister. The government is not honestly and openly consulting with the public of the ACT. This is sham consultation from a man who vowed that he would be honest and open, and that he would reconnect with the community.

Mr Stanhope: And a \$200 million appropriation bill.

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MR SMYTH: Now we go to the \$200 million. It is really funny the way these figures inflate when Mr Stanhope gets hold of them. I heard him giving interviews at lunchtime and then heard a report on the ABC that the figure was maybe \$10 million or \$20 million. Yet, by 2.30, it must have been up to \$100 million and, by the time he got his dixer at about 3.30, it had blown out to \$200 million. This is really good work. He has put out a press release that says the proposals would cost approximately \$200 million. However, if you actually add up his list, it comes to \$121.4 million, so I do not really see where the other \$78 million is.

Mr Stanhope: That is a year, Brendan. That is in the first year. We are talking about—

MR SMYTH: But you were saying \$200 million. You are going to qualify your statement. Jon I-will-qualify-my-statement Stanhope gets caught out. Yet again, here is the part-time health minister, who shoots from the hip—or in his case, shoots from the lip—when somebody dares to criticise him. When somebody actually says, “Perhaps we could have done this better,” Jon Stanhope, who prides himself on listening—obviously with closed ears—goes ballistic.

The question is: how can the money be in the budget when the plan was only launched two weeks ago? The money is in the budget because he was not listening to the people of the ACT. He had already made up his mind and he listens with closed ears.

The issue of how to fund this action plan comes down to what the plan now costs. Mr Stanhope has raised the matter of the computer system required across the ACT. He says it is worth \$25 million. Okay, part-time health minister, what are you cutting to the tune of \$25 million to fund that particular proposal? What are you cutting to fund the other bits of your action plan that we now understand, from what you said, not to be an action plan, but a broad overarching document? If it is a broad overarching document, why did you call it your action plan? Because it is indicative of your definition of action.

What can I say? When I came to be the Opposition Leader, I said that we would try to be constructive and positive. I had no idea that I would hit a sore nerve in the Stanhope government. In a few hours yesterday, in response to my motion, we saw that the minister got his facts wrong, he produced ludicrous figures that still grow and he disseminated absurd misrepresentations of my position.

Let's go to Mr Stanhope's facts. In his first press release yesterday, Mr Stanhope said I had not attended any of the public meetings. That is patently untrue. I attended the summit, the summit reconvened, and the launch of the action plan. Indeed, at the launch I sat behind none other than the CEO of the Canberra Hospital. Perhaps Mr Stanhope should have checked with his department before issuing his media release.

Then we had the claims that the targets in this motion would cost \$200 million. It is insane, it is bizarre, it is downright weird. Where would you get figures such as this? As has been pointed out, each of my targets, bar one, is based on the goals set by his action plan. These are your goals. This is your action plan. This is the cost of it. Even in the advanced fairyland that Mr Stanhope seems to be inhabiting today, I do not believe that more than a couple of million dollars would have to be added to the cost of the budget to pay for this, and I think that is being generous.

Mr Stanhope: That is garbage. What about all the staff?

MR SMYTH: I spoke yesterday—

Mr Stanhope: Aren't you going to pay them?

MR SMYTH: They are your commitments.

Mr Stanhope: Aren't you going to pay all these staff?

MR SMYTH: You say there are extra staff required. You say there are extra programs. You say there is extra software. You say there are extra computing systems. You say it, but you will not tell us where you are getting the money from. You are not telling us what you want to cut in your plan of action. It is called the HAP—perhaps it is the hapless action plan, because nothing is going to come out of it.

I spoke yesterday about bureaucracies getting out of control with the removal of restraints such as purchaser/provider, and I must confess I did not expect the health department to burst such a gasket so quickly. Perhaps it is just the minister's office and it has been making all these decisions.

This outburst does raise a question, though. If I have targeted 30 of the almost 132 points—I think I heard you say earlier—in his action plan, and he claims my interpretation of his plan costs \$200 million, what does that mean for the all-up target? If I have only gone for 30 out of 130, that means that, by his bizarre mathematical formula, the all-up cost is something closer to a billion dollars. I am not going to come back next year and set more targets for him if he does not come up with reasonable targets by June.

The next florid release from Mr Stanhope claimed, and I quote, "The Libs want needle exchange at Quamby." This is patent misrepresentation. My target suggests that we would eradicate needle sharing amongst detainees. Of course, one way of doing that is through a needle exchange, but another fairly obvious one would be to stop needles from getting into the system in the first place.

Aside from that, I might remind Mr Stanhope that pharmacotherapy is administered to detainees intravenously by a nurse in the remand centre, so we actually already have a safe injecting room at the remand centre. As I said when we started, this motion is essentially very simple. All it does is take the action plan and put in some reasonable, tangible, and attainable targets by which we can measure its success. It is not a grand conspiracy, it is not the end of the world, it is simply what the health community wanted from the health plan in the first place.

We heard Ms Tucker mention all the groups that talked about these: ACTCOSS, the nurses federation, the consumer network and the salaried medical officers said this is basically nothing more than a glossy brochure if it does not set targets. We have now heard from the part-time health minister that it is now nothing more than a glossy. It is simply what the health community wants.

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I have to say the option was there, right up front, to do it yourself if you did not like what I had done. It is a shame that the minister's inability to read a motion means that he is going to be dragged kicking and screaming by this Assembly to put some targets into his action plan. It is a shame the minister did not read the motion properly.

I would urge members to make the action plan a plan of real action by passing my motion. It will not be a burden on the budget, it will not cause the end of the world, but it will improve health outcomes.

Question put:

That **Mr Smyth's** amendment to **Ms Tucker's** amendment be agreed to.

The Assembly voted—

Ayes, 7

Noes, 10

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

Question so resolved in the negative.

Amendment negatived.

Question put:

That **Ms Tucker's** amendment be agreed to.

The Assembly voted—

Ayes, 8

Noes, 9

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

Question so resolved in the negative.

Amendment negatived.

Question put:

That **Mr Smyth's** motion be agreed to.

The Assembly voted—

Ayes, 8

Noes, 9

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

Question so resolved in the negative.

Motion negatived.

Sitting suspended from 6.00 to 7.30 pm.

Public Place Names Amendment Bill 2002

Debate resumed from 20 November 2002, on motion by **Ms Dundas**:

That this bill be agreed to in principle.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (7.30): The government will not be supporting Ms Dundas' Public Place Names Amendment Bill 2002.

The Public Place Names Act 1989 is inclusive of all persons worthy of nomination—not exclusive. The minister of the day is asked to have regard to persons who have made notable contributions to Australia in various fields of expertise. This, of course, includes Australian women.

Suburbs of Canberra yet to be developed carry themes that include community service, public service and nursing. I think all members would agree that women will be well represented in these themes.

The issue raised by Ms Dundas is nevertheless an important one, and to this end I am pleased to advise the Assembly that Dr Jaki Troy has agreed to take on a research project, mentioned in the last sitting of the Assembly. This project is aimed at identifying a bank of Australian women in industry for future commemoration. Dr Troy is a prominent anthropologist, linguist and historian.

The government accepts that it is important that young girls learn how women have contributed to shaping Australia into the progressive country we seek to enjoy today. ACT Place Names and the ACT Place Names Committee, which advises me on place names issues, take their role very seriously. They endeavour to ensure that a range of people are included in the naming procedure. They are also aware that these names

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become residents' addresses and should therefore be euphonious, unique and, of course, not too long.

The government, recognising Ms Dundas' point that the commemoration of men far outweighs that of women among Canberra's place names, has drafted a new guideline, which will be included with the existing place names guidelines. It states:

Where a name commemorates a person, consideration is to be given to the equity of male and female representation.

I have tabled the amended ACT place names guidelines. Given the circumstances, it is not appropriate to accept the legislative requirement, which Ms Dundas' bill seeks to do in amending the act.

MR STEFANIAK (7.35): Mr Speaker, the opposition will be supporting Ms Dundas in this matter. I note that she is not doing any quotas and has given the minister discretion in clause 5, which inserts a new section, where he must consider:

- (a) the number of women and men after whom divisions or public places have been named in the last 10 years; and
- (b) whether the names of women are well-represented.

That does not require a quota or anything like that. Were she to suggest that there be a certain quota and stipulate something definite—some sort of affirmative action—we might well have a problem with it. But we think it is reasonable to consider whether the names of women are well represented.

I am a little amazed that the Labor Party is not supporting this, given Ms Dundas' recent success—which was supported, I thought, by everyone in this Assembly—in renaming some streets in Gungahlin.

What she is proposing here is quite reasonable. She amends the Districts Act. The rest of her bill, which is a short bill, makes the appropriate amendments. But the crucial clause simply requires the minister, by law, to consider the number of both men and women after whom divisions or public places have been named in the last 10 years and whether women are well represented.

That enables the minister to consider, on the merits, whether certain people should have streets named after them. If there is a number of streets which need naming and there are more meritorious men than women, obviously, the minister can name accordingly. Vice versa, if there are more meritorious women than men, the minister can name accordingly. I see Ms Dundas nodding at the point I am making.

The opposition will be supporting this bill. It follows on from some very good work Ms Dundas has already done regarding street names in Gungahlin.

MRS CROSS (7.38): This is a commendable effort by Ms Dundas to address what appears to be a systemic oversight by the Public Place Names Committee.

Women now make up more than half the population of Canberra, but in so many ways we are still behind the eight-ball when it comes to our contribution to the history and development of this nation being recognised. Indeed, indigenous women have until recently been considered totally irrelevant to the growth and human custodianship of this land.

Things are changing. Indeed, I am reminded at the opening of each sitting of this Assembly that we now pay long overdue respect to the fact that we meet on the ancestral lands of the Ngunnawal peoples. But there is still a long way to go. In the words of civil rights movements around the world, "It's not over until it's equal."

Women are still not equal in our community, and the extent to which the place names of streets and suburbs are not representative of women's contributions is a very public expression of that fact. I commend Ms Dundas' efforts on this, and I will be supporting the bill accordingly.

MS GALLAGHER (7.39): The Assembly should not support Ms Dundas' Public Place Names Amendment Bill 2002. The ACT has the most prescriptive naming procedure in Australia, and the act should not be amended to make the procedure more prescriptive.

The government believes that it is not appropriate to include words that ask the minister to look at the past when considering each naming in the future. The place for such consideration is within the guidelines to be followed in addition to the requirements of the act.

I agree, as does Mr Corbell, that it is important for women to be represented in Canberra's place names. Our nomenclature is unique, in that it is a snapshot of Australian history—and, yes, women are an important part of that history. It is important to note that our society has been, and still is, largely patriarchal.

The women's movement over the years has done much to address this by striving for gender equity in all areas of life. ACT Place Names named a number of streets after prominent women during that time. The way this was achieved was by dedicating a number of suburb themes purely to the commemoration of women.

Further along the history line, you have the District of Gungahlin, where our indigenous people have been recognised. You can see, looking back over time, that our place names reflect the issues important to our society at the time.

Ms Dundas says that it is important for young women to see, through their suburb and street names, how women have been part of our history. Place names can only ever play a small part in bringing that awareness to young people. There are many ways to ensure that our young people see and learn about the contribution that women make to our shared history. Educational programs are where young people often learn about the history of Australia. Of course, this also includes the important part played by Australian women in informing our history.

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I note the letter I received—as did all other MLAs—from the Place Names Committee and signed off by Professor Ken Taylor. In it he draws to the attention of members the issues the committee that actually decides on these names has with the proposal put forward by Ms Dundas.

The letter points out that the “inference on the working of the committee is unfortunate and misinformed” and goes on to talk about the three external female members—and two males—appointed by the minister and how they take their duties seriously and endeavour to ensure that a range of people, including females, are included in the naming process.

It says that, after Ms Dundas’ comments, there was a proposal to add to the theme of industrialists’ names for Gungahlin. Professor Taylor suggests that the reference for who could have a street named after them be extended. He said that this was a sign of good faith and of how the committee like to operate.

The committee also feel that the reference to female names is inappropriate and unnecessary and that the act and the way we operate encourages diversity. We have got to place some trust in the committee that is appointed to look after the naming of these streets. I draw that to the attention of members.

MRS DUNNE (7.42): I would like to take a few selective quotes from ACT Labor’s *Plan for Women*. It says Labor’s agenda includes “support of the choices that women want to make in their lives” and “action to ensure that women can make an equal contribution in public life”. This is the agenda that the Stanhope Labor government will implement for the benefit of all women in the Canberra community.

Further on, the topic “equal contribution in public life” starts, “Labor has always encouraged women to participate fully in public life.” Yes, they can participate, but be blowed if we will name anything after them.

It is an unbelievable time to hear the Labor Party, hand on heart, saying, “We couldn’t possibly support this.” You must be absolutely embarrassed to be rolled by your party room, to come in here, to find a piece of legislation as laudable, straightforward and uncomplicated as this and to come forward with this complicated sophistry about why you cannot support it.

This is a disgrace. It is a black day for the Labor Party, as a party that purports to support the rights of women—“You can participate all you like but, if you’re dead, we won’t name anything after you.” This is what this Labor Party has come to.

Ms Dundas brings forward a simple, straightforward piece of legislation, which does not impose any onerous task on the Place Names Committee.

Mr Hargreaves: You named yourself for the Senate.

MRS DUNNE: I am not interested in going to the Senate.

Mr Hargreaves: Thank God for that! On behalf of the rest of Australia, I thank you.

MRS DUNNE: I am not in your departure lounge. I am quite happy to stay here and serve the people of the ACT, day in and day out—

Mr Corbell: Unlike Mr Pratt, Mr Humphries and Mr Stefaniak.

MRS DUNNE: To make your life as miserable as possible, Mr Corbell.

MR SPEAKER: Order, members! Mrs Dunne has the floor.

MRS DUNNE: It puts a spring in my step every day, when you hear Simon Corbell come in here and spout the platitudinous hypocrisy that we heard here today.

This is a straightforward piece of legislation that the Canberra Liberals endorse and are happy to support. All it does is make life simpler for the Place Names Committee. What it means is that, if they decide to name places after Antarctic explorers, they do not have to go looking for women Antarctic explorers—there probably weren't any, because of the conditions explorers went through. So we are not making onerous demands upon them. But in areas where women excel and where women have made a contribution to the Canberra community and the Australian community, they have an opportunity of having a street named after them.

Mr Speaker, I commend the bill to the house.

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

Leave granted.

MR CORBELL: I am glad that the spirit of public service inspires Mrs Dunne so much that her sole purpose in being here as an elected member of the Legislative Assembly is to make my life a living hell. I am sure that the electors of Ginninderra would be interested to know that that is why she wants to be in this place.

I am not going to sit quietly and hear the rant I just heard from Mrs Dunne without responding to it. The reason I am not going to sit quietly is that it is absurd and shallow in the extreme to suggest that, because the Labor government is not prepared to support Ms Dundas' amendment, the Labor Party does not have a commitment to any of these issues.

I could recite the achievements of this government and the previous Labor governments in these issues, but I think the record of this party is well known. I am not going to do that, and I am not going to respond to the petty and childish taunts that Mrs Dunne made in her speech.

What I am going to say is this: the government believes that Ms Dundas' bill is well intentioned but unnecessary. It is unnecessary because it is prescriptive. The whole point of the place naming process is that it should not be prescriptive. That is the whole point of the place naming process.

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There are a series of guidelines that guide the committee in its decision making and in its recommendations to the government. But to suggest, through legislation, that the process should be prescriptive—in the way that Ms Dundas has suggested in her amendment—is unnecessary.

A couple of myths need to be put to bed. The first is the myth that the Place Names Committee in some way has sought to perpetuate the preponderance of male names in place naming. Let me turn to the most recent example: the suburb of Gungahlin and the motion of disallowance that was raised by Ms Dundas in the last sitting.

The theme of the suburb of Gungahlin is industrialists. The committee searched broadly for opportunities to name after both men and women within the theme of industrialists. It was not possible to do that within the theme as it was defined. Indeed, the theme of industrialists had to be significantly expanded to include unionists and small business operators in order to find women who could be commemorated.

That is a commentary on the Australian community and society in the past. But the whole point of place naming is to reflect the historical evolution of our society. Canberra's place naming, not Canberra's nomenclature, is unique.

Whilst I have no difficulty with the expansion of the criteria of industrialists to include unionists and small business operators, I think it highlights the issues the Place Names Committee faces. It is unreasonable in the extreme to suggest that the Place Names Committee is seeking to perpetuate an agenda of only recognising men.

As Ms Gallagher has pointed out, three of the five members of the Place Names Committee are women—very well-respected women from a range of fields: a journalist, and a historian. I am not familiar with the field of expertise of the third member. The Place Names Committee unanimously agreed that this legislation is unnecessary.

I know that members of this place, including me, sometimes like to feel that they are expert on a whole range of issues, but it is incumbent on members to treat the advice of the Place Names Committee seriously. I am not asking you to accept that advice, but I am asking you to take it seriously and to take account of the issues the Place Names Committee seeks to address in place naming and of the fact that, progressively over the past three to five years, a much broader range of men and women from all fields of endeavour and of public service are being commemorated. And that is the way it should be.

The earlier naming of Canberra suburbs reflect the mores of the time. The suburbs in the inner north and the inner south of Canberra are overwhelming dominated by men because it was only men who were deemed worthy of public commemoration. That was wrong, but those were the mores of the time. That was society as it then existed.

Go to the suburbs of Gungahlin now, particularly the suburbs developed since self-government, and you will see a far greater diversity of names of people and levels of public service being commemorated—indigenous people, women, people who work in the community sector, people who work as unionists and people who work in a range of other fields of endeavour. And that is entirely appropriate.

I know that Mrs Dunne never misses an opportunity for a cheap shot, but the shot she took today was particularly cheap and tawdry. The government believes that the way forward in addressing this issue is to ensure that the Place Names Committee guidelines have special regard to the issues and the contribution of prominent women in Australian history. That is indeed the approach the government has adopted.

As I indicated in my earlier speech, Dr Jaki Troy has been appointed to undertake a specific research project to identify a bank of Australian women in industry for future commemoration. These tasks are not easy or straightforward, but I do not think it reasonable to suggest, as Ms Dundas does through her bill, that there is some deficiency in the process. I do not believe there is a deficiency in the process. I believe that the great diversity in place naming that occurs now is representative of both men and women and of traditional and non-traditional sectors of public service. I would challenge members to demonstrate otherwise.

It is for that reason that the government is not prepared to support the bill presented by Ms Dundas this afternoon. It is not for a moment any abrogation of this government's commitment to represent the capacity of women to make significant contributions to the Canberra community. It is not for one moment that, and I won't stand for that criticism.

There is more than one way to address this issue, and not supporting Ms Dundas' bill does not mean the government does not consider these issues seriously. We do.

MS TUCKER (7.54): The ACT Greens will be supporting this piece of legislation. I acknowledge that the Public Place Names Committee makes a very important, ongoing contribution to the recognition of Australian history. However, there is a significant gender imbalance in the names that are given to public places in the ACT.

Although our historical records display a strong bias towards the contribution that males have made to the development of our nation, there is a substantial amount of information pertaining to women who have also played an important role. This is not reflected in the ACT's nomenclature. If one were to look closely at the names given to public places here, one could be forgiven for thinking that women have played almost no part in Australian history.

There is an obvious need for this legislation because, although there is fairly good representation of multicultural background in the names chosen in the past, representation of women is extremely poor. By failing to rightly acknowledge the important women of our past, we are continuing the myth that only males have contributed to the building of the nation, which we all know to be historically inaccurate.

A recent report, conducted by the Australian Heritage Commission, titled *Women's employment and professionalism in Australia: history's themes and places 2002*, makes the following point in relation to place-based heritage, which is also relevant to the choosing of public place names:

The relationship between women's history and place-based heritage has recently been the subject of considerable debate, both in Australia and elsewhere. Some have argued that current heritage practices are fundamentally unsuited to reflecting women's history, and that resources would be better employed addressing the perceived 'masculinist' framework of current heritage policies and practices.

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It is obvious that the act in its current form privileges men over women. Seeking consideration of women in choosing place names is not akin to favouring one social group over another. Women make up half of the population and, due to the fact that the other half are already well represented, this amendment bill merely seeks to redress an imbalance.

A detailed search of documents relating to Australia's history will uncover a vast array of women who have made important contributions to our nation, even in the narrow fields mentioned in the act. For example, since the 1880s women have figured quite prominently in the field of science. Yet this has not been reflected in the naming of our public places.

MS DUNDAS (7.59), in reply: To close the debate, I thank the majority of the Assembly for its support for this bill, which helps to ensure equal rights and recognition for men and women in the geography and history of the ACT. I find it curious, however, that the government was willing to support the amendment of an instrument naming streets in Gungahlin but is not willing to fix the problem of gender bias for the longer term.

The proposed change to the principal act is not prescriptive but provides flexibility to the committee to explore any theme it chooses. The amendment simply requires that some thought be given to gender representation.

I must put on the public record that I do recognise the skill of the Place Names Committee and support its continuing role in place naming. I do not claim that the process or the committee is flawed—Mr Corbell put words into my mouth—but I do believe the whole process can be improved. That is what this bill is about.

I also have no disagreement with the composition of the committee itself. However, to date it has not achieved adequate representation of women in place naming. The construction of Australian society founded on equality is still a work in progress, although many areas where sexual discrimination was rife have been reformed. Place naming was one of the areas still clearly in need of fixing—a small area, Ms Gallagher, but not insignificant.

We need to take legislative steps to ensure that we move forward in this area. If we leave place naming as it has been over the last number of years, we will see the situation we had in the naming of streets in Gungahlin, which was that women are ignored. Women were able to be found to fill the role of industrialists to take their spot among men who have contributed to Australian society and get the recognition of having streets named after them in the ACT.

We still have a long way to go towards social equality, and there is no doubt that men still have the overwhelming majority of our nation's wealth and power. But everything we do to make our society fairer matters. Today, those who are supporting this bill have put another brick in the foundation of a truly equal society.

I thank the majority of the Assembly for their support for this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Order of business

Ordered that private members business notice No 20 be called on forthwith.

Employment accommodation strategies for Canberra

MR HARGREAVES (8.00): I move:

That the Assembly:

- (1) notes that the National Capital Authority (NCA) has approached the Territory to participate in its review of office employment restrictions at the Canberra Airport;
- (2) notes that the NCA has agreed to take part in the spatial planning and Canberra Plan process.
- (3) requests the NCA and the ACT Government to ensure that there is a comprehensive approach to employment accommodation strategies in Canberra, including the Canberra Airport, and that any development at the Airport is complementary to the broader needs of the ACT community.

Mr Speaker, I address the Assembly tonight as a member for Brindabella, an area of Canberra which struggles for employment opportunity. I am aware that what happens in a policy sense to Tuggeranong will have a mirror effect in Gungahlin and that, if Tuggeranong were to get a cold due to a lack of employment vision, Gungahlin would get the flu. I seek the support of the Assembly, in particular the members for Brindabella, for this motion.

As I am sure members would be aware, I have been concerned for some time about the maintenance of the long-established town centre development policies by the Commonwealth and ACT governments. I believe that the successful development of Belconnen, Woden and Tuggeranong has been fundamentally underpinned by longstanding policies that deliberately create employment in those town centres. Both the Territory Plan and the National Capital Plan have provisions that support the further development of town centres. There are sound reasons for these provisions. The future of the Gungahlin Town Centre would appear to rest on their continuation.

I have become very concerned that these longstanding policies have been eroded over the past couple of years by the development of de facto town centres at the Canberra Airport and the federal parliamentary precinct in Barton. In October, as a member for Brindabella, I wrote to the National Capital Authority expressing my concerns about the maintenance of employment opportunities in the established town centres.

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I stated my view that Canberra's Y-plan has been the foundation of our planning system since the 1960s and that this concept is embedded in the national and territory plans for the ACT and provides the essential basis for decision making on infrastructure, services and public and private investment in this town. I also expressed my concern that over the past few months there had been an implicit shift in public debate away from adherence to this basic principle.

There have been planning decisions that have allowed new commercial developments at the Canberra Airport and we have seen numerous federal government departments enter into an unsightly scramble to be the closest to Capital Hill. In making my concerns public, I have received numerous representations that the Assembly should respond urgently to these concerns. I do not believe that it is acceptable to sit back and say nothing while the fundamental basis of development in this city is unravelled by the National Capital Authority, with the explicit approval of the self-appointed governor of the ACT, Wilson Tuckey.

Mr Speaker, I think we would need a very good reason to move away from the Y-plan at this stage of Canberra's development. That is not to say that it cannot be adapted or modified. I note that Brian Binning entertained this prospect in his discussion paper for the Planning Institute of Australia, ACT division, entitled "Canberra and the Y Plan", when he stated:

The Y plan can adapt and build on its earlier successes. The natural settings of the Towns can be defined more critically. Urban water management can be further improved. The existing decentralised employment patterns can be retained.

My objective here today, Mr Speaker, is to ensure that the existing decentralised employment pattern is not only retained but enhanced. In my electorate of Brindabella, I want to see a second economic food chain to reduce dependence on the two major Commonwealth departments that occupy the bulk of the office space in the Tuggeranong Town Centre.

I have been seeking action on the lack of employment and commercial viability in my electorate for five years. The issues are clear enough, but require a joint policy effort at a territory and federal level. My calls fell on deaf ears with the previous ACT Liberal government and their lazy Independent supporters. They were far too busy looking after their mates in the city and in Manuka to worry about what was happening in Tuggeranong and Gungahlin. They paid a very high price for their disregard in Brindabella when the voters elected three members of the Stanhope Labor government, the first time that a party has won a majority of seats in an ACT electorate.

I said that it would take cooperation from the territory and federal governments to address these town centre development issues. I am not sure how to achieve that, given the attitudes displayed by the National Capital Authority and the Minister for Regional Services, Territories and Local Government, Wilson Tuckey. What we have seen from Mr Tuckey and the NCA so far this year is obstruction, duplicity and contempt. Whether it is the ongoing delaying tactics over the Gungahlin Drive extension or the fire sale of land in Tuggeranong, all we have seen is a fervent desire to undermine the policies of the ACT government.

I mentioned earlier that, as a demonstration of good faith, I had written to the National Capital Authority outlining my concerns and seeking their views on issues before us. I have to admit to being a little surprised when I finally received a response to my letter. It came, not from the NCA, but directly from the minister, Mr Tuckey. But that was not the first surprise I received with that letter. Mr Tuckey accepted that the Y-plan had underpinned the strategic development of Canberra and had continuing relevance through the general policy plan for metropolitan Canberra which is included in the National Capital Plan. He also accepted that it is binding on both the Commonwealth and territory governments and their agencies.

So far, so good, I thought. Mr Tuckey then noted that the National Capital Plan also sets out employment location policies that are central to the achievement and maintenance of the Y-plan principles and he acknowledged that the role of the Commonwealth in establishing the office employment base at the Woden, Belconnen and Tuggeranong town centres was vital in establishing the town centres. I digress for a second, Mr Speaker, to highlight that there was no mention of Gungahlin in the letter from Mr Tuckey. I thought that those points were excellent, but then came the real agenda. He wrote:

The Commonwealth is no longer developing or commissioning office developments for its own use and new policy instruments are required to guide the location of major office employment.

I became scared. He went on:

The Authority considers that the continuing and contemporary relevance of the Y-Plan now requires review with regard to sustainability, Commonwealth property ownership policies and transport strategies (among other issues). This is of relevance and is complementary to the Territory's current Spatial Plan considerations.

Further, he said:

I am advised that the Authority intends to comprehensively review the Employment Location Policies of the National Capital Plan early next year when the Journey to Work data from the 2001 census is expected to be available.

So there it is to be a comprehensive review of the employment location policies. You might think that it would be just another dull bureaucratic review, Mr Speaker, but there is more—the real agenda on the airport and its transition into a de facto town centre.

The National Capital Authority is proposing to review the policies that currently apply at the airport to formally recognise the airport as a major employment location—read de facto town centre. This can occur without any real reference to the Assembly, because the airport is situated on national land administered by the Commonwealth Department of Transport and Regional Services. The site of the airport, including RAAF Fairbairn, falls within the central national area, that is, a designated area where all works are subject to approval by the National Capital Authority.

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The land use provisions applying at the airport and, in particular, the provisions relating to the location of offices at the airport were the subject of amendment 30 to the National Capital Plan which came into effect on 29 September 2000. Mr Speaker, it seems that these provisions are not enough. The airport wants more and the NCA and the territories minister seem only too happy to accommodate them, regardless of the cost to the town centres.

I would like to take this opportunity to put on the record my position on the Canberra Airport and the Brindabella Business Park. I am not opposed to the airport and I have nothing against the owners. I wish them all the best in growing their business.

Mrs Dunne: Ha, ha!

MR HARGREAVES: I note the chuckles from one of the temporary members for Molonglo, the aspiring Deputy Leader of the Opposition.

Mrs Dunne: Ginninderra. Get it right, Ginninderra.

MR HARGREAVES: I do beg your pardon, deputy leader of the opposition; it is, indeed, the electorate of Ginninderra, which is so far from Tuggeranong as to elicit an invitation from me to take you down there to show you where it is. The airport is also closer to Gungahlin, so I am surprised that you are sniggering.

I have to suggest, though that the growth at the airport and at Barton cannot come at the expense of the existing town centres. The airport should be pursuing growth in new aviation-related industries, rather than poaching existing tenants from the town centres. I would also question on defence strategic grounds the sanity of a decision to locate at a prime terrorist target defence services previously located at Campbell Park.

I note that others have entered this debate in recent months. The *Canberra Times* reported on 19 September this year that Mr Noel McCann, president of the Property Council, made a speech urging the government to increase employment opportunities in Civic to enhance its role as the central business district. Let me quote the article:

“We need to increase employment opportunities in Civic in order to ensure low office vacancy rates there”, he said.

On the face of it, I do not have a problem with providing increased employment opportunities in Civic. Civic is an established centre with quality infrastructure and transport links. I accept that there is merit in the argument that a strong city centre will, more than likely, lead to strong regions. But I do not accept the practice of pinching tenants from Civic and the town centres and relocating them to the airport or the parliamentary triangle. I do not see how that does anything for economic development in this city. How many vacant buildings do we need in town centres before we will do something? How many small businesses in the town centres will close when the major employers pull out?

Are ACT taxpayers going to be expected to pay for the transport infrastructure to get all the office workers to and from the airport each day? Where are all these people going to park their cars? I understand that the traders in Pialligo are already complaining about

overflow parking in their area from the Brindabella Business Park. How are they going to cope with having thousands of extra people working there?

Mr Speaker, these are important issues that cannot be ignored. The minister and the NCA seem happy to ignore them, though. I should point out again that the NCA is under a legal obligation to uphold the National Capital Plan, which provides for the maintenance of town centres and the decentralisation of Commonwealth employment. NCA spokespeople have no right to publicly undermine longstanding planning policies and to damage the interests of investors in the town centres. It is time to speak up. The Y-plan is the basis of our infrastructure investments. The town centres provide the economic activity that underpins those public investments.

Mr Speaker, the Commonwealth is responsible for allowing the creation of this state of affairs. The previous ACT government did not do anything to stop it. This Assembly should take a stand and seriously consider what action it can take to preserve the fundamentals of our planning system. Put bluntly, the 100,000 people in Tuggeranong need an injection of economic activity more than the burghers of Barton.

Mr Speaker, the major reason, I reiterate, for bringing this motion forward in the Assembly is not to belt the airport. I am quite happy to see aviation-centred industry being developed out there. The plea I am making to this Assembly is that places such as Tuggeranong and the budding town centre at Gungahlin not be ignored. Tuggeranong is a set of dormitory suburbs that people leave to go to work and they spend their money where they work. The town centre is struggling. An employment base is needed down there. The best way to create an employment base is to move the accommodation facilities for an employment base down there.

The industrial area of Tuggeranong is struggling. Members from Brindabella will see an array of vacant shops. We need strategies to bring employment to that town centre. Belconnen is a good example of how it can work. Phillip is a good example of how it can work. Tuggeranong is a good example of how it has not worked. I will stand up and fight for Tuggeranong to get its fair share of the employment cake in this town before Barton does and before we end up with more town centres being created outside the Y-plan.

Since I came here in 1968 the Y-plan has been the be-all and end-all of planning and I support that absolutely. If it is time for a review, let there be a review and let us talk to the people in this town in the contemplative stage. Let's not do so behind closed doors and then give out the result as a fait accompli. I make a plea for the businesses in Tuggeranong. I would like to see them grow. Having a de facto town centre at the airport and encouraging people to work in Barton is not the way to foster employment in my electorate.

MRS DUNNE (8.16): This motion is a thinly disguised attempt to cover the confusion of Mr Hargreaves because of his intemperate outbursts about the airport in an adjournment debate some months ago. At the time, he gave notice of a motion which, I am glad to say, he seems to have discharged from the notice paper because of its intemperate nature and substituted with something which comes close to the point.

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Yes, Mr Speaker, we are all in favour of building the employment base in our town centres. We look at that as an objective, something that we should be doing, and, for the members for Molonglo who have a burgeoning town centre in Gungahlin, these are particularly high priorities, many of which will only be addressed when this government provides adequate transport into and out of Gungahlin, including the Gungahlin Drive extension, which could have been started to be built 165 days ago if the government had committed itself to the plans already undertaken by the previous government. Today, Mr Hargreaves is just exercising his version of the politics of envy.

Mr Hargreaves: I am envious of Barton all right.

MRS DUNNE: You are envious. What you are doing here today is you are creating a straw man so that it can be knocked down. You are saying here that the major development at the airport is a de facto town centre. Have we ever heard such rubbish! The next thing he is going to say is that, because lots of people work at Russell and Campbell Park, those places are de facto town centres. That is not the case. What we are seeing at the airport is a range of developments which far outstrip in quality, design and innovation anything that we are seeing in the existing town centres.

The sheer excellence of the Brindabella Business Park is an indictment of us all—of all the people who build buildings in Canberra, who advocate the building of buildings in Canberra, who oversee the planning of buildings in Canberra. I suggest that Mr Hargreaves take a tour of the area and look at the innovations there. He would then see why people want to work there and why people want to take their business there. If it were a choice between, dare I say, the Brindabella Business Park and the Z-class offices in the industrial areas of Belconnen or the industrial areas of Tuggeranong, where would you go, Mr Speaker, if you wanted to project an image of your business as a go-ahead business in the 21st century? I am afraid that you would not go to Oatley Court, you would not go to Soward Way and you would not go to Gungahlin, where the services do not exist; you would go where people have provided services that meet your needs and meet the profile of your business.

What has happened is that the Brindabella Business Park has created a situation where people vote with their feet. It is not poaching. They have provided a service that other people do not provide. In my own electorate of Belconnen, there are scads of vacant offices in the light industrial area. Why are they vacant? It is because they do not meet the high quality demanded by people who want to run businesses in this town today. That means that for places like Belconnen and places like Tuggeranong, in particular, we need to see a revivification. We need to see the capacity to have mixed-use development and to do all sorts of things which are innovative. Innovation is what has caused people to go to the Brindabella Business Park. It is not poaching. It is the fact that someone is prepared to spend some money to build some A-plus class office accommodation. That is what it is all about.

Mr Speaker, this motion is innocuous in its intent, but its motivation is one entirely of malice. When Mr Hargreaves stands up here and says that he is not opposed to the airport, we need to take a reality check, we really do need to take a reality check, because every utterance that comes from him about the airport is laced with venom and is laced with envy. While it is laudable of him to be wanting to encourage development and job opportunities in his own electorate, and I applaud him for that, you do not do it by

dragging your competitors down. You should look at why they are succeeding when the people in Tuggeranong are not and try to work out whether there are ways of emulating their success. Learn from their success, Mr Hargreaves, and do not spend your time indulging in the politics of envy.

MS DUNDAS (8.21): I would like to thank Mr Hargreaves for bringing this motion to the attention of the Assembly today. The motion raises a number of continuing concerns about the behaviour of both the National Capital Authority and the federal government towards the ACT under self-government. One of the guiding principles behind the advent of self-government in 1989 was that the people of the ACT should have control over services and the future shape of their city, other than those functions that were directly related to being the seat of government and the capital city of Australia.

The motion moved by Mr Hargreaves draws our attention to the fact that these principles have not always been followed. I must say that I preferred Mr Hargreaves' original motion, which gave a more heartfelt opinion on the problem and better outlined the problems produced by the poor planning decisions of the NCA.

It is essential that planning decisions in Canberra be made in a coordinated and cohesive manner. We are faced with the additional difficulty of having many areas of Canberra under the jurisdictions of both the Territory Plan and the National Capital Plan. This situation means that an additional level of cooperation is required to effectively manage planning controls in the ACT.

The overdevelopment of Brindabella Business Park at Canberra Airport is an example of what can go wrong. The National Capital Authority does not take account of the wider Territory Plan. It should not be part of the NCA's role to determine where large business centres should be located in Canberra. This type of decision needs to be controlled by the people of Canberra, with the requisite public participation in the open process, not just imposed on the people of Canberra by a federal agency.

The airport is not an ideal location for commercial office space. It is inconsistent with the design of Canberra, which is planned around a town centre model with hubs of commercial space surrounded by residential suburbs. The airport has been kept away from residential areas due to noise effects of aircraft, which means that going to commercial space at the Brindabella Business Park requires long travelling distances for commuters, putting additional pressures on our road networks and generating additional unnecessary greenhouse gases. We also know that our airport is not well served by public transport and is not part of our major public transport corridor, which puts further pressure on private car usage and reduces the use of more environmentally friendly options, such as buses.

The provision of commercial space at Canberra Airport prevents alternative opportunities for business development in areas far better suited to this function. In his original motion, Mr Hargreaves referred to the fact that this sort of development undermines the viability of developments such as the Fern Hill business park in my electorate of Ginninderra. This point is entirely correct. The development of an integrated business and education centre in the Bruce precinct is an important opportunity for the future employment of Canberrans and it should not be compromised by poor planning, either at a national or at a local level.

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I will also mention that these sorts of inappropriate developments negate the opportunities for building an employment base in the new town centre of Gungahlin. Gungahlin has so far suffered as it has missed out on the employment opportunities that were available to other town centres in the early stages of their development. Gungahlin should be a priority area for new employment growth in Canberra, close to emerging transport routes and a growing population base, not just slapped onto the edge of an airport and away from other services.

It is pleasing to see that the NCA is beginning to realise the error of allowing too much commercial development in the Brindabella Business Park and is looking at placing a moratorium on the provision of further commercial space. I am glad to see that it will be participating in the development of a Canberra spatial plan and beginning to establish a working partnership with the ACT government in constructing better means of promoting suitable and sustainable employment in Canberra and, hopefully, better planning outcomes for the people of the ACT.

MS TUCKER (8.25): This issue is one that the Greens have been raising for several years, particularly with the previous government when the process was beginning. The concerns that I raised at the time were not treated seriously by the previous government, which took the view that it was a reasonable planning option. I am pleased to see it brought up again by Mr Hargreaves. I think it is obvious that it is not consistent with orderly planning in Canberra, particularly in terms of the capacity of Gungahlin and other centres in the Y-plan, Belconnen and Tuggeranong, to provide employment opportunities.

This city has the potential to create employment situations in the town centres and have greater density of housing in those areas close to the employment and have public transport linking them. That model obviously has the acceptance of the Labor government in its support for sustainable development in Canberra and it is really of concern to have further employment accommodation being built at the airport.

I believe that developing the airport as a thriving industry sector is in direct conflict with the aim of achieving sustainable growth in our centres. I believe that it is contrary to the major principles underlying the Territory Plan. As has been stated many times, the location of a general industry sector at the airport is inappropriate due to the lack of access to public transport and the remoteness of the area from residential areas and shopping precincts. The noise and pollution of an airport are also factors that should be taken into account.

I think it is okay to have at the airport businesses whose operations are directly linked to the function of the airport, such as souvenir shops, car rental agencies and aviation support services generally, but, beyond that, the airport should not be seen as a general industry node. If the NCA is conducting a review of employment opportunities at the airport, we should be encouraging it to limit the amount of development to what is there. It is obvious that continuing down the present path of commercial development at the airport would have the effect of reducing employment opportunities in areas where they are sorely needed, such as Gungahlin. The continued expansion of another employment node away from population centres and in conflict with the Territory Plan is disadvantageous to all Canberrans.

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (8.29): Mr Speaker, I am very pleased to have this motion from Mr Hargreaves today. I share with him the very important concern that we must have orderly planning and development of our city if we are to maintain a sustainable framework into the future. The points Mr Hargreaves raised in his motion come to the heart of the issue, which is that addressing the role of the airport versus the role of Civic versus the role of Barton versus the role of the town centres can only be done in a cooperative way between the respective planning jurisdictions, primarily the Commonwealth and ACT governments.

Mr Speaker, the government wants to put very clearly on the record that the development of Canberra Airport by the Capital Airport Group and Canberra International Airport Pty Ltd has seen a major revamp of what was a very poor quality facility and we welcome the investment that has delivered a high-quality airport which is now starting to be the sort of airport you would expect when you arrived in the national capital of Australia.

There is also a very important role for associated employment activity at the airport relevant to its role as an airport and the controls that are currently in place under the National Capital Plan provide for such requirements. The National Capital Plan outlines clearly that associated office development and commercial space at the airport must be consistent with related employment activity for the airport. I should add that the quality of the estate is, no doubt, of the highest standard. The nature of the building and the urban design outcomes that have been achieved at the airport are exemplary. I would argue that many other office developers in Canberra need to look to the airport and the quality of the estate that is being developed.

Mr Speaker, what is of concern to the ACT government is that the NCA is proposing to lift the floor space restriction on commercial space at the airport. We believe that such a proposal is pre-emptive. It is pre-emptive because the territory has embarked upon a major process of reviewing the spatial planning context for the city overall. The Canberra spatial plan is meant to focus very clearly on where employment activity should be located, the relationship between those different nodes of employment, the relationship to other services and facilities, primarily public transport, and the associated sustainability outcomes that other members have mentioned in their comments this evening.

The government would share the concern of Mr Hargreaves that the NCA not pre-empt the outcome of a major strategic planning exercise by lifting the floor space controls for commercial office space at the Canberra Airport at this time. Let us have a clear understanding and an agreed approach on how employment location will be managed into the future through the spatial planning process across jurisdictions before we embark on such pre-emptive action.

The alternative, of course, is simply to establish a race between respective employment locations in the city. If the floor space controls are lifted at Canberra International Airport, similar floor space controls at other commercial locations around the city, notably Fern Hill Park in Bruce, will have to be considered because, quite frankly, we will have entered into an unfair and inequitable planning control arrangement. Let us prevent that from occurring. I think that Mr Hargreaves' motion addresses that very well.

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Another issue that I think is very relevant to this debate is the land release policies of the current Commonwealth government. I think it is well recognised—indeed, both Liberal and Labor parties in government have had this argument, unsuccessfully, with the Commonwealth government—that land reserved for the purposes of the Commonwealth at the commencement of self-government and no longer required by the Commonwealth should be returned to the territory for an orderly release and planning process. I am sure that Mr Smyth would agree with me that the efforts to date of respective Liberal and Labor governments to convince the Commonwealth government to take a more considered approach have, on the whole, been rather unsuccessful.

Mr Smyth: A fair assessment.

MR CORBELL: I note Mr Smyth's concurrence with that. I think he shares my frustration on this matter, regardless of the party political lines that divide us.

The Commonwealth's land release program has delivered a large element of uncertainty to the employment location debate. It has brought large parcels of land onto the market for potential office development in a disorderly way and in a way that not only undermines the territory's own planned land release program, but also potentially significantly disrupts planning for the provision of services and infrastructure in locations right across the city, whether it is Tuggeranong, Barton, Civic itself, Belconnen or Gungahlin.

It is absolutely essential if we are going to achieve good outcomes for managing the growth and focusing the growth of employment activity which meets our objectives as a community that the Commonwealth government reconsider its land release program. It probably won't, Mr Speaker, and we will need to deal with the reality of that. But the point is an important one.

Issues around employment location are of critical importance to the Labor government, as demonstrated by the fact that this year alone the government has located an additional 140 full and part-time jobs in the Gungahlin Town Centre. Through the proposed relocation of the ACTTAB headquarters and call centre to Gungahlin, we have demonstrated our concrete commitment to additional employment in new and growing town centres. The additional 140 full and part-time jobs in the Gungahlin Town Centre are a concrete demonstration of our commitment to sustaining employment growth in new areas.

But the days of seeking to see large Commonwealth departments locate in new town centres are, indeed, long gone. That is not to say that I do not think we could get better outcomes by the Commonwealth government asserting a more proactive role in the decisions about where Commonwealth agencies choose to locate. Certainly, that is a matter that I will be pursuing further with my federal colleagues. But we do need to have a range of measures in place to encourage better employment location.

The government has demonstrated its concrete commitment in relation to the ACTTAB decision and the government has already publicly declared its determination to establish a strategy to encourage employment location in new and growing town centres, such as Tuggeranong and Gungahlin. It is still a matter of serious concern that 90 per cent of the

people who live in Tuggeranong and have a job leave the Tuggeranong Valley every morning to go to work.

We have very clear empirical evidence now that the location of office employment, of other employment, in a particular town centre over time sees a significant number of the people who work in that agency move to be closer to that agency. We have seen that in Tuggeranong with the location of the old department of social security in the early to mid-1980s. We see it also in Belconnen and in Woden with the large Commonwealth departments that are located there. People overwhelmingly choose to live closer to where they work. That, I think, only strengthens the decentralised nature of planning in Canberra and the provision of services in Canberra.

The final point I want to make is about Civic itself. Civic is, indeed, the first amongst equals. Civic is the pre-eminent employment location for the city and the pre-eminent cultural and social base for the city. The OECD study into the future of Canberra, its urban renaissance study, has highlighted the importance of building a vibrant Civic Centre as part of the success of the town centres overall. (*Extension of time granted.*) The role of Civic is an important one, and a thriving Civic does indeed, in my view, mean thriving town centres.

The polycentric nature, as the OECD liked to call it, of Canberra can be a great strength. I do not believe that it is an either/or; I do not believe that it is Civic or the town centres, or the airport. I believe that they all have a very important role to play. But it is about getting the balance right. It is about having the policies that encourage appropriate levels of activity, that meet our obligations and our aspirations as a community, through the appropriate planning controls. That is what this government is seeking to do through the Canberra spatial planning process.

In some ways, it is ironic that it takes the territory government to talk about strategic planning issues to get the national capital, the Commonwealth, engaged in the process. But so be it, Mr Speaker. Perhaps it is because we live here, perhaps it is because we feel passionate about our city, that we understand the importance of having a long-term strategic plan for the future of our city. The Canberra spatial planning process is one that can achieve that balance and that enhancement of the roles of Civic, of the town centres and of the airport, and that is what this motion primarily says. In a partnership, in a discussion, without pre-emptive outcomes, we can achieve the objectives and achieve the on-the-ground results that our city needs to grow and thrive into the future.

I commend Mr Hargreaves' motion to the Assembly.

MR SMYTH (Leader of the Opposition) (8.41): Mr Speaker, I cannot help feeling that this is an "I got rolled in caucus" motion, that it is the consolation prize for Mr Hargreaves for being rolled by his party after launching, in a fit of pique, into a motion that talked about subversion, denial, undermining and moratoriums.

When Mr Hargreaves lashed out on 24 September and put his original intemperate motion on the notice paper, I think that most of us looked at it and just said, "What is he going on about?" When you get the Chief Minister's press release of 12 November lauding the efforts of the Canberra International Airport, you can see why Mr Hargreaves' motion disappeared quickly and was replaced by the standard

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motherhood motion about things which are inevitable and things which are taking place anyway and with which, I am sure, the airport will comply, but you have to try to be relevant.

I get the impression from talking to the community that they feel that there is no support from this government for business. I cannot remember one instance of support from the government for the airport specifically. I am sure that the Chief Minister or Mr Quinlan will race down and tell me how they have been backing the airport to the hilt, but I do not recall them ever standing up for the airport in any way, shape or form. But I do find hope in the final lines of what Mr Corbell had to say when he said that they all have a role to play. He is right; they all do have a role to play.

Several years ago when the city of Christchurch purchased its airport, the mayor of Christchurch made the point that the airport was vital to the future of Christchurch as a city and advised that a local operator was needed to run your airport because they cared about it and were actually willing to put money in to build up the airport and keep the airport viable. That is why some of the diversity that the airport has gone into is important. It not only keeps the airport viable, but also allows the airport to reinvest, expand, provide more services and do the right thing by the people of Canberra.

The Chief Minister himself acknowledged that in his press release. In the final paragraph he spoke about what the airport had achieved, saying:

These developments are significant.

He went on to say:

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

And how did they get to do that? They got to do that because they had a support base that was not solely dependent upon aircraft landings and passengers transiting through their terminal. In effect, they have drought proofed the airport by building up its diversity and by building up its viability.

I will read various parts of the Chief Minister's press release. I would be delighted to have Mr Stanhope come in here and say that he is 100 per cent behind the airport because I am not sure, by the tone of Mr Hargreaves' motion, that that is quite clear. The press release says:

... Jon Stanhope today congratulated Canberra International Airport ... It is well-deserved recognition on the hard work and investment ... put into developing the airport and its precinct.

The press release quoted the Chief Minister as saying:

The award demonstrates that Canberra International Airport knows how to do it right and can lead the Australian industry ...

He went on to say:

Canberra International Airport is now a gateway to the region of which any city could be proud.

The opening line of that paragraph is important. It says:

For us to continue to develop as a vibrant commercial and tourist destination, the face we present to the world is extremely important. Canberra International Airport is now a gateway to the region of which any city could be proud.

How did the airport win this award? Mr Stanhope said:

The airport won on the basis of 15 initiatives completed during the year. Particularly outstanding were development of Brindabella Business Park and the widening of the runway to accept head-of-state aircraft.

If Mr Hargreaves had got his original motion up a year or two ago, none of that would have happened. When the events of September 11 occurred and when Ansett collapsed, the airport did it tough, and it did it tough because the actual airport side of the operation suffered. But what it has been able to do, through diversification, is, in effect, to drought proof the airport against lean times.

That is good business sense, that is why it will survive, that is why it will expand and that is why it will employ more Canberrans as it uses the base that it has established to put more and more money back into the airport, back into Canberra, back into the region, back into tourism, back into the creation of jobs, back into industry, back into making sure that we, as a city, have a future.

I say that, Mr Speaker, with a great deal of admiration for the individuals involved with the airport. When they purchased the airport, perhaps they had a vision that was smaller than they have got to, but when they acquired the airport they saw what they had and came to understand better its full potential for Canberra and the region. I understand that more than \$100 million worth of development has gone into the airport and they are planning more. It is important that we congratulate them. We should not be undermining them or doing anything that destroys the viability of the airport because, without that viability, the viability of this city and this region as a whole would be affected. If we cripple one of the arms or one of the legs of industry, then we cripple the whole body.

As the OECD report said and as Mr Corbell put it so neatly, Civic is the first among unequals but it is not to the detriment of the town centres and it should not be to the detriment of the airport. I do not believe that any expansion of the airport will be to the long-term detriment of the town centres, because having a viable airport and the industries that it brings actually contributes to the viability of us all as a whole.

Mr Hargreaves clearly got rolled on his motion that was withdrawn. The original motion opened with the words "Notes the rapid growth in commercial office space of approximately 30,000 square metres adjacent to Canberra Airport, considers that such growth has the effect of subverting the integrity of the Territory Plan, denying revenue to the ACT budget, denying investment opportunities". I would contend that he is just wrong. Thankfully, some cool heads in the Labor Party also decided that he was wrong

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and forced him to withdraw the original motion and put this more considered motion, which really is a motherhood statement.

I think we all know that most of it is going to happen anyway and that the management of the airport, in the way that they have shown that they are good corporate citizens, have actually gone about improving Canberra. I am not sure whether people are aware that recently a number of advanced trees were stolen from around the RAAF monument at the intersection of Majura Road and the Federal Highway. The monument is being progressively upgraded by the RAAF association, to its credit. Some low-life came along and flogged the trees and the management of the airport replaced those trees at the airport's expense. People do not hear about small things like that that are to the credit of the airport. They only hear about the big things, the \$100 million worth of investment.

Mr Hargreaves, in his original motion, said that revenue is being denied to the ACT budget by the undermining of land sales, but there are so many other forms of revenue that come in from having successful business parks like the one at the airport. You have to take it all on balance, instead of presenting a view which is distorted. I still hope that the Chief Minister will come in and say that Mr Hargreaves got it wrong. I live in hope that the Chief Minister will come in and again congratulate the airport on its outstanding success, particularly outstanding being the development of the Brindabella Business Park, but I do not think that we will see him again.

The important thing is that this is something that will complement the town centres and will complement the development of Canberra as a whole. To lose it, to nobble it, to destroy it, to deny it the oxygen it needs to grow is to deny the whole city a future, because cities with a future control their airports and the airports round the world that are successful are diversifying so that they can define the peaks and troughs of the aviation industry.

Well done to the Canberra International Airport on what they have done. It is pleasing that, whoever forced Mr Hargreaves to remove his original motion, was able to do so. This motion is nothing but a motherhood statement.

MR HARGREAVES (8.51), in reply: For the record, the original motion was withdrawn because I felt that this motion said more than the other one. The other one was a little bit specific and I do not resile from what I said in it. In fact, I have said almost the same thing in support of this motion as I was going to say on the other one.

Mr Speaker, I would like to address a few remarks to the newly crowned Leader of the Opposition and the shadow Deputy Leader of the Opposition, the shadow Minister for Planning, Mrs Jelly, because I really think that they have a fixation about this matter, Mr Speaker.

Mr Smyth: Sorry, Mrs who? Mr Speaker, was that parliamentary language?

MR HARGREAVES: Do you want me to withdraw that?

Mr Smyth: If you are feeling guilty about it, perhaps you should.

MR HARGREAVES: I am not in the least feeling guilty. I will say it again. If you want me to withdraw the fact that I said the shadow Minister for Planning was Mrs Jelly, I will withdraw saying that the shadow Minister for Planning was Mrs Jelly.

MR SPEAKER: Order! You will withdraw it.

MR HARGREAVES: I have withdrawn that I said that there was a Mrs Jelly. I have done that, Mr Speaker.

Mr Smyth: Mr Speaker, I rise to a point of order. That is not the form we use when we withdraw. We do not repeat these things. That is unacceptable behaviour.

MR HARGREAVES: I withdraw that unequivocally, Mr Speaker.

MR SPEAKER: Thank you.

Mr Cornwell: May I have a neck rest on the chairs, please, Mr Speaker?

MR HARGREAVES: You may indeed go to sleep, Mr Cornwell, yet again. I would like to make the point that the opposition is fixated on the airport. If my memory serves me correctly, and it usually does, Mr Corbell talked about land release, the role of the NCA and the territory planning authorities, employment opportunities in the town centres, trying to prevent suburbs becoming dormitory suburbs, the evolution of people moving to town centres to be closer to their workplaces, and the implications for places like Fern Hill Park if the airport gets special treatment under the NCA changes.

Do we hear anything about that? No. I have to express disappointment at hearing one of the members from Brindabella extolling the virtues of the Campbell Park tenants moving to the Brindabella Business Park as he knows full well that hundreds, maybe even a thousand or so, of the people who work there do not have to work there in this electronic age and could just as easily be located in a building in his own electorate.

Mr Smyth: Who said that?

MR HARGREAVES: Mr Speaker, the Leader of the Opposition was congratulating the airport on having activities out at the airport not related to the aviation industry. He was saying that it is a great idea to diversify, to quarantine it against the drought, all that sort of wonderful phraseology. The fact is that what he was saying is that it is okay to take those jobs from Campbell Park because the building there is about to fall down and put them at the airport, not in his own electorate.

We could do with that employment. I have to say that I am disappointed that the Leader of the Opposition and member for Brindabella is quite happy to give preference to putting jobs at the airport rather than in his own electorate. Good on you, son!

Mr Smyth: Where were you when ACTTAB went to Gungahlin? Why didn't it go to Brindabella? Missing in action again.

MR HARGREAVES: Mr Speaker, we are talking about hundreds and hundreds of jobs at Campbell Park going to his mate out at the airport, whereas 140 are going to Gungahlin. With this motion we are trying to stop those changes being perpetrated by the NCA and Mr Tuckey unilaterally which prevent jobs going to Gungahlin, Brindabella and Tuggeranong, in particular.

I will reiterate what representatives of the Property Council had to say when I went and saw them. I sat down and had a nice sandwich with them and we just talked generally. They said to me that they wanted to see employment opportunities provided in west Civic, not at the airport. They are representing people who have money invested in this town and quite a number of them—not just one—are prepared to invest in this town. They are saying that their priorities are the town centres and west Civic.

Mr Speaker, it is pretty clear to me that the people of the ACT want to see a fair share of the cake distributed around the town centres. We want to be able to create job opportunities for our kids so that they will not have to get in a car and go interstate and they will not have to get in a car and go to Civic or Belconnen; they can go to work in their own backyard. But that is not going to happen while ever the NCA and the territory minister unilaterally review something as basic and as fundamental as the Y-plan.

I did not hear mention of the Y-plan once in the Leader of the Opposition's speech. All I heard was a stack of bile against me. What did we have from the shadow Minister for Planning and hopeful deputy leader of the Liberal Party? We had nothing but spew and bile against me. If it is an offence to stand up for my electorate in Brindabella and say that I want jobs there, I am guilty as charged. Hard luck! I am absolutely disgusted with the actions of a fellow member for Brindabella whom I had thought had the interests of his electorate at heart—as well as the interests of the rest of the people in the ACT, because, after all, he has been shoved into the job of Leader of the Opposition, and a poisoned chalice it is, too, but I wish him well in the job, and he is going to need it—as I really think that he ought to stop being fixated on the airport and ought to look at the equitable distribution of opportunities round this town, remembering that charity begins at home.

Motion agreed to.

Aged day-care facilities

MR CORNWELL (8.58): I move:

That this Assembly:

- (1) calls upon the Government to review its decision to close the two aged day care centres at Dickson and Narrabundah pending consultation with stakeholders, including carers and the local community;
- (2) further calls upon the Government not to proceed with the closure and transfer of users until the results of the review and community consultation have been presented and debated by the Assembly; and
- (3) further calls upon the Government to present the review and community consultation findings to the Assembly no later than 13 March 2003.

Mr Speaker, at 2100 hours most of the people who are most affected by this motion will be asleep and would not, therefore, have the opportunity to recognise just what this wretched and uncaring government is doing to them.

This matter first surfaced in the estimates in July/August when my colleague Mr Smyth discovered that there was talk about—this is a nice a nice euphemism; it reminds me of the “final solution”—“reshaping aged day-care services to increase active rehabilitation”. Did you really hear that, Mr Smyth? Dear me. Well, that is where it first surfaced. Further investigation revealed that what that really meant was that a few aged day-care centres were going to close.

But, of course, the matter did not surface until 20 November when I asked a question in this house, and an embarrassed Chief Minister, who is not here tonight to participate in this debate, made what I thought was a very controlled response. He is normally quite feisty when he is answering questions. But he was not too feisty on this matter, and I am not surprised because he had to admit that this closure was being done by the Minister for Health, or as I called him at the time, the minister for stealth.

This closure was to occur after the Christmas/New Year break. Some of us who have been here for some time are well aware that this is the period when governments do their worst. After the Christmas/New Year break everybody is down at the coast relaxing, enjoying themselves. The *Canberra Times* shows beach photographs and that type of thing, and there is not much opportunity for real news. This is the time when governments like to impose change.

Fortunately, as a result of exposure by Mr Smyth and the issuing of a couple of media releases, which I must admit were not covered by the media, various people picked up this move. There was uproar in the community because various leaders in this community and carers had not been consulted about the ultimate result. They had been consulted originally—and I will come to that in a moment—about this review, but they had not been consulted about its outcome. Let me quote what has been said by some of the relevant groups. The Council on the Ageing said:

I don't know how much the government is saving but they are creating a lot of angst in the community.

ACT Carers said:

For people with dementia, routine is very important for their stability and life in general and therefore reflected on the carer's life.

And perhaps most poignant of all, a man who is a carer to his wife who has dementia said:

Nobody spoke to me and I don't know of anybody they have spoken to.

So much for this caring Labor government.

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I would like those members who received a copy of the Chief Minister's brief on the closure of aged day-care centres and the report of the inquiry to put their hands up. How many people here received those documents? Thank you, Ms Dundas—it is comforting to know that somebody else did.

Ms Dundas: Twenty-four hours ago.

MR CORNWELL: I found it rather strange, as I am sure you did, that this report came down in March 2002. It is now 11 December and we are seeing it for the first time. Why would that be? Why haven't we seen this report before? Perhaps we could examine it a little and I shall do so.

I have been informed that the genesis of this is that new Department of Disability, Housing and Community Services, headed by Mr Wood, needed \$2.2 million. They had to chop \$200,000 out of the \$300,000 aged day-care facilities, leaving \$100,000, which they decided to use for transport. Unfortunately, the general inquiry into this matter was not as comprehensive as was claimed. The brief has this to say about this arrangement:

A steering committee of staff and consumers was involved in the review process. Unions were also invited to be participants on the steering committee but did not attend.

Mr Speaker, if you look at the membership on page 66 of this report, all you see is a long list of day centre people. Therefore, the comment about consumers being involved is a complete load of rubbish; it is not true. Certainly, there were a lot of staff from these centres but, in my opinion, there was not anybody who could be classed as consumers.

In addition to that, it is my understanding that the unions did not attend. The unions, particularly the Health and Research Employees Association, were not consulted. And that is not surprising, because selection criteria have been altered, jobs are being changed and all positions at all four of these centres must be applied for by all staff. Whether you are from Dickson, Belconnen, Tuggeranong or Narrabundah, you have to apply. So much for the job security I heard about this afternoon during debate on another matter in this Assembly.

The report of the inquiry contained 27 recommendations. I must admit that having looked at them, I was a bit surprised. At least the first 16 recommendations seemed to relate only to various aspects of new organising arrangements. For example, recommendation 3 states:

That further exploration is undertaken to establish reasons for lower proportions of males attending the day centres.

Maybe there are fewer males around these days; maybe they die earlier than females—I don't know. Recommendation 9 states:

That there be a review of current position classifications, job descriptions and essential qualifications.

Recommendation 12 states:

That the opportunity for networking with day centres outside of the ACT is explored.

Where does this leave our vulnerable old people? Where does this leave old people who will be uprooted from familiar surrounds and places they know? They are now simply part of a 27-recommendation review, much of which is irrelevant to these people's immediate needs. I welcome the Chief Minister and minister for ageing, who has finally joined us in this debate. Thank you, sir.

I am not too convinced that the last 11 of the 27 recommendations, which relate to client care, do much either. Recommendation 21 reads:

That there is a commitment to maintain and improve carer involvement in the care planning of clients.

You may well look like that, Ms Dundas. I wonder how much that will assist the vulnerable old people who will be affected. Recommendation 22 reads:

That the Carer's Support groups are offered at all centres facilitated by centre staff and a social worker or psychologist.

Fine, if it can be done. But again, does it assist the people who are at the moment under threat of this change?

I think the report owes more to bureaucratic needs than to clients. The people who are currently being looked after at the Dickson and Narrabundah aged day-care centres are being affected by what I can best describe as administrative bumph in the report. These elderly people are seeking social interaction. They are people with mobility problems, they are people with Alzheimer's. But instead—and this is a frightening comment—I discover something else.

Page 2 of the brief contains a statement which is headed "Proposed Re-Profile of ACTCC Aged Day Care Centres". Of course, what "re-profile" actually means is dispersal. We all like euphemisms—when we re-profile them we in fact disperse them; we break up social networks to satisfy government funding needs. And if you doubt me, have a look at some of these comments under the heading "Proposed re-profile":

Clients requiring social support only could be more appropriately cared for in non-government centres whilst clients requiring higher care, such as the men's dementia groups, could be cared for in ACTCC centres.

And further on:

Clients who are more independent and have lower care needs may be able to access available places at Northside Community Service and Southside Community Service ... The men's dementia groups at Narrabundah Health Centre could be relocated to Tuggeranong Health Centre which has a large space that is not well utilised. Additionally arrangements have been made with Canberra Services Club to

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offer a space where a Seniors Café could be established for residents on the south side requiring social contact only.

How prescriptive is this? We are not interested in people: we are only interested in statements about how we can move bodies around irrespective of how they are affected.

I repeat that what we are doing is breaking up social networks to satisfy government funding needs. Obviously, this diaspora of the aged will save money. At page 3, under the heading “Transport”, the brief states:

A small bus driven by centre staff will provide transport to those requiring assistance to access aged day care.

“A small bus”. Chief Minister, why don’t you just hire a taxi because that is probably all that will be needed to transport what is left of this group of people after you have finished destroying their social networks and all that they have become accustomed to and are comfortable with?

Thus, there has been a financial decision, I would suggest, to close two well-used, well-loved aged day-care facilities. But two questions arise. (*Extension of time granted.*) Firstly, why can’t the centres be renovated? After all, it is suggested at page 29 of the review:

Both Dickson and Narrabundah have been identified for future upgrade and refurbishment. This is an opportunity to design one dementia specific unit appropriate to the service requirements that would cater to the growing population group affected by dementia.

You have admitted, first of all, that the number of dementia patients are increasing. You have admitted that there could be an upgrade of one centre. Why don’t you upgrade both? Are you, yet again, going to run these dementia people all over the place? There is plenty of evidence to support the view that moving dementia people around is not a good idea. So why don’t you just renovate the facilities at Narrabundah and Dickson? These facilities could continue to be used while the renovations were taking place.

But secondly, Mr Stanhope, what will happen to those at the age-care centres at Narrabundah and Dickson who do not want to relocate to Belconnen or to Tuggeranong or to another non-government centre, as you have suggested in this brief? What will happen to them? I wait to hear your views. My opinion is that they will simply stay at home, rot and die, and I would not want that on my conscience, particularly if I was repeatedly claiming to be a caring government.

I believe, members, that the failure to consult with the stakeholders—the carers, the users, the unions—prior to making a decision on this report of March 2002 is a mistake. There has been apparent secrecy surrounding this review and the government’s decision on it, which will result in the shameful and destructive breaking up of the social networks of these elderly aged people. It is difficult to know how many will be affected but I would reckon, based on the figures in the report of 200 attending all four units, there are maybe 50 in Dickson and 50 in Narrabundah.

The shameful and destructive breaking up of the social networks of these elderly aged people, who are unable, in the main, to argue for themselves, has led me to place my motion on the notice paper. I want proper consultation with relevant people and organisations who are affected and who know about these things. I also want this Assembly to have the opportunity to be involved in the final decision on what I regard as a very important social issue for people who, in the main, are unable to speak for themselves because of their age and their incapacity. I would urge the Assembly to support this motion.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Health, Minister for Community Affairs and Minister for Women) (9.17): Mr Speaker, the government will not be supporting Mr Cornwell's motion. It is a pity that the opposition, and I think to some extent the media, have portrayed this issue falsely—that they have created a false picture in relation to what is happening to aged day-care services.

The government has not closed any aged day-care services. The decision to relocate ACT Community Care aged day-care services from Narrabundah and Dickson to Tuggeranong and Belconnen was made as a result of a review of services, which recommended that we should better target those age-care clients most at need and thereby improve the outcomes for clients and their carers. Nevertheless, this was an extremely difficult decision and one that I considered carefully.

I have already reviewed the services and I am now adopting the recommendation to relocate services. The relocation of these aged day-care centres will have a number of positive outcomes. These include: better targeting of services to ensure that care is available for older people with high-care or dementia respite needs; longer opening hours; improved access to allied health services such as physiotherapy, nutrition, occupational therapy, nursing services and podiatry; a specific focus on respite for carers, dementia assessment and appropriate support of treatment programs; and a safer environment for older people and staff.

I have released the *Review of aged day care centre program*, which was conducted by ACT Community Care and completed in March this year. All members have been sent a copy. The release of the review continues the government's commitment to an open and transparent government. The review made recommendations for the future direction of these services. The findings of the review included the need for ACT Community Care to provide services to clients who required high levels of care, especially those who could no longer be supported in other community sector aged day-care programs.

Members need to understand the special role that public sector health services play in our community, and this really is the nub of the matter. We have the responsibility to take on the most difficult cases and the most serious problems, because we have the most highly trained and skilled staff and because of our connection to the broader network of health services. The government is always, as a provider, the last port of call. As the needs of the "sharp end" of aged care become greater, as we have more people with complex needs such as dementia, we have a responsibility to step up to the line and meet the challenge. We have a responsibility to adjust our services according to where the need is greatest.

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With this responsibility in mind, the review recommended consolidation of centres to ensure more specialised services were available and to focus on best practice and better outcome for clients. Extended hours of operation were recommended as well as the development of a multidisciplinary approach to care.

Another positive outcome of the consultation around the relocation of these centres has been an agreement between carers and ACT Community Care to establish a carers reference group. The group will commence in March or April next year and will assist ACT Community Care with ongoing program planning for aged day care. The consultation process has highlighted the need for this group and I am pleased that carers will now provide ongoing input into the development and management of dementia and respite services. The decision to relocate the day-care centres from Narrabundah and Dickson was taken to ensure that these changes could be made and that an improved service to older people could be provided.

The relocation of clients from Narrabundah and Dickson community care aged day-care centres to Tuggeranong and Belconnen will certainly be unsettling for some older people. We know that. It is unsettling, it is confronting, particularly for people who are older and frail and uncertain. But every effort has been made to work with these clients and carers to ensure their individual needs are addressed and to facilitate a smooth transition to their preferred centre. An enormous effort has been put in by staff at Community Care to ensure a smooth transition.

An extensive consultation process has been carried out with every client and with each of their carers from Narrabundah and Dickson aged day-care centres. This consultation was carried out in group or individual sessions, depending on what the client and carer asked for.

There are 29 clients and their carers at Narrabundah and 35 clients and their carers at Dickson, and they are all being supported—each and every one of them—through this transition process. Clients attending aged day care at Narrabundah and Dickson centres have been assured that they will continue to have access to services at Tuggeranong or Belconnen aged day-care centres.

Some clients from Narrabundah and Dickson who have attended these centres for social support may choose to access aged day-care services provided at the northside and southside community services. These services are also part of this consultation process and have indicated their absolute willingness to accept these clients into their programs. Northside and southside community service aged day-care programs are part of a group of 12 aged day-care programs funded by both the ACT and Commonwealth governments through the home and community care program.

It is acknowledged that change is always difficult and that some clients and their families will be anxious about any move, and this particularly pertains to older people. Those of us who are at least of my age or generation and have had experience with our parents know that. My mother falls within this category and I know how unsettling change is for her.

The aim of these changes is to enable Community Care to offer improved services in aged day care from 8 January 2003 for clients who have dementia and from 20 January for the remaining clients. The hours of operation will be extended, with the specific focus on respite for carers, and dementia assessment and appropriate support and treatment programs. Clients will have access to aged care and therapeutic rehabilitation.

Relocation to the larger health centres will also mean that clients will have improved access to allied health services such as physiotherapy, nutrition, occupational therapy, nursing services and podiatry. This will provide opportunities for these older people to regain and maintain independence. It will also provide information and advice for carers and general practitioners.

Relocation of these services will also ensure client and staff safety. The Dickson and Narrabundah facilities were not safe for older people with dementia who may wander. At Tuggeranong and Belconnen health centres there are secure sections that will facilitate ACT Community Care's ability to accept clients who have high-care or dementia respite needs. ACT Community Care staff is able to look after people who have these high-care needs and these centres will also be able to open for longer periods within current staffing levels. To meet community demands, the hours at the aged day-care centres at Tuggeranong and Belconnen will be increased on an incremental basis so as not to introduce too many changes for clients in the first instance. Transport will continue to be provided for those requiring assistance. I can assure you that everything is being done to make these changes as smooth as possible for all clients and their carers.

Mr Speaker, in summary, I would like to recap on the positive outcomes of the relocation of these aged day-care centres. These are: better targeting of services to ensure that care is available for older people with high-care or dementia respite needs; longer opening hours; improved access to allied health services such as physiotherapy, nutrition, occupational therapy, nursing services and podiatry; a specific focus on respite for carers, dementia assessment and appropriate support and treatment programs; a safer environment for older people and staff; and a much better focussed service provision by the public sector.

This government has a strong and ongoing commitment to older people. Our plan for the care of older Canberrans seeks to create an inclusive community where older people feel safe and valued, and aims to achieve healthy ageing outcomes for seniors.

We are committed to an aged day-care service that is safe and aims to provide opportunities for older people to receive the best possible outcomes from their time in those centres. These changes will achieve better outcomes for each of these clients and they will achieve better outcomes for the community. The motion should not be supported.

MS DUNDAS (9.25): The ACT Democrats welcome this opportunity to discuss the closure—or “relocation”, as the minister has put it—of the two aged day-care centres in Narrabundah and Dickson. I am not necessarily interested in entering the debate on closure versus relocation, but it does appear that the centres at Narrabundah and Dickson will close their doors and I think that is the key point that we are discussing today.

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Earlier this year, I was contacted by a number of distressed older residents and their carers in respect of the government decision to close the aged day-care centres. The residents expressed a number of concerns. They were concerned that that they would now have to travel further and that changes in staff would see a depersonalised approach to local carers and aged residents. There were also concerns that moving elderly people away from the inner-south suburb of Narrabundah and the inner-north suburb of Dickson was just another step in an attempt to make these suburbs enclaves for young professionals.

Following constituents' concerns, I wrote to the Chief Minister and Minister for Health, calling on him to ensure that the day-care centre services were continued. As I stated in my letter to Mr Stanhope, these programs are not only about the physical aspects of the building and its location but also the mental and psychological comfort that comes from knowing the staff, the building and the location.

These programs require the respect and trust of not only the aged persons but also their families and carers as well. The need for respite and a location that is convenient, well known and respected is important for health and peace of mind.

Another concern was that not only is the Tuggeranong Centre a long way for aged persons from the inner south to travel but a change to this location would turn potential clients away due to the high demand for these services.

In concluding my letter, I asked whether any progress had been made on the decision so that I could pass this information on to the aged people and their families who had contacted my office. I heard nothing from the government until this matter was raised during question time in this place in the November sitting weeks, when we all found out that the government's decision was to close the centres and that the decision was final. This came as a surprise not only to me but to the constituents who had previously been in contact with my office.

Soon after the announcement in this place, I received a letter from the minister informing me of the decision. While acknowledging the points I raised as to the effectiveness of the programs and the communities' desire for these programs to continue, I was told that the government's decision was that the centres would be closed in order to carry out the extensive renovations required to meet OH&S requirements that were necessary for these services.

The minister did acknowledge the difficulties that would be faced by the people and went on to say, "More broadly, the care of older Canberrans is a priority for my government." Well minister, actions do speak louder than words and your action in closing the day-care centres speaks volumes for that priority.

The community is watching. I draw the Assembly's attentions to a letter that appeared in the *Canberra Times* last Thursday from Timothy Kelly of Ngunnawal. He noted that Minister Stanhope closed the day-care respite facility for the aged in Narrabundah a week prior to the Minister for Planning approving the demolishing of the Hungarian Australian Club, also in Narrabundah, to make way for residential units for the aged. Tim Kelly wrote:

The stupidity of these decisions is not lost on the community.

Yes, minister, the community are watching the actions and inactions of this government.

Now that the issue is again before this Assembly, the minister has provided a copy of the ACT Community Care's *Review of aged day care centre program* of March 2002 and a briefing note on how the decision was made. I thank the minister for providing this information and I also thank his staff for speaking to my office about this motion. But this report and briefing note, which was available in March, was provided only 24 hours ago. I think that is being a little slow in accountability, Minister. The review shows that both staff and the aged members and their carers were involved in the process that included focus groups and surveys. But I have heard that these people were disappointed with the process and did not feel that they were properly consulted.

I am hesitant in deciding whether to support the motion before the Assembly today. It is not that I support the decision of the government—I am actually quite disappointed by it; and from what I have read in the briefing papers and the report, it was a lack of political will from the current government that saw the closure of these centres. The Democrats are disappointed by the decision to close these centres and believe the government should reconsider this decision. But a motion calling for a review of the centres and a further report to the Assembly would quite likely lead to the same result.

The Democrats and possibly the crossbenchers would join with the opposition in calling for a reversal of the decision if the government, as it appears will be the case, stands by the decision it has already made. It appears that a number of Assembly members would prefer that the government reconsider its decision and truly focus on the needs of the people accessing age-care facilities in Narrabundah and Dickson. Another review is not needed. As always, action is required and the government needs to prioritise its decision making to truly support those in our community who most need assistance.

MS TUCKER (9.32): I agree with Mr Cornwell that this process has not been well done in some important ways, and I will speak more on that later. But the changes the government is making are based on a fairly extensive review, and the outcome itself—the refocusing of ACT government age-care services on people with higher needs—is well reasoned.

The government has said that this change will not result in fewer places because there are places in the non-government sector. I am not sure that will be possible—it is not clear to me and I have not had time to get the numbers on this—without expanding the capacity of the existing non-government services or maybe introducing new services in the locations which the government is withdrawing from. But making a change to this division of responsibilities makes sense.

There is some confusion about the reasons for the change. In an article in the *Canberra Times* of 23 November the reason given is that the buildings at Narrabundah and Dickson were inadequate for the high-care needs of dementia patients. The review notes that both these centres had been earmarked for future upgrade and refurbishment. This is the obvious solution to a substandard facility, as long as there are reasons to keep the service in the same location.

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I would like to hear from government that there will be equivalent lower needs-level care provided in the same location by non-government organisations. The locality is important because, as some of the personal stories described in the media show, the success of these services is based on convenience. Importantly, community locations are not transportable quite so easily.

It seems clear from the public reaction of people using the services, and their carers, and from the reaction being seen by services such as Carers ACT, that the government did not explain the outcome and the reasoning for the outcome, nor provide support for people to adjust to the change that this involved. They failed to work with the people affected and with the services which support them to ensure that the change has as little negative impact as possible. This has unfortunately resulted in great confusion and anxiety.

Some people feel that the information they gave in the belief that it would improve the service they used and that they felt a part of, has, in the end, been used against them. That is very unfortunate because, as I have said, I understand that this change in policy is ultimately going to be in the interests of people needing the care in the future.

I believe that if the process of change had included getting back to the people consulted for the review, if it had included openly discussing this as a way of making the best use of our resources and providing the high-needs services which we know we have a huge and increasing need for, if work had been done with the services that support the carers to ascertain what kind of support would be needed to make the transition easier, then we would not have had nearly as much anxiety and upset.

I understand, too, that although the review process gathered a lot of information from individual carers and people who are cared for, workers and unions, it did not approach Carers ACT. Carers ACT, of course, support many carers in the ACT. Among other things, they provide counselling to carers and they now report that the counsellors are helping people who are confused and anxious and feeling that their contribution to this consultation has been used against them. This means that there has been real harm done.

I thank Mr Cornwell for raising this issue, but I do not agree that there should be another review. The government is belatedly, it seems, offering to work with the people affected. As much as possible needs to be done to ease the trauma caused by this flawed process. I hope that in future when changes like this are planned the government will work more intelligently with the community to make the change together.

MR CORNWELL (9.36), in reply: I thank members for their contribution. I believe that the Chief Minister's comments—and he is the only member on the government side who has participated in the debate tonight, which could be significant—

Mr Stanhope: How many are over there, Greg?

MR CORNWELL: You are the one who is defending, my friend, not me. It was a rather clinical response. I must say that your comments, sir, in relation to why you are moving people from Narrabundah and Dickson to Belconnen and Tuggeranong really didn't convince me because I feel that the facilities that apparently exist in these new locations could be provided just as well at Narrabundah and Dickson.

I also remain very unhappy about the fact that, on the morning of the day this matter was set down for debate, the review should suddenly appear in my office. Obviously it appeared in other people's offices as well, although I think Ms Dundas indicated it turned up in her office yesterday. That is interesting. How come you get 24 hours notice and I don't?

Mr Stanhope: When did you ask for it, Greg?

MR CORNWELL: I didn't ask for it at all. That is what made me very suspicious. I didn't think it existed. I was not even sure it was available. This is the interesting point. I wonder when Ms Tucker was given a copy.

The fact is, of course, that it was obviously not part of the government's intention to provide this report to people like the Council on the Ageing or Carers ACT, or indeed the gentleman who was interviewed on one of the television news programs. The Chief Minister talked about there being 29 clients and their carers at one age-care facility and 35 at another. This must have been the numbers before 26 November, which is only just a little while ago.

Chief Minister, I felt tonight that you were controlled and perhaps embarrassed about what is happening, and I don't blame you. It is not an easy decision.

I am concerned about the question of moving—and Ms Tucker referred to this—dementia patients. Why do you want to move dementia patients if you are talking about upgrading facilities at both Dickson and Narrabundah? There is an opportunity to design one dementia specific unit; and this is referred to on page 29 of your own report. Why can't you leave these people there? I am sorry but obviously these things are not going to be supported by the Assembly.

Ms Dundas made the comment—I think Ms Tucker made the same point; correct me if I am wrong, ladies—that she felt another review was not a sensible idea. I do not want to destroy the work that has been done. Chief Minister, I want to build upon the review that you brought down in March 2002 and I want to involve the community.

Earlier today when speaking about the health action plan you said that consumers had been ignored by my colleague Mr Smyth. I would suggest to you that you have ignored the consumers in relation to this report.

Mr Stanhope: That was the \$200 million debate, was it, Greg?

MR CORNWELL: I am not interested in \$200 million. What I am interested in is a bit of decent social interaction for elderly vulnerable people. It will not cost \$200 million. All it will cost is a bit of commonsense and a bit of compassion—a bit of compassion from a government that maintains that it is compassionate.

Mr Stanhope: You will be able to use a bit of that \$200 million for this.

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MR CORNWELL: Chief Minister, if you want to put a price of \$200 million on the needs of vulnerable aged people then be it on your own conscience because I don't want to do that. All I want to do is try to find a decent way for them to live out what is left of their lives with some social interaction and in some pleasant environment. I don't believe that they should be ripped out of what they are used to socially and sent elsewhere simply because bean counters believe that such a move will save money for the government. But I rest my case and we will see how the vote on my motion works out.

Question put:

That **Mr Cornwell's** motion be agreed to.

The Assembly voted—

Ayes, 5

Mr Cornwell
Mrs Dunne
Mr Humphries
Mr Pratt
Mr Smyth

Noes, 10

Mr Berry
Mr Corbell
Mrs Cross
Ms Dundas
Ms Gallagher
Mr Hargreaves
Ms MacDonald
Mr Quinlan
Mr Stanhope
Ms Tucker

Question so resolved in the negative.

Motion negatived.

Refugee convention and support for asylum seekers

MS TUCKER (9.46): I move:

Noting that Australia is a signatory to the Refugee Convention and has a moral and legal obligation to uphold its commitments to refugees and adhere to international agreements, including refugee's entitlements to all rights that are accorded to any other foreigner who is a legal resident, and given that refugees are often the most vulnerable group in any community, this Assembly calls on the ACT government to clearly state the need for Australia to adopt a humanitarian approach to people fleeing persecution and terror by:

- (1) writing to the federal government and requesting it to urgently review its policy on asylum seekers, particularly addressing:
 - (a) the need to abide by the 1951 Refugee Convention to give every asylum seeker the right to receive the same treatment as any foreigner who is a legal resident;
 - (b) the mandatory detention of asylum seekers;
 - (c) the treatment of asylum seekers in detention;
 - (d) the length of time in detention;
 - (e) children in detention;
 - (f) unaccompanied minors;
 - (g) temporary protection visas;
 - (h) stateless people;

- (i) the forced transfer to Pacific nations (so called Pacific Solution) or other offshore or remote locations;
 - (j) the excision of areas from the 'Australian Migration Zone';
 - (k) the lack of appeal rights on refugee decisions in the courts.
- (2) (a) developing a strategy which would enable the ACT to provide support for asylum seekers which does not involve detention;
- (b) bringing this strategy to the Assembly by first sitting week of 2003 for debate and if the Assembly supports the strategy;
 - (c) forwarding it to the federal government as a proposal for action.
- (3) supporting the Refugee Council of Australia's initiative of 'Refugee Welcome Zones' and establish the ACT as such a zone.

I put this motion today—the day after Human Rights Day, a day in a week in which we have seen increased national debate as federal Labor decides on its policy on refugees and a week in which Carmen Lawrence has challenged the Labor Party to put principles back into its thinking and heart back into its politics—in the hope that, at least in this Assembly, we will see courage and leadership demonstrated by the majority of politicians. This motion gives members of this place an opportunity to reflect on Australia's current performance on human rights, with particular regard to the treatment of asylum seekers.

Recently, I spent an afternoon in Villawood Detention Centre, where I spoke at length with a number of detainees and also with people who visit the detention centres and support the detainees. These people include church groups of various denominations and many ordinary people who live in Sydney.

This visit to Villawood has had a very big impact on me. Often, the first image I have in my mind when I wake in the morning is of the sharp ugliness of the razor wire keeping families enclosed like animals in an ugly zoo, the looks on the faces of the people as they told me their dreadful stories, the shame I felt as I waved goodbye through the wire and the shame I feel as an Australian that it has come to this—that we leave people in these hellholes for years, that we let children go through birthdays in captivity, that we deny basic legal rights of appeal and that we send people seeking protection back into the danger they fled.

I know that this will change eventually. I know that many Australians are changing their views, rejecting the government's attempts to defend the morally indefensible. They are seeing through the corruption of political language, recognising that a broken child who attempts suicide is more than an adverse impact, that people fleeing for their lives are not queuejumpers, that there is a difference between an illegal immigrant and an asylum seeker, that people who go on hunger strikes are not behaving inappropriately, rather they are acting out of indescribable despair, and that people fleeing terror are not terrorists.

This motion has three parts. The first part calls on the ACT government to clearly state the need for Australia to adopt a humanitarian approach to people fleeing persecution by writing to the federal government requesting it to urgently review its policy on asylum seekers, specifically addressing the need to abide by the refugee convention which gives every asylum seeker basic rights as enjoyed by legal residents.

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These basic rights are currently denied in a disgraceful way. Australia is the only Western country that has detention for all asylum seekers as soon as they arrive without a visa. They must stay in detention until accepted or deported. People who claim asylum after arriving with a visa are not detained. They are treated differently. The government has never, of course, explained this inconsistency.

Numerous inquiries have concluded that conditions in the detention centres are extremely poor, that the health and safety of detainees are of grave concern, that the length of detention is totally unacceptable, and that children in particular can suffer long-term trauma.

The reality of mandatory detention is worse than any prison in Australia. At least in Villawood, detainees can be supported by the various community groups which visit regularly. The fact that this government places detention centres in remote locations adds insult to injury, creating even greater trauma for already traumatised people.

Temporary protection visas are also an unacceptable part of current policy. Introduced in 1999, they appear to be designed to make sure that, even if it is acknowledged that a person is entitled to refugee status, only temporary protection is offered—and with qualifications which make life very difficult.

TPV holders cannot bring their families here and their right to welfare and language training is restricted. This is discriminatory, inhumane and detrimental to the health of the refugees, as well as the broader community in the long run. Reducing access to settlement services means we are losing an opportunity to welcome and benefit from the contribution many of these refugees can make to our society.

Border control legislation, or the so-called Pacific solution, is also a national disgrace. It is another example of the arrogance and lack of diplomatic skills of this country. Our Pacific Islands neighbours are not impressed at all. Many in the international community denounce it for the cop-out it is and recognise that, fundamentally, Australia is taking advantage of our most impoverished neighbours to progress its inhumane policy on asylum seekers.

My own travel as a CPA regional representative has enabled me to listen to the views of parliamentarians from many Commonwealth countries. In particular, developing countries which accept many more refugees but have much less capacity to support them, are scathing about Australia's position. The point is made over and over again that developed countries must think about the global situation, not just their own national situation.

At present, there are 71 countries which accept refugees in some way. The top three refugee-receiving countries in 2001 were Iran, Pakistan and Tanzania, which host over 3.6 million refugees between them. Australia is ranked 32nd of the 71 countries that accept refugees. In Europe, 300,000 refugees sought asylum, and in Australia there were 4,174 refugees who arrived by boat or plane seeking asylum. It is obvious that the world's poorest nations are carrying the biggest burden.

The excision zones which were created by the Liberal federal government, with the support of Labor, just before the last federal election effectively and morally exempt particular islands of Australia from obligations under refugee and human rights conventions. Australia is shirking its international obligations under the Refugee Convention by placing barriers upon people seeking asylum. Article 31 of the Refugee Convention, to which Australia is a signatory, states:

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

Excision means that we do not consistently apply this principle. If you arrive by plane on the mainland, as most do, this principle applies—to the extent that the rest of our migration laws allow. But if you arrive by boat on one of the excised islands, you cannot present yourself to an authority to any effect, unless you can convince the minister to grant you special permission. This is not the first time a wave of people have sought asylum in this country. It is not the biggest wave, yet it is the first time our government has seen fit to change the borders to deal with it.

The lack of appeal rights on refugee decisions is another major issue. It is absolutely essential that full AD(JR) rights be reinstated. These rights ceased to apply in 1994. Since then, there has been a progressive tightening by the parliament of the grounds of appeal upon which asylum seekers can rely, to the point where an objective observer could only conclude that the current situation is incompatible with the claim that we are living in a democracy which has strong judicial review powers over decisions of the executive.

The privative clause that came into force on 2 October 2001 applies to almost all decisions made under the Migration Act. It affects decisions about spouse, student, business and refugee visas. The privative clause is an extreme parliamentary response, usually seen as appropriate only in wartime. In fact, there is a High Court challenge to the constitutionality of the privative clause because it has been argued that the privative clause removes the court's constitutionally enshrined power to review the actions of the department of immigration. But then, I guess Mr Ruddock must think this is a war—a war on helpless, vulnerable people who thought they would find protection in Australia.

Practically the only ground of appeal against a decision that is subject to the privative clause, as determined in the watershed Hickman case, is that the decision was made in bad faith. This means that Refugee Review Tribunal and Migration Review Tribunal decisions are protected from appeal on the grounds of, for example, failure to address a claim, failure to look at a document, inconsistent internal findings, making unreasonable findings about evidence, misconstruction of the law and contravention of the Migration Act itself. I wish the Attorney-General were listening to this. This is an absolute travesty of justice. It is totally unwarranted and, as Attorney-General, I would think he would be as concerned as I am.

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If that is not bad enough, this federal government has also imposed unrealistic time restrictions on appealing these same decisions. Applicants can appeal to the Refugee Review Tribunal and the Federal Court only within 28 days—and within 35 days to the High Court. Compare this with civil and criminal law, where appeal rights are measured in years. It gets worse. Section 66 (4) of the Migration Act states:

Failure to give notification of a decision does not affect the validity of the decision.

Effectively, this means that, even if a person does not receive a notice, it will be deemed to have been received and that, if the time has lapsed for appeal, that is too bad. Finally, the processes of the tribunal are not public or transparent and it is an offence with a penalty of jail if information is made public.

This sounds more like a totalitarian state than Australia. I know of an elderly Chinese couple—Falun Gong practitioners, presently in Villawood—who are about to be deported. They are there because their appeal for a protection visa was refused, and then they missed the 28-day deadline, for all sorts of simple human reasons. They had already been detained and beaten in detention centres in China before they came to Australia. The man's brother-in-law was tortured to death in 2000 and his brother was sentenced to one year in a labour camp. Their son also lost his position in a local police station. Now we are to deport them, making them the first Falun Gong practitioners to be deported to China from any democratic country in the world.

The second part of my motion calls on the ACT government to develop a strategy which will enable the ACT to provide support for asylum seekers which does not involve detention and for this strategy to be brought back to the Assembly and, if supported, then forwarded to the federal government as a proposal for action. Whilst it is true, of course, that initial identity, health and security checks are necessary, asylum seekers can then be released into community care, as happens in countries such as New Zealand, Sweden and Canada, while claims are assessed.

Releasing asylum seekers into the community is more humane and less expensive. They could start learning English sooner, gain employment and support themselves, and their children could have normal lives. According to the Centre for Refugee Research, only 11 of more than 1,300 people who sought asylum in Australia in recent years were rejected on character grounds.

A United Nations High Commission for Human Rights delegation, led by Justice Bhagawati, visited Australia's detention centres early this year and urged the Australian government to undertake humane alternatives to ongoing detention. In their newfound enthusiasm for the United Nations, perhaps both major parties could take note of that recommendation.

Some women and children at Woomera have been released into the community. However, as I understand it, the model is oppressive and traumatic, as well as expensive, with guards and cameras being continually evident in this so-called community option. I am sure that this is not a model that the ACT government would support.

I would like to summarise the situation of the Al'Abaddi family, as per a recent report by DOCS. In this family, there are the parents, two teenage boys and a younger brother and sister. They fled Iraq following the government's killing of close family members. The father was detained by police and obtained a short-term visa in Jordan. After staying in Jordan, they fled to Syria. Then, via Malaysia and Indonesia, they arrived at Christmas Island when it was part of Australia.

These people were in the Curtin and Port Hedland detention centres before arriving in Villawood. The New South Wales Department of Community Services produced formal medico/legal reports on the two teenage boys and found both of them to be at considerable risk of suicide or self-harm, that the condition of the whole family was poor and that, without doubt, they were suffering from post-traumatic stress disorder, ill-health and depression.

The DOCS report describes experiences of great deprivation in detention centres in situations clearly much worse than in our prisons and says that this family has been subjected to treatment more humiliating and oppressive than we would allow in our prisons. There are heart-rending descriptions of how these experiences have affected them—the teenage boys in particular. You have to ask why on earth we would treat people like that when it does nothing to protect us, especially given the fact that, in this case, they are people fleeing Iraq whom you would imagine, given the talk of war, are our allies.

DOCS recommended that, as a matter of urgency, the whole family, in the interests of their health and safety, be relocated in the community. Unfortunately, in response to questions in the New South Wales parliament on what action DOCS was proposing to take, the Minister for Youth and Community Services replied that it was a Commonwealth matter. The most positive result is that the children at least are going to school outside Villawood.

The last part of my motion is about refugee welcome zones. I have circulated copies of the declaration among members and I seek leave to table one now.

Leave granted.

MS TUCKER: I present the following paper:

Refugee Welcome Zone notice—Copy of Declaration of the Australian Capital Territory as a Refugee Welcome Zone.

Having refugee welcome zones is an initiative of the Refugee Council of Australia. (*Extension of time granted.*) It is a way for local councils, on behalf of their communities, to make a statement on their spirit of welcome for refugees. The Melbourne office of the council has developed a declaration which, so far, has been formally signed by 29 local councils in Victoria, New South Wales, Western Australia, South Australia and Queensland.

The declaration does not bind signatories to any particular actions. The councils which have signed on have then taken a range of actions—from keeping fairly quiet about it through to, in the case of Marrickville Council in Sydney, publishing for their

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community a set of policies and a briefing paper on refugees. I have a copy of that, if anyone would like to see it.

Local councils which have signed on have usually arranged formal signing events, in collaboration with the Refugee Council. The Refugee Council would supply an official certificate and copy of the declaration, if the Assembly were to decide to sign on. The concept has been designed for local councils. However, as the Legislative Assembly is the closest body of government to the community in the ACT, the council would supply an official certificate if the government or the Assembly were to decide to sign on.

In case people are confused, I circulated that document and the preliminary comments from my office may have referred to it incorrectly as the Refugee Action Council, whereas it is actually the Refugee Council of Australia. I am not talking about something subversive or radical here. The Refugee Council of Australia is a registered non-profit, non-government organisation and acts as a peak community refugee organisation. It has around 140 individual and organisational members.

The council is funded through contributions from its members and by project grants from government agencies; in particular, the Department of Immigration and Multicultural and Indigenous Affairs. The initiative is supported by the federal government. It is something that I really hope I will get support for tonight, at the very least, because everybody in this Assembly has spoken about the need at this time to show, as leaders of our community, that we are indeed inclusive and that we accept refugees into our community, which is particularly important at the moment for Muslim refugees.

Whilst the Greens, among others, are strongly committed to changing the laws and regulations that govern our treatment of people seeking asylum, refugee welcome zones do nothing of the sort. They simply promote a humane, compassionate and constructive response to the plight of refugees. By signing on as a refugee welcome zone, we are declaring some willingness to provide legitimate support for refugees and asylum seekers. In a time of racial tension and international uncertainty, I challenge any member of this Assembly to explain why committing ourselves to a humane, compassionate and constructive approach to this issue is not a good thing to do.

MR PRATT (10.04): Mr Speaker, I rise to speak against the motion put forward by Ms Tucker. I wish to reject the motion in its entirety. In its simplest form, it is highly emotive, it is misrepresentative and, indeed, it is factually incorrect.

I am most concerned that a member of this place would seek to arouse the passions of a political minority and of the well-intentioned but perhaps politically naive few by peddling a distorted view of the situation regarding our border security and the reception and management of illegal arrivals, asylum seekers and genuine refugees.

Let us look at the facts and bypass the emotion. The federal government has put in a number of measures which have been highly effective in strengthening the integrity of Australia's migration and humanitarian program. The range of these measures has allowed Australia to continue to provide protection to those people at risk, whilst at the same time disrupting the operations of people smugglers.

Some members of the Assembly have forgotten that the federal government's action in relation to the asylum seekers on the *Tampa*, which is the colourful issue often raised, was firmly based on its desire to ensure that the asylum system protected those most in need and that the system was not abused by those seeking migration outcomes.

It was becoming increasingly clear that people were paying criminal gangs to access Australia and gain a migration outcome to which they were not entitled ahead of those in much greater need. I will talk about those in much greater need a little bit later, Mr Speaker. In relation to those on the *Tampa*, it should not be forgotten that the *Tampa* was headed for Singapore when it rescued the asylum seekers; it was going that way.

The *Tampa's* captain received authority from Indonesia to proceed to its port of Merak to disembark the passengers. However, the rescued asylum seekers put the captain of the *Tampa* under duress and forced him to turn around and head to Christmas Island. It was the *Tampa* affair, of course, which created the debate that we have had for something like two years.

The federal government's actions in refusing to allow the rescued asylum seekers to disembark were entirely justifiable and consistent with international law. These people were not in danger of persecution in Indonesia and they bypassed several countries where they could have sought protection, and that is international law.

Let me address paragraph 1 (a) of Ms Tucker's motion, regarding international law, the rights of the individual and the obligations of the state. There is no right at international law for an individual to enter the territory of a state of which that individual is not a national, nor does international law give refugees any right to choose the country in which they will be protected from persecution.

Let me repeat that, Mr Speaker: genuine refugees, regardless of the degree to which they are being persecuted or pursued, have no right to enter the territory of a state that they choose to enter in terms of shopping around for a better outcome. They have the right, and they are fully protected under international law and by compassionate communities, to be taken in at the first port of civilised and safe embarkation.

That has not been the case with the great majority of people who are at the moment under some form of detention in Australia. In fact, the main obligation that the convention imposes on Australia as a signatory state is not to refuse refugees, that is, to return them directly or indirectly to a country where they will be persecuted.

In relation to the claim that mandatory detention is inhumane, inefficient and an international embarrassment to Australia, as Ms Tucker is wont to say, let me remind the Assembly of a number of points. I will start with paragraph 1 (b) of Ms Tucker's motion. Mandatory detention ensures that unauthorised arrivals are readily available while their identity is established and during the assessment of their claims. It also facilitates health, character and security assessments and ensures their availability for removal if they have no lawful basis for remaining in Australia.

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Turning to paragraph 1 (c) of Ms Tucker's motion, regarding the treatment of asylum seekers, the level of amenity and the range of services and facilities provided in our detention centres are comparable to those available to the wider Australian community and exceed those in some regional areas.

Ms Tucker: Oh!

MR PRATT: Yes, they do, Ms Tucker. Look at the facts, not the emotion generated.

Ms Tucker: You've been there, have you?

MR PRATT: Do not focus on the barbed wire. Take a look at the infrastructure. People in detention centres are provided with safe and secure accommodation and a wide range of services, including health services, nutritionally and culturally appropriate meals, religious services, educational opportunities and recreational pursuits. That is what is provided to them and it cannot be refuted. The management and operation of detention centres is the subject of continuing scrutiny by HREOC, the Ombudsman, the Immigration Detention Advisory Group and the Australian parliament's Joint Standing Committee on Migration.

Let me address paragraph 1 (d) of Ms Tucker's motion. Primary processing of any asylum claims of persons in detention occurs relatively quickly in the main. Approximately 80 per cent of asylum seekers receive a primary decision within 18 weeks. The average time it takes the Refugee Review Tribunal to finalise a case is 66 days. Some applicants with strong claims and identity documents are released in less than a month. The reason people are in detention for any length of time is that they choose to appeal and further appeal negative decisions within our legal system and the processing of those appeals is politically impeded.

Australia's system of detention is not an international embarrassment; far from it. It is evident that a number of other countries are now moving towards more extensive detention arrangements similar to those Australia has in place to deal with unauthorised arrivals. For example, Britain, Canada, Sweden and the United States have all recently introduced or expanded detention programs for unlawful arrivals. The 2002 United States budget, for example, provided \$89 million to support an additional 1,607 average daily detention bed spaces for a total level of more than 21,000 bed spaces.

Australia is not alone in its concern that many people misuse refugee processes either to gain access to a desirable destination country where they can just disappear or to try to choose a preferred migration outcome using refugee claims. Australia is not on its own in dealing with those issues. Almost all other countries use some form of detention of unauthorised arrivals to minimise the potential for people to abscond into the community. As a sovereign state, we have the right to put in place those systems. We have an obligation to our community to ensure that those systems are in place. We are not simply just addressing how well and humanely we treat the people who arrive illegally, and we do that. This country and its agencies bend over backwards to do the best that they can. We also have an obligation to meet the needs of the Australian community.

Turning to paragraph 1 (e) of Ms Tucker's motion, I am quite uncomfortable with the detention of children. I am very pleased that the minister for immigration is moving to alternative plans for children. There is a long way to go to achieve that. We need to get children out of those centres. We need to establish more, shall we call them, halfway centres where they can be better looked after and educated. I am entirely at one with Ms Tucker on that.

But it is a very tough administrative challenge and a balance is needed. The national interest must be served, as well as the humanitarian requirements of the people who have been detained. I am satisfied that the authorities are behaving humanely and I am confident that they are doing their best but, let's be fair, mistakes will occur, particularly in the hothouse environment of asylum seeker management. It is extremely political, it is tough, it is not easy, and I do think that we are not giving enough attention to the fact that these people are trying to do their best under very trying circumstances.

Mr Speaker, I find it objectionable that tonight the Greens are carrying the distorted view that the authorities in this country who are charged with the responsibility of managing the very complex, very challenging and highly emotive operations dealing with illegal arrivals and the genuine refugees who can often be found amongst them are supposedly doing so in an inhumane way, and "inhumane" is the operative word. That is what the Greens are saying in their motion tonight. Let the record show that Ms Tucker is saying far and wide that our AFP units, our customs and immigration officers, our sailors and our soldiers are an inhumane bunch, as if they have carried out willingly inhumane instructions allegedly issued by an inhumane government. Come on, give us a break!

These dangerously dishonest types of assertions that the irrelevant political minority and their Labor left mates throw around cause a lot of unnecessary grief. It is very important—

Government members interjecting—

MR PRATT: Mr Speaker, I cannot hear myself.

MR SPEAKER: Order! Mr Pratt has the floor.

MR PRATT: Ms Tucker was able to speak in absolute peace and quiet.

Ms Tucker: This is Mr Interject himself.

MR PRATT: I did not interject on you tonight, Ms Tucker, partly because I was not here for half the speech.

Ms Tucker: I do not usually interject, but I am enjoying it right now.

MR SPEAKER: Order, Ms Tucker!

Ms Tucker: We have both had an exception. I am interjecting tonight and he is not. Great! We will just change roles.

MR PRATT: Are we done?

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Ms Tucker: For the moment.

MR PRATT: Thank you, Ms Tucker. I look forward to the next exchange. It is very important to be compassionate about illegal entrants. It is very important to be compassionate about the refugees who arrive with them and who have jumped the queue, by the way. Nevertheless, some of those people are refugees and it is essential that we be compassionate with the wretched and desperate economic migrants whom our authorities have been intercepting.

Mr Speaker, the facts speak for themselves: significant numbers of economic migrants are among the illegal boat arrivals. But genuine compassion also means that we do not offer false hope. I say again: genuine compassion means that we do not offer false hope, that we do not egg on wretchedly desperate people to risk their lives and their life savings to attempt dangerous journeys to our shores. The irresponsible left and their activist colleagues are to be discouraged for encouraging those in detention identified as people who must be repatriated to hang on to false hope when, by law, their return to country of origin is inevitable. The Greens add fuel to that fire in a most irresponsible way.

Mr Speaker, we have seen attacks in other parliaments by the likes of Senator Faulkner on the alleged behaviour of our agency personnel in relation to the terrible tragedy involving the loss of 350-odd lives when the SIEVX sunk off the Indonesian coast.

Ms Gallagher: That was humane!

MR PRATT: But it is not proven, Ms Gallagher.

Ms Gallagher: It is proven that they died.

MR PRATT: It is not proven that the Australian government, our defence personnel or our AFP policemen, whom we represent in this place as well, by the way, unwittingly or wittingly had anything to do with the disappearance of the SIEVX, but that sort of mud is thrown around in the politicisation of the disaster. It is the presentation of this sort of emotional allegation and argument by people such as the Greens and the Faulkners that clouds the issue on a subject which is very delicate and very emotive. That has got to stop. One would think that the people in this place would be a little more sensible and responsible in the way that they approach these sorts of issues.

Mr Speaker, we cannot solve the world's problems. Australia already has the second largest intake of refugees and, frankly, I would like to see this intake doubled. I would like to see our caseload of genuine refugees and people who are in longstanding refugee caseloads brought to this country. But there are 20 million refugees and displaced people round the world and God knows how many economic migrants on the move and Australia simply cannot take them all and cannot solve everybody's problems.

But we must as a country intervene in those trouble spots and we must help to develop civil society in those places. We must contribute more in resources than we do. (*Extension of time granted.*) We must intervene in the trouble spots. We must pull our weight and we must do whatever we can to try to resolve problems at the source. In this

way, perhaps we will assist in cutting down on the movements of refugees, economic migrants and displaced people round the world. We talk of this type of intervention as being a positive way of making a contribution to resolving these types of issues. Perhaps we should see more support and more comments made in terms of that type of thing.

Mr Speaker, the emotive language about totalitarian states, the colourful but misrepresentative language used to describe barbed wire and the use of the term “hellhole” were totally unacceptable. I finish by saying that this sort of irresponsible approach in debating these types of issues where we demonise our own country and we demonise our own system is extremely unhelpful and will do nothing to resolve the problems that we face with illegal boat people arrivals.

MRS CROSS (10.21): I do not know whether I can speak to this motion now.

MR SPEAKER: It is not compulsory.

MRS CROSS: No, I know that, Mr Speaker, and I am sure that most people would prefer that most of us did not speak to it so that we can go home. I agree with some of the things that Mr Pratt mentioned. I agree that we should take at least twice as many refugees into Australia. I think that that was a valid point. I agree that we should be welcoming more people. I also know, having lived in countries where people suffer great adversity, that people do try various ways of coming into Australia and that we were and have been considered what was called a soft touch for many decades.

I also know that Australians are very compassionate in the way that they process—I use the word “process” because it is the administrative word, not the compassionate word—applications. I noticed our foreign missions in China, Indonesia and other Asian countries were very sensitive in how they handled people who wanted to come to this country. I suppose I have greater faith in the system. Perhaps over time I will be disabused of that positive faith; who knows? I know that the first year in politics has been rather interesting.

Before I talk to Ms Tucker’s motion, I would like to move the amendment circulated in my name. I move:

Omit “adopt”, substitute “emphasise the importance of”.

I will explain why I have done that.

I would like to speak to this motion, but first I would like to qualify my position on refugee treatment and asylum seekers. At this point, I am not opposed to Australia’s refugee policy. I believe that Australia’s treatment of refugees and asylum seekers is fair and equitable and is well balanced with Australia’s security policy.

Whilst I strongly disagree with Ms Tucker’s extreme assertions that Australia’s refugee policy lacks compassion and is inhumane, I will be supporting her motion with one amendment, the one I have just mentioned, and because of the amendments the government is putting forward.

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This amendment would change the words “this Assembly calls on the ACT government to clearly state the need for Australia to adopt a humanitarian approach to people fleeing persecution and terror” to “this Assembly calls on the ACT government to clearly state the need for Australia to emphasise the importance of a humanitarian approach to people fleeing persecution and terror”. The purpose of this amendment is to remove the implication that Australia’s current refugee policy is not a humanitarian policy.

I, like I am sure everybody else in this Assembly, support the adoption of a humanitarian refugee policy and believe that this amendment purports that without implying that Australia’s current refugee policy is not humanitarian. I will also be supporting, as mentioned, the government’s amendments. I believe that this motion is a step in the right direction to reassessing the treatment and conditions of refugees. Whilst I am not opposed to the federal government’s refugee policy, I believe that, like all things, improvements can be made if they are deemed necessary.

A call for a review is not a stance against Australia’s refugee policy; rather it seeks to find the best methods and mechanisms for processing, detaining and treating asylum seekers. Thus, I will be supporting Ms Tucker’s motion, as well as the government’s amendments and my amendment.

I have not been in this job for very long. One of the greatest concerns I have from time to time on issues that affect people, particularly people who are vulnerable, is that the politicisation of this issue tends to be extreme. That is just my personal view. Whilst we have people on both sides who wish to do the right thing by these people who need our help, sometimes the political mandate of certain parties drives the will and drives the agenda, which concerns me. I have faith in the way that the government has dealt with things and the more I hear stories that are not positive the more concerned I become.

I still have faith in my fellow man in Australia and I would like to think that most people in the government are doing the right thing. I hope that we, as Australians, can respect everybody’s views in this chamber. I agree with many of the things Mr Pratt said. I think that we are coming at this philosophically from a similar direction. However, I am very much open to hearing of cases that may not have been treated well.

I know that Mr Pratt would have seen such cases when he worked in Yugoslavia. Perhaps he would have seen people being treated less than ideally, who may have fallen through the cracks. I know that he is a very compassionate man and wants to see refugees and asylum seekers handled well. I think that what Ms Tucker’s motion is attempting to do is simply to ask the government to reassess its approach at our detention centres. We will wait and see what comes of that.

MR STEFANIAK (10.27): Whilst I think that Mrs Cross’ amendment improves and modifies Ms Tucker’s motion, the guts of Ms Tucker’s motion and the very substantial criticism of the Australian government actually remain. Australia has one of the best records on human rights in the world. I get sick and tired of the Greens, left-wing Labor and everyone else bagging our country as if we have some ratbag, third world, vicious dictatorship which puts us on a par with some horrible countries round the world which murder their citizens and cause absolute mayhem. That really annoys me.

Mr Pratt mentioned the fact, and I think it is a very salient point, that we take the second highest number of refugees and asylum seekers per head of population. Canada, I think, is the highest. Australia takes, I think, some 12,000 a year. I seem to recall the federal government saying that it is going to increase the number. Like Mr Pratt, I would be quite happy to see it doubled, taking it to about 24,000. The federal government is thinking of taking the number up to about 20,000. The annual rate of migration to Australia is about 80,000 to 100,000. Whilst Australia is big in size, it has a small population and that is a very commendable performance indeed.

I think there are 25 million refugees in the world. Mr Pratt says that there are 20 million of them and I would probably bow to his greater experience in that regard, but I have seen the figure put at 25 million. Anyway, there is a hell of a lot of refugees. Every country does have the right to say what it will do in terms of its own immigration policy—whom it will take and whom it will not. There are many countries in the world which do not take anyone. We have a very proud record in terms of taking people, going back to before World War II. A hell of a lot of reffos came out here after World War II. My father was one of them. That proud record continues.

But every country does have the right to pick where people should go. Mr Pratt mentioned, I think, that our obligation under international law is not to return asylum seekers and refugees to the place from which they fled, but it is not necessarily for the refugees to pick where they will actually go. There is a real problem with people jumping the queue, people who in their original country perhaps had some wealth and are able to buy their way to Australia. I can recall some immigration officials telling me not all that long ago of the dreadful conditions for some people waiting in camps in Africa to come to Australia. They had been waiting many years because other people were jumping the queue and their applications were being put back and there were no other countries for those people to go to.

There are 20 million to 25 million refugees in the world and quite a few countries are not prepared to take any of them. I do not see Japan, for example, taking many. I do not know whether Norway does. I had an argument just after the *Tampa* incident with a Norwegian woman who was terribly vocal about what happened with the *Tampa* being dreadful. I think I asked her how many people Norway takes. Maybe things here can improve a bit, but Australia does have a very proud record. After the current spate of applications from refugees and asylum seekers is processed, a significant number will remain in this country, but that will be done according to law and according to due and proper process.

I seem to recall reading once that the Greens do not want any more immigration. I wonder how that sits with Ms Tucker's call in this regard. She might like to address that point in reply. If they have that as a policy, it might be a bit inconsistent with this motion.

Ms Tucker stated that Pakistan, Iran and, I think, Tanzania have the largest number of refugees in their territory. Of course they do. They have land borders with countries from which lots of refugees have fled and they are camped over the borders until things actually occur.

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At the end of World War II, Germany, which was absolutely prostrate—might I say rightly so for what it did in the war—would have had the highest proportion of refugees. Indeed, Australia ultimately took a large number of those refugees. I do not recall there being any queuejumpers then. It might have taken those people three, four, five or six years to get to the country they ultimately got to. Indeed, I am aware of people taking even longer than that in some cases. It is not an easy thing to do and there are lots of pitfalls and problems along the way.

Some of countries which are criticising us did not have a very good record then. After the war, a number of refugees in Europe—in fact, hundreds of thousands—were sent by the British and Americans back to the Soviet Union, where Stalin butchered them. Former Russians, some of whom had fought for the Germans, some of whom simply got caught up with the war, some of whom were Red Army prisoners of war contaminated by the west, according to Stalin, were executed when they went back to the Soviet Union. Indeed, the disbursement of some of those refugees by the allies and others left a lot to be desired. As I said, I spoke to immigration officials about a number of people in camps who have virtually no chance to get here because they are poor and are being put back because some people can afford to pay.

Ms Tucker made a couple of points about children in detention camps and unaccompanied minors. The Migration Act, which governs this situation, requires any person who arrives unlawfully in mainland Australia to be detained until granted a visa or removed. That law applies equally to adults and children. Mr Pratt has already spoken about some of the problems there and some of the attempts being made to help children. A principle which this country adheres to and which we have in our children's services act is that children are usually better off with their parents. Obviously, if they have relatives or someone else to look after them, they can be moved out.

Another factor Ms Tucker mentioned was the position of unaccompanied minors. I am advised that, as at 23 August, there were only three unaccompanied minors in immigration detention centres in Australia and that the government has already taken steps to move most unaccompanied minors from Woomera and Curtin to alternative places of detention, including foster care, and that has been done under special arrangements with the South Australian Department of Human Services. Of the three that remain in a detention centre, one is there in the care of adult relatives—not his or her parents, but relatives—and discussions are continuing over the participation of the other two in alternative detention arrangements in South Australia.

Unaccompanied minors have also been released on bridging visas into fostering arrangements where they have met the eligibility criteria for that. I am also advised that the department prioritises the processing of applications by unaccompanied minors. Where it is agreed by all parties, including the state welfare authorities, that the interests of an unaccompanied minor would be best met by removing the child from the facility, that is normally arranged and such decision have been made for most unaccompanied minors in detention. As I indicated, as at that date in August there were only three unaccompanied minors in detention in South Australia. I think that Ms Tucker might not be aware of a number of facts.

The other parts of the motion are to do with bashing the federal government and pushing an agenda which Bob Brown is pushing federally and which the left wing of the Labor Party, led by Carmen Lawrence, is now trying to push.

The ACT has a very proud record in terms of supporting refugees. We supported the Kosovo refugees. We support victims of torture. I remember as the relevant minister giving increasing amounts of funding to an organisation that looks after refugees who are victims of torture by horrible regimes across the world. I am sure that the current government is continuing to do that. I have not heard any complaints yet. I would hope that it will continue to do so.

Refugees—indeed, anyone who is here legally and who needs a helping hand—are welcome in the ACT and we do not need to go through any stunts or anything like that to make that known. The ACT has a very proud record going back many years of welcoming refugees. In fact, I doubt that I would be here were it not for the generosity of a local lady who organised a party with local girls to meet a batch of Polish refugees, including my father. That is where my parents met. Even though they were all Catholics, the party was organised on behalf of the Anglican Bishop of Goulburn and Canberra. That was in the late 1940s or whatever.

We have had a consistent history in the ACT of being most welcoming to refugees, but this is not an easy issue. Mr Pratt has ably indicated the various problems. (*Extension of time granted.*) The federal government is working through a very difficult situation. It is tragic when a boat with 350 people on board sinks and they drown, just as tragic as the problems that a lot of these people have actually faced in their own countries through the actions of the vicious regimes that cause the refugee problems.

In fact, lots of refugee problems have been caused deliberately. The tragic plight of the Palestinians has been caused largely by a lot of the Arab states refusing to do anything to assist in their rehabilitation and resettlement and keeping them in refugee camps as a means of getting at Israel. That bred generations of people in hopeless situations and is one of the many reasons for continuing trouble in that part of the world. If other states in this world were reasonable, we would not have refugees. We had lots of refugees trying to leave the Soviet Union and Nazi Germany, but not many people were trying to get in there. We do have lots of people trying to reach here. Lots of people are trying to get out of vicious countries.

Mr Pratt made comments in relation to letting us do what we can as a player in the international field to improve conditions in other countries, perhaps spend a bit more effort on doing that, and address the long-term problems that cause people to become refugees, but there are no easy answers. I agree with Mrs Cross that the federal government generally is doing a pretty good job in this regard. It is certainly open to ways in which it can be improved.

The system is not perfect, but to try to equate poor Philip Ruddock and the very decent immigration officials, members of the Australian Defence Force and other federal public servants involved in this regard with some kind of monster and paint them as horrible people akin to NKVD border guards, Gestapo Nazis or whatever is quite obscene. They are decent Australians who are trying to do a difficult job. You might not agree with them, you might think that they could do it better and you might strongly disagree with

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the federal government's policy, but it is wrong to try to lump decent officials in the same boat as the pretty horrible people round the world in some very nasty regimes that still exist.

The opposition, as Mr Pratt said, will not be supporting this motion. Obviously, some things can be improved. Ms Tucker has placed emphasis on the ACT being a welcoming place. I think it always has been. It is quite important to make the point in the debate tonight that we do welcome genuine refugees and we do welcome the people who have joined us in our community. There are now, I think, about 161 different nationalities in Canberra and they are very welcome. They add a lot to our community.

I close on that point, Mr Speaker.

Amendment agreed to.

MS GALLAGHER (10.42): I move the following amendment:

Omit all words in the motion after the words "the forced transfer to Pacific Nations (so called Pacific Solution)" in paragraph 1 (i), substitute the following words:

"(1) (j) the lack of appeal rights on refugee decisions;".

The Australian Labor Party will be supporting Ms Tucker's motion, if amended. We are seeking an amendment to the motion to better target our criticisms as an Assembly of the current national policies in relation to asylum seekers. We are seeking this amendment to clarify the role of local government in service provision rather than in the broader policy framework. Our role definitely is to be critical. We should state views as to the federal government's policies in this area. It is unclear, however, what role the ACT should play in progressing some of the admirable sentiments contained in Ms Tucker's motion.

Some of Ms Tucker's proposals may have merit. However, at this stage the government is not prepared to pass this motion without a complete analysis of the responsibilities of the ACT under the Australian Constitution and its powers in relation to this issue. It is not currently the responsibility of state or territory governments to run or direct processing arrangements for asylum seekers, and it is difficult to see how the ACT government could intervene in a policy area which the federal government guards closely.

The ACT government cannot accept the second and third paragraphs of Ms Tucker's motion. The ALP believes that it is fulfilling its role as a local government in welcoming refugees, both in rhetoric and in practice. For that reason we do not see the need to declare the ACT a refugee welcome zone.

The Universal Declaration on Human Rights clearly states that everyone has the right to seek and enjoy in other countries asylum from persecution. I believe that the federal government has undermined our commitment to the refugee convention of 1951. Australia is one of the 136 signatories to the convention and its 1967 protocol relating to the status of refugees.

Our obligation under the convention is to offer protection to a person who, “owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such a fear, is unwilling to avail himself of the protection of that country”.

This definition intentionally does not discriminate against an asylum seeker on the basis of how they reach a signatory country. The principle is simple: the convention is there to extend protection to asylum seekers, not to seek to deter them from seeking asylum or to force them to stay in environments of persecution or situations lacking adequate protection.

The scope of this convention is quite narrow. Rather than taking an expansive definition of people who seek, and perhaps need, protection, it takes a narrow definition. The criteria to be satisfied for a person to be recognised as a refugee under the convention are quite stringent. It is necessary to state this clearly, as there is a mixed conception in the community, promoted by the federal government, that many asylum seekers are not refugees but that many are economic migrants and that many cannot be welcomed to Australia. The government’s own figures do not support this proposition. The vast majority of asylum seekers in Australia who arrive by boat are declared to be refugees, even under the government’s regime.

Most recent asylum seekers have come from Afghanistan and Iraq, and the figures on their acceptance rate demonstrate the inadequacies of Liberal policies. Ninety-seven per cent of Iraqis and 93 per cent of Afghanis last year were accepted as refugees and released from detention.

Ms Tucker is correct to draw these matters to the attention of the Assembly, and I thank her for the opportunity to have this discussion this evening. Other organisations have criticised Australia’s regime. HREOC commissioner Dr Sev Ozdowski stated on the detention of asylum seekers:

I believe the moral and human rights cost of the current system is too high. The mental health of asylum seekers is an issue of critical importance. In all the facilities I visited a large number of detainees were experiencing major mental stress and trauma, some requiring professional help.

Previous experience shows that significant numbers of detainees are recognised as refugees and released into the Australian community. These people already traumatised by oppression in their own countries and further traumatised by risky travel to Australia are suffering again from the effects of longterm detention. It is better for them and the wider Australian community if we consider their mental fragility early in the detention process.

The United Nations Special Envoy for Refugees, Mary Robinson, also raised severe concerns in relation to the current government’s processing regime. Ruud Luubers from the UNHCR also criticised the detention regime, particularly in relation to children. He said:

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While recognising the legitimate concerns of government to protect national security, the guidelines state that the detention of asylum seekers—especially children—is inherently undesirable.

Community groups like OXFAM have also issued reports highly critical of the so-called Pacific solution, establishing its inequitable nature and the deterrence basis of the policy, which the Labor Party considers an odious side of the Liberals' regime.

Clearly, the key point of the Liberal policy is deterrence. It aims to deter asylum seekers from exercising their rights under international law and to deter people from seeking asylum in Australia. This form of "wedge" politics is being perpetrated for electoral gain through fostering divisiveness and turning a blind eye to racist attitudes in the community.

Ms Tucker's motion raises a number of important concerns with the current method of processing asylum seekers. The Liberals' policy in this field deserves scrutiny at every level, including a possible judicial inquiry into operations in detention centres. Let us be clear about some of the reasons for closer scrutiny in making processing regimes of whatever form open and accountable. Media are denied access to detention centres, caseworkers are often denied access to asylum seekers, and members of the community generally have great difficulty in communicating with asylum seekers and even visiting.

Countless psychological studies, including studies by the esteemed Dr Zachary Steel, have questioned the practice of detention, particularly in relation to children. Interestingly, the government appears to be recognising that the detention regime is falling apart. Minister Ruddock has announced that more women and children will be released into the community from the Woomera detention centre following the highly successful trial of releasing 40 asylum seekers earlier this year. Other members may be interested to know that these 40 did not abscond, did not disappear and did not cause harm to the rest of the Australian community.

The ACT Labor government has consistently proposed practical reforms here in the territory to try to take the edge off the harsh policies of the federal government and provide all the services we can as a government.

Despite the sentiment of Ms Tucker's motion, which we welcome, the ACT Labor government has already taken action in this jurisdiction to provide appropriate settlement outcomes for refugees who come to the ACT. These include the provision of free English classes, transport to introductory English centres and free child care for refugees attending those classes. These reforms are integral to the successful support of refugees in this community, recognising that refugees are already disadvantaged and that government must address that disadvantage. The Stanhope government is continuing this work through assistance to TPV holders and, more generally, by providing funding and support to the many Canberra community groups which provide frontline services for refugees.

The specifics the ACT government is addressing for asylum seekers include public school education, including access to the introductory English centres for children who have difficulty communicating in English; medical treatment at ACT public hospitals and medical facilities; concessions on a range of ACT government services, including

public transport, spectacles, electricity, and dental care; ambulance treatment and transport; access to the junior secondary bursary scheme, which provides financial support for dependent children in the junior high school years; provision of interpreting assistance as appropriate for those seeking access to ACT government programs and services; and coordination of community and government settlement support activities.

The ACT government will continue to promote these appropriate settlement outcomes and confront and challenge the Liberal government on these issues. We will also continue to challenge and confront the ideas and actions of individuals who benefit from the current climate of security fears and from persecution of people who migrate to, or claim asylum in, Australia. This government is conscious and aware of racism in the community and the need for government to lead debates in confronting racism and explaining to the community the benefits of migration and refugees. Part of our job as community leaders is to confront misinformation in these debates rather than fuel divisions and propagate misinformation.

We need government policies which are in line with international law, including the guidelines issued by the United Nations. But we need more than that. We as politicians and as individuals have to promote an environment which recognises refugees as an integral part of the Australian way of life and recognises the Australian ethos of a fair go. We have to make Australians proud again of the helping hand we extend to thousands of people in need, not just through the refugee program but through foreign aid programs as well. We also have to restore Australia's international reputation so that we are once again a leading international citizen in this area. This includes not only the assertion of so-called rights under international law but also recognition of responsibilities. This local government will continue to show fairness and equity in the provision of services to refugees and asylum seekers in any way it can.

MS DUNDAS (10:51): I will be speaking to both the substantive motion and the amendment. I wholeheartedly support Ms Tucker's motion in its original form. The debate about treatment of refugees has brought out into the open all the racism and intolerance that lie beneath the surface of our multicultural society.

Ms Tucker's motion gives every party in the Assembly an opportunity to declare that here in the ACT we are compassionate and accepting and that we have the courage to call for full application of the international law on human rights. Instead, we see the government attempting to water this motion down to make it consistent with the confused and half-hearted federal ALP policy on refugees. Each party in this Assembly is echoing the words and sentiments expressed in the federal parliament, when I would have hoped that more courage would be shown in this chamber.

The Democrats and the Greens have consistently fought to protect the human rights of asylum seekers. The Liberals disregarded human rights to win electoral support. The ALP has stood wringing its hands, making confusing statements full of mixed messages and voting with the Liberals to undermine basic human rights.

The Australian Democrats have been consistent advocates for human rights since 1977. Over the last 10 years we have continued to campaign against mandatory detention, temporary protection visas and restrictions on the rights of refugees to appeal decisions, receive legal advice or even access services such as English classes.

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We supported the rights of the Vietnamese and Cambodian boat people who arrived here in the 1970s. We continue to speak up for the rights of the Iraqi, Afghani, Chinese and other refugee groups in our inhumane detention centres and for those refugees who are not even afforded their right to be assessed for refugee status under the UN convention on refugees.

Last year was the 50th anniversary of the UN refugee convention, and yesterday was Human Rights Day. How did we mark these events in Australia and here in the ACT? Did our governments produce glossy posters or pamphlets? Did our governments restate their commitment to the convention or to refugee protection? Did the federal immigration minister decide that we would invest in English classes or housing or health services for asylum seekers and refugees to help them to settle in, as the latest contribution to our tolerant, peaceful and multicultural society? Did Minister Ruddock end the uncertainty for those genuine refugees who are on temporary protection visas? Or did the Prime Minister send armed troops to forcibly turn asylum seekers away from our waters? We must take a stand against injustice.

The motion moved by Ms Tucker calls on the ACT government to write to the federal government and ask it to review its policy on the treatment of asylum seekers. It is quite clear that the federal government is unwilling to shift its position, but there is great symbolic value in the ACT government clearly expressing the majority view of the ACT community that everyone's human rights should be respected.

We have heard all the reasons why we should oppose these unjust laws and policies, but we need to keep restating them until we reach the hearts of the people who fear refugees and the hearts of the members of the federal government, who seem to hate refugees. It is the wildfire of fear and mistrust fanned by the federal government and, to some extent, the ALP that has allowed this abuse of human rights to take place in our country. The parallels with some dark times in global history are clear, the differences being only in degree.

An enormous injustice is done to those asylum seekers denied entry to Australia through the ludicrous redrawing of national boundaries for immigration purposes. We hear about refugees who, when they present at immigration gates in our airports, are immediately sent back to face possible death. They are not even afforded any review by an immigration officer. Labor and Liberal voted together at the federal level to create this injustice. Today in this Assembly it seems both the old parties are continuing to turn a blind eye to this legal mockery.

The actions of the Refugee Review Tribunal are no longer open to adequate scrutiny. There is no longer any scope for appealing tribunal decisions to the courts or anywhere else. The tribunal is exempt from having to follow natural justice. People have little scope to make the tribunal accountable if it makes a ghastly mistake. Human nature being what it is, that could happen from time to time. In this area a mistake can have grave consequences. We are literally talking about life and death issues. If you get it wrong, you send someone back to face persecution and it is too late to say sorry. Labor and Liberal have cooperated to undermine the foundations of our legal system in this way.

Detention of anyone when there is no suspicion that they have committed a crime is deeply wrong. Detention of blameless children is utterly inexcusable. If the facilities are as humane and satisfactory as Mr Pratt has claimed, why would the federal government need to take steps to place children elsewhere, again as Mr Pratt has claimed? If the facilities are fine and adequate, it should not be necessary to separate families. Carting people away to harsh, remote locations is simply a part of the dehumanisation process. If refugees are kept out of sight, it is that much harder for Australians to see refugees for what they are—people, humans, just like us but whose lives have been so much harder and harsher.

The refugee welcome zone initiative, unfortunately part of this motion the Labor government wants to remove, is a wonderful way for councils, or in our case the Assembly, to express a spirit of welcome on behalf of their local community. It is quite pathetic that members of the Labor government here are so afraid of offending their federal colleagues that they cannot embrace this initiative on behalf of the people of the ACT.

My hope lies in the basic decency of the people of the ACT and of Australians more generally. If those of us who believe in human rights keep working to show the community that refugees are indeed human beings, then one day the whole community will be working to tear down the walls of detention centres, to wipe these unjust laws from our statute books and to welcome these brave people into our community, just as we have done in the past. Courage and compassion cannot be found today in the hearts of the majority of members of this Assembly, but I believe and hope that justice will finally win out, as it must.

I keep referring to human rights. That is what we are discussing today—the rights of human beings. We cannot forget this. We cannot deny it. If we forget that people escaping persecution and seeking a better life are humans, then all hope is lost. I cannot fathom how we can fail to see that these people are human and should be afforded basic human rights. When we take the basic step of acknowledging our fellow human beings as humans with human rights that cannot and should not be denied, then we are truly embracing and being part of the community, a community we can be proud of. I hope that one day we achieve that. It is unfortunate that the Assembly cannot do that tonight.

MR SMYTH (Leader of the Opposition) (11.00): The opposition will not be supporting Ms Gallagher's amendment, because it guts the motion in a way that allows the ACT Labor government to put the boot into the federal government about its policies but shrug off anything the Assembly might require of it.

Tonight I have spoken to some people who have seen a report about what the various state jurisdictions have done in regard to refugees. Unfortunately I could not get a copy of the report tonight, but I will get a copy as soon as I can. I am told that the ACT government does not come out very well on the scale of jurisdictions which are helping refugees. Therefore, it is little wonder that Ms Gallagher would move this amendment to force the ACT government to do something to support asylum seekers rather than engage in the rhetoric we have heard from the Labor Party on this issue.

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It is no exaggeration to say that Australia has been built on immigration. It would be fair to say that Australia serves as a beacon to the world on how to successfully run an immigration program. Australia is one of the few countries in the world that have operated a planned immigration program for over 50 years.

We have an ongoing humanitarian program which provides for 12,000 new faces a year. Ms Tucker, in her motion and her speech, ignored that record. The allegation seems to be that we should adopt a humanitarian approach, which you can read to mean that we do not have a humanitarian approach. The record would show that that part of her motion is not true.

To have a managed immigration policy, you need a sensible border control policy. What has been ignored here tonight is the serious situation that faced Australia in August 2001. During the first three weeks of August, 1,200 unauthorised individuals arrived by sea. Credible intelligence reports indicated that something like another 5,000 persons were signed up to come to Australia in this way. Beyond that, there was potential for another 8,000 unauthorised arrivals in Australia, growing to something like 12,000 in 2002-03, according to intelligence reports. That is the size of the entire humanitarian resettlement program for the year. In other words, people with the resources to pay people smugglers would crowd out people languishing in refugee camps, whose claims for humanitarian resettlement may be greater.

There is a refugee queue. In places like Kenya—and I know Ms Tucker is interested in southern Sudan—refugees with no means to buy places with people smugglers have existed in their thousands for about seven years. Mr Pratt worked with Muslim Kurdish widows in the mid-1990s. I have heard him speak about this. They had absolutely no means to buy passage and were unable to be integrated locally. What are we doing to help them?

People smugglers organising unauthorised boats understood the importance of getting their customers, as they call them, into Australian territory. Once here, the customers would have access to the very generous refugee program, with the expansive interpretation by the courts of the refugee conventions.

The federal government had to do something about the problem, which threatened to undermine the humanitarian resettlement program and the immigration program. The measures are well known to us. They include preventing visa applications from unauthorised arrivals at places like Christmas Island, the power to move people to declared countries, the power to detain vessels, a new offshore humanitarian visa system to encourage persons who had sought, or who could seek, effective protection in a country, and minimum sentences for people smugglers. It is fair to say that the measures were effective in what they sought to do.

The curious thing about mandatory detention of unauthorised arrivals is that it was put in place by the federal Labor government in 1992. As Mr Pratt said, it remains an integral part of any sensible immigration policy and is used by most countries around the world. The policy allows for central identity, security and health checks to be performed. It also allows you to locate people who have no right to remain in Australia,.

The question is: has the strategy worked? The short answer is yes. It is important that it work. It is important that we do not undermine the programs we have in place. This policy has largely removed the incentive for people to leave places of protection to risk their lives in dangerous journeys with people smugglers. That is not to say that we are happy with the conditions some people live in or find themselves in. We have all seen the harrowing images of the camps. Mr Pratt, if people want to take the time to talk to him, can tell people first-hand what it is like.

We must have a policy that considers the needs of the millions of unseen people who are languishing in refugee camps and who cannot afford to use people smugglers. These people will then be able to compete on an equal basis for the 12,000 places we have to help those in most need. Under Ms Tucker's policy, all of these places would be taken up by unauthorised entrants, simply because they manage to get here. That would be a shame, because it would displace those who most need to be here.

The federal government's border protection and immigration policies are clearly working. I think they are sensible. Therefore, I would urge all members to vote against Ms Tucker's motion.

MS TUCKER (11.07): I will speak to the amendment. I am sorry that this amendment has been put by Labor. It excludes from my motion some very important concerns about the federal Liberal government's policy on asylum seekers. I clearly explained why the excision of areas from the Australian migration zone is fundamentally flawed, given our human rights obligations.

Mr Pratt did not seem to pay any regard to the refugee convention or the human rights convention, which we are signatories to. He apparently does not consider that they have any legal status. I think he is in a minority position.

The reference to lack of appeal rights would also come out of the motion with the Labor amendment. I explained in detail why we need to review what has happened to our law under the federal government. As I pointed out, the privative clause that is being used now is normally seen only as something a parliament would use in times of war. It is a very extreme parliamentary response and one that should be of grave concern to anyone who is interested in democracy.

Paragraph (2) of my motion is about developing a strategy which would enable the ACT to provide support for asylum seekers. Labor appears to be concerned about whether it is possible for the ACT to do that. I accept that, but I still think it would be a worthwhile thing. If the political will had been there, we as a territory of Australia would have offered to take responsibility for asylum seekers to get them out of the very unsatisfactory situation they find themselves in. Despite what Mr Pratt says, impartial observers, including international human rights organisations, have said that the conditions people are kept in are far from acceptable. They are in no way similar to conditions that people in the broader Australian community experience. There are showers and toilets and that is about it. It is quite incredible for Mr Pratt to suggest that these conditions are acceptable for any human being

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When Mr Smyth used a less specific description of human beings, Ms Dundas interjected, "Human beings." The point she was making by doing that was very good, and I want to put it on the record. Mr Smyth also said, "If you want to know what it is like, talk to Mr Pratt." If you want to know what it is like, go to Villawood and spend a day or two or three there, and you will find out what it is like for people in detention. That is the Club Med of detention centres in Australia. That is not a convincing argument either.

I want to correct some statements that were made. It was said that boat people are not refugees. Most asylum seekers who arrive by boat in Australia are refugees. More than 80 per cent have been granted refugee status by the Australian government. A couple of speakers have said that asylum seekers are queue jumpers. There are no queue jumpers. There is no standard refugee process whereby people wait in line to be selected to enter Australia.

There are currently over 22 million refugees in the world. Mr Pratt underestimated the number. Most are living in refugee camps. Most are waiting to return to their own country. It is true that anyone can apply to migrate to Australia, whatever his or her background. However, for many of those who want to get to Australia there is no queue, not even a counter. In some countries there is no Australian embassy. In many countries Australian officials do not visit the camps to see whether people might need to be taken to safety. Often there are roadblocks, curfews and travel permits that make it dangerous and expensive to travel to the capital city where a refugee might try to make application.

I understand that Mr Pratt does not want to listen to this because it is going to make him look silly. For some it is also impossible to go to neighbouring countries to seek asylum. Few countries between the Middle East and Australia have signed the refugee convention, so asylum seekers are forced to keep travelling. Country borders are very dangerous to cross, and neighbouring countries are sometimes also dangerous. Asylum seekers who use people smugglers are mostly desperate people whose options have run out. They see their route as their only opportunity to build a future for themselves and their families.

Mr Smyth said that only poor people can be refugees and that boat people are too wealthy to be genuine refugees. One does not have to be poor or uneducated to be a refugee. Anyone rich or poor can become a refugee. The refugee convention says that refugees are people who are outside their country of nationality or usual country of residence and are unable or unwilling to return to, or to seek the protection of, that country because of well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Many asylum seekers are educated middle-class people. Their education, professional and political backgrounds have often led to their persecution, torture or terror. Those who have fallen into the hands of people smugglers have often lived on tiny incomes for years to raise enough to send just one member of their extended family abroad. That person is expected to work long and hard to send money back to pay for other family members to escape. Many families in refugee camps are in debt to people smugglers. Some have paid people smugglers to get out of their own country to a neighbouring country. Asylum seekers pay people smugglers because they are desperate, not because they are rich.

The third paragraph of my motion, which Labor also proposes to remove by its amendment, calls for support of the Refugee Council of Australia initiative of refugee welcome zones. I am very disappointed that this has not received support from the Assembly tonight. As I pointed out, it is funded by the federal government. The Liberal Party says it is doing such a great job, so I am surprised that they would not support that.

I will not be supporting Ms Gallagher's amendment.

Question put:

That **Ms Gallagher's** amendment be agreed to.

The Assembly voted—

Ayes, 8

Noes, 7

Mr Berry
Mr Corbell
Mrs Cross
Ms Gallagher
Mr Hargreaves

Ms MacDonald
Mr Quinlan
Mr Stanhope

Ms Dundas
Mrs Dunne
Mr Humphries
Mr Pratt
Mr Smyth

Mr Stefaniak
Ms Tucker

Question so resolved in the affirmative.

Amendment agreed to.

MR PRATT (11.19): Mr Speaker, I seek leave to move the amendment circulated in my name.

Leave granted.

MR PRATT: I move:

Paragraph (1), omit the words "requesting it to urgently", substitute "encourage it to continually".

I seek to amend the motion to encourage the federal government to continually upgrade and review its procedures. I think the federal government is doing as well as it can with a very tough exercise. It is a tough challenge. The words of the motion "requesting it to urgently review", to me, indicate that the federal government is doing nothing about the refugee, illegal boat people and asylum seeker issue. We believe they are doing the best they can, but of course there is always room for improvement. As times change and circumstances change, everything should be reviewed. It would be right and proper to upgrade procedures. It would make sense to continue to focus on children in detention.

We will always want to see the systems and procedures reviewed and upgraded. But to say that this ought to be done urgently would imply that nothing is being done. Nothing could be further from the truth. The federal government is managing this problem the best it can under very trying circumstances.

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I pick up the comment about a refugee queue.

MR SPEAKER: I think you should stick to your amendment.

MR PRATT: Mr Speaker, I thank you for the opportunity to put my case succinctly on why I think this amendment should be made.

MR HARGREAVES (11.22): This side of the house will not be supporting this amendment. We do not want to encourage the federal government to continually do anything. We want them to get on with it urgently.

MS TUCKER (11.22): I will not be supporting the amendment either. We need to urgently review it.

MS DUNDAS (11.23): The Democrats will not be supporting this amendment either. It is not just about continuing the federal government's policy on asylum seekers but urgently reviewing the current policy. As we have discussed at length this evening, there are a number of flaws in their policy that need to be fixed as a matter of extreme urgency.

Question put:

That **Mr Pratt's** amendment be agreed to

The Assembly voted—

Ayes, 6

Noes, 9

Mrs Cross
Mrs Dunne
Mr Humphries
Mr Pratt
Mr Smyth
Mr Stefaniak

Mr Berry
Mr Corbell
Ms Dundas
Ms Gallagher
Mr Hargreaves
Ms MacDonald

Mr Quinlan
Mr Stanhope
Ms Tucker

Question so resolved in the negative.

Amendment negatived.

MS TUCKER (11.26): I would like to conclude the debate by dealing with a couple of concerns that have come up. Mr Pratt or someone else used the term "illegal boat people". I need to make the point quite clearly that asylum seekers are not illegal immigrants or illegal boat people. Some people arrive here without proper travel papers, with false documents or with no documents at all, and they can claim asylum as refugees. People who cannot live in safety in their own country are entitled to arrive by boat or air and apply for refugee asylum under Australian law. This is clearly stated in the UN convention on refugees, which Australia has signed, as I have already pointed out.

I am not quite sure where Mr Pratt got his figures from, but the figures I have on the ratio of refugees to host country population are quite different from Mr Pratt's. Mr Pratt's figures must include family reunions and other categories. Australia has a ration of 1:1,130; Canada, 1:572; the Gaza Strip, 1:2; Germany, 1:456; Indonesia, 1:1,754, Iran, 1:36; Japan, 1:33,000; Pakistan, 1:75; Sudan, 1:76; Thailand, 1:285; Uganda 1:111; the United Kingdom, 1:681.

I will read part of an article by Robert Manne in the *Sydney Morning Herald*. It is a perspective on border control. It reads:

There are a number of puzzles about the way this country routinely treats asylum seekers. The first is of an almost technical kind. As I understand it, the system of dispatching all asylum seekers to highly unpleasant detention centres was originally designed as part of a deterrent strategy, a warning to those who dreamt of coming to Australia about conditions they might be forced to endure.

As it turned out, for a variety of reasons, this deterrent failed. As a consequence, last August the Howard Government embarked upon an even harsher policy of deterrence—the use of the navy to drive all asylum seekers from our shores. This policy appears to have worked. In the first four months of both 2000 and last year hundreds of Middle Eastern asylum seekers reached Australia. This year not one boat has arrived. The implication is clear. The Government could release the several hundred asylum seekers from Afghanistan, Iraq and Iran who have not been accepted as refugees but whom it is unable to deport, without endangering in the slightest the deterrent strategy operating successfully at the border. According even to the brutal logic of the Government's own post-Tampa strategy, continued imprisonment of hundreds of men, women and children, who have fled from some of the worst tyrannies in the world, has become completely purposeless.

In conclusion, I pick up again Ms Dundas' reminder that we are talking about human beings. I want to read a short poem from Mohsen Soltany Zand, a detainee from Iran who has been in detention for four years. He sent this poem to me in the last week. It is called "Drought". It reads:

In the midst of the parched desert
No one can come with us
We cannot journey hand in hand
There is no green place to rest the eye
And the scorching wind of destiny
Lashes at our backs.

A call from DIMA is like the smell of rain in the desert
Hope like black clouds building in our thirsty hearts
Quickly turns into grief
Rejection like lightning reveals the empty promise
And still we follow the shimmer of democracy and liberty.

A mirage tempting and alluring
All of us converge from afar
All have taken many different paths
In search of its beautiful lie.

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We walk the rocky road and see
Beside it skeletons of those who have come before
And wonder how we could all have been
Seduced by humanity's faithless song and love for one another.

And now we draw closer and see
The beauty is two faced
And suddenly we stand waist deep
The mirage, a swamp and turmoil and deceit
Madness clawing at our souls
We struggle to just keep breathing.

To stay still only to sink
To agitate and tire
Bogged like mud caked sheep
Some come to welcome its cloying embrace
And gladly let it close around their hopes and choke their dreams.
I am one of them and watch it suck their life
And wish that death would come to me
So that I can satisfy its hunger
Let it take me quickly as a sacrifice to break the drought
I still don't give up with your government.

Motion, as amended, agreed to.

Questions without notice

Land—rezoning

MR CORBELL: Mr Speaker, in question time today Ms Tucker asked me a question in relation to the Hungarian Australian Club. I am able to give Ms Tucker some additional information, but not all the information she sought. I hope to provide the rest tomorrow.

In the case of a concessional lease, if the lessee wishes to transfer the lease it has to approach government to seek approval to do so. The government's role is to consider the application against the relevant disallowable instrument and determine if the proposed transfer meets the criteria. If the transfer meets the criteria, approval is granted.

In the case of the Hungarian Australian Club, the criteria are set out in disallowable instrument 176 of 1992, which determines criteria for granting leases to licensed clubs. If the lessee does not wish to transfer the lease to a similar organisation, it must seek to pay out the concession applicable to the lease. This is a decision for the government. At this stage, pending the review of concessional leases, all applications are assessed under interim guidelines developed for this purpose and approved by me. The minister must agree to an application to deconcessionalise the lease.

At no stage have I been approached by the club to transfer the concessional lease to another club. Any action to hand back or transfer the lease must be initiated by the club or its agent. On 3 December 2002, an application to pay out the concession applicable to the lease was submitted, and further information is being sought. It is not the role of the government to negotiate the transference of leases, only to consider applications to do so. Any caveat relating to the lease is a matter between the registered proprietor and the caveator. Any such caveat is available on the public register.

Hill Corner, Yarralumla

MR CORBELL: On 24 September, Ms Tucker also asked me a question about a proposal by the St Nicholas school, which operates a preschool on block 2, section 62, Yarralumla, also known as Hill Corner, to acquire the adjoining block 3, section 62, Yarralumla, to allow the redevelopment and enlargement of the preschool. In particular, Ms Tucker asked if block 3 has been included in the open space audit being undertaken by PALM, and asked for the status of the application for direct sale made by the St Nicholas school.

I am pleased to be able to advise Ms Tucker that the previous government considered the application by the St Nicholas school for the direct sale of the land, and gave in-principle agreement on 30 July 2001. Discussions have been proceeding with the St Nicholas school on this basis. An offer of a lease has not been made. Representatives of the St Nicholas school have met with residents on a number of occasions to discuss their concerns and present proposals for the proposed use of the land. The land group in the Department of Urban Services has also met with residents on a number of occasions regarding their concerns.

The land group and PALM met with the St Nicholas school about the school's revised proposals in September this year, and asked the school to undertake a HQSD, or high quality sustainable design process, on the site. PALM has also asked the school to address the issues of significant trees, the potential for increased traffic and the provision of a safe drop-off area. PALM has undertaken an initial open space audit on block 3, section 62, Yarralumla, and I am currently considering PALM's advice on this matter.

Adjournment

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

That the Assembly do now adjourn.

Canberra Hospital

MR HARGREAVES (11.35): I will be very brief in the adjournment debate. I just wanted to make this point before tomorrow night, because I suspect it will be relevant to matters that may be considered by Mr Humphries then. Recently, when I had the accident with my foot, I had occasion to visit Canberra Hospital, and I wanted to share my experience with the Assembly.

MR SPEAKER: Couldn't you do that tomorrow night?

MR HARGREAVES: No, I could not, Mr Speaker.

MR SPEAKER: Right.

MR HARGREAVES: I could, but I am not going to. The thing was that, after a fairly disastrous trip through Moruya Hospital, I went through to Canberra Hospital emergency section and I was treated as an emergency case, quite anonymously I might say. I was

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very grateful for that. The people in the accident and emergency section were brilliant. I spent the obligatory couple of hours at the back, lying down while people ran around the place. I went up to the ward and I was treated very professionally. I was discharged later than I wanted to be, but that was for my own good.

The thing was that the medical staff there were particularly professional, the nursing staff were fantastic and the triage that I received when I transferred from the coast was brilliant. I have nothing but high praise for all of the people with whom I came into contact at the hospital, and I wanted the Assembly to know that.

However, the other part of the story is that, a week later, I was called to the hospital because my father had been taken there by one of the intermediate ambulances. He had turned a nice shade of lilac at his house. It turned out to be a heart condition. The ambulance took him in. He was taken to the accident and emergency section and plugged into all sorts of machines that go ping.

I went in there to make sure that he did not die. I told him that he was not allowed to die because I did not want to become an orphan, to which he replied, "I am not going to do that for you." He was then transferred to the coronary-care unit, plugged into more machines that went ping, and treated by the cardiologist and his own thoracic surgeon, to deal with his emphysema.

I have to say that, as the result of the prompt action of the ambulance service, and the professional service he received in the accident and emergency section and in coronary care, his condition has now improved to such a degree that his emphysema is improving a little bit. He is actually better now, having been through that emergency exercise at the hospital, than he was three weeks prior to that. It is all down to the professionalism and expertise of the staff, and the quality of care that those people delivered to my father. I am sure that, had it not been for that, I would have lost him. I am very grateful to the staff at Canberra Hospital, Mr Speaker, and wanted the record to show it.

Ministerial correspondence **Mr Mark Sinderberry**

MR STEFANIAK (11.38): I mention this matter on behalf of Mr Jonathon Reynolds from Gungahlin. On 2 June, he wrote on behalf of the then Gungahlin Equality Party—I understand that it has changed its name—to the minister for housing requesting some information from the ACT housing department in relation to public housing in Gungahlin. It was a reasonably detailed request. There was a very quick initial response two days later from Mr Wood's office by Margaret Watt. She said:

Thank you for contacting the office of Bill Wood. He has read your email and referred it to the department for further advice and possible action. This office will be in contact with you again when that advice has been received.

So far so good. Unfortunately, nothing happened after that. On 27 November, Mr Reynolds again wrote to the minister and said:

I noted with interest your response this evening at the Weston Creek Community Council meeting to Molonglo constituent Ms Ruth Cully that the ALP has a policy of providing an answer to a request to a minister's office in no more than 6 weeks from such receipt.

Whilst it is true that Ms Watt from your office responded to our initial request in 2 working days, and we thank her for the prompt initial reply, we thought we might like to bring to your attention that next week it will be the 6 month anniversary of our request for information that we originally requested and we are still awaiting a formal reply.

Perhaps you should be aware that Ms Dundas' office was able to provide us with information relating to Question on Notice 155 which asked related questions within 2 weeks, but unfortunately this did not answer the queries as originally requested by the Equality Party.

We would be grateful if you could please advise when we can reasonably expect a response.

I share Mr Reynolds' concerns and I certainly hope that the housing department, through its minister, will respond very soon, because six months is quite unreasonable.

On one other point: I note that Mr Mark Sinderberry is going to leave the position of chief executive of the Brumbies and take up a position with the English club, Saracens. I would like to put on the record my appreciation—and, I would hope, for most members of the Assembly who have any interest in rugby, their appreciation—of the work Mr Sinderberry has done over the last seven years in his capacity as chief executive of the Brumbies. They have certainly put the ACT on the map in world rugby. They have had a magnificent series of seasons, winning one premiership and playing in three grand finals.

Mr Sinderberry certainly leaves them in excellent condition. I thank him for his efforts for the Brumbies and for ACT rugby, and wish him well in his new position with the English club, Saracens.

Centre for Refugee Research

MS TUCKER (11.42): I especially want to put on the record my appreciation of the work of the Centre for Refugee Research. I have become aware of their work, particularly since preparing for the debate today.

Miles Franklin Primary School

MR CORBELL (Minister for Education, Youth and Family Services, Minister for Planning and Minister for Industrial Relations) (11.42), in reply: I recently received a letter from the mother of a boy who is in year 6 at Miles Franklin Primary School. I think the letter speaks for itself, but I want to read it into the record. The letter begins:

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Dear Minister

I am writing to you to bring to your notice the outstanding efforts of the staff and Principal of Miles Franklin Primary School in Evatt over the last five years.

My son, Timothy, attends the school and is currently in year 6. Timothy has been something of a challenge for me and for the school, as he is affected by Autism Spectrum Disorder (Asperger's Syndrome). This has impacted on his capacity to interact appropriately with others and to gain the maximum advantage from his education.

Without exception, the staff of the school, his teachers, his special resource teacher, his Principal, the ancillary office staff and the school counsellor have consistently displayed patience and understanding in regard to both Tim and myself. Dealing with a child who is not in the "normal" range can be highly problematic and has necessitated a high level of involvement and resources from within the school. You should be aware that they have carried out their duties with compassion and commitment, in a non-judgemental and supportive manner that has ensured that Timothy has actually enjoyed his time in the school and will sorely miss Miles Franklin and its staff when he progresses to Belconnen High School next year. I sincerely hope that he will find his secondary school experience as rewarding as his primary school one.

I hope that you will take my letter as an endorsement of public education, and particularly of its committed and professional staff, and I hope that you will continue to provide the appropriate financial and resource support to this and other schools who deal so well with the "Timothys" of Canberra every day. Please feel free to pass a copy of this correspondence on to Miles Franklin with my sincere thanks for a job very well done.

Yours sincerely

the mother of Timothy.

That letter really does speak for itself. I will obviously be forwarding it to the school. It is a pleasure to know that our public schools are responding so well to the needs of children such as Timothy.

Question resolved in the affirmative.

The Assembly adjourned at 11.41 pm.