



# Debates

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Legislative Assembly for the ACT

**SIXTH ASSEMBLY**

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**Tuesday, 14 November 2006**

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

## **Petition**

*The following petition was lodged for presentation, by **Mr Pratt**, from 2,502 residents:*

### **Griffith library**

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the imminent proposed closure of Griffith Library on 1 December 2006 will have a detrimental effect on a large number of residents and the local community and will remove a fundamental and valued community service.

Your petitioners therefore request the Assembly to act to ensure that the Griffith Library remains open to serve the community as a vital and highly valued community resource.

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

## **Administration and Procedure—Standing Committee Membership**

Motion (by **Mr Stefaniak**) agreed to:

That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure and that Mr Smyth be appointed in her place.

## **Legal Affairs—Standing Committee Scrutiny report 34**

**MR SESELJA** (Molonglo): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—scrutiny report 34, dated 13 November 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR SESELJA:** Scrutiny report 34 contains the committee's comments on five bills, eight pieces of subordinate legislation and nine government responses. The report was circulated to members when the Assembly was not sitting.

I wish to draw the attention of the Assembly to one of the proposals to amend the Health Professionals Act. By item 1.9 of schedule 1 of the bill, a new section 59A of the act would empower the president of the Health Professionals Tribunal to issue a warrant that would authorise a police officer to detain a person who had been required to appear before the tribunal to give evidence or to produce a document, and who failed to do so. This is an extraordinary power and the committee can find only one precedent in territory law. This is the power of an examiner conducting an examination under the Australian Crime Commission (ACT) Act 2003 to request a judge of the Supreme Court or of the Federal Court to issue a warrant for the arrest of a witness. That power is much more closely defined and subject to control than the power found in proposed section 59A. The committee report concludes that it is arguable that the power in proposed section 59A might well be characterised by a court as an arbitrary deprivation of the right to liberty in subsection 18 (1) of the Human Rights Act.

In reaching its conclusion, the committee noted the following: first, that the powers to detain and to determine the length of detention are expressed in very wide, discretionary language. It might be noted that other amendments proposed by this bill are designed to cut down the scope of discretionary powers. Second, the power to issue a detention warrant is exercised by the president of the Health Professionals Tribunal and not by a Supreme Court or Federal Court judge on a request from the tribunal. Third, there is no provision for independent review of the exercise of the power to detain. In all three of these matters, proposed section 59A compares unfavourably with the situation under the Australian Crime Commission (ACT) Act.

Fourth, section 59A is silent on matters such as the ability of the detainee to communicate with any other person, whether that be family, lawyers, persons such as the Ombudsman and the Human Rights Commissioner, and as to the manner of detention. The effect of being detained can have a dramatic adverse effect on the detainee. He or she may suffer distress and there may be severe effects on his or her business or employment, finances and on his or her ability to support their family. It is suggested that the Assembly give close attention to the desirability of enacting proposed section 59A in the light of subsection 18 (1) of the Human Rights Act. I commend the report to the Assembly.

## **Planning and Environment—Standing Committee Report 23**

**MR GENTLEMAN** (Brindabella) (10.34): I present the following report:

*Planning and Environment—Standing Committee—report 23—Draft variation to the territory plan No. 259—Woden town centre—town centre planning reforms and draft variation to the territory plan No. 262—changes to A10 residential core area for Narrabundah, dated 25 October 2006, together with a copy of the extracts of the relevant minutes of proceedings.*

I move:

That the report be noted.

This report is the result of an inquiry which began in April this year. The committee invited a range of stakeholders to express their views on the proposed variation. The committee would like to thank the Minister for Planning, Mr Simon Corbell, the senior ACT planning officials and stakeholders who assisted the committee during the course of this inquiry.

The committee agrees with several submissions that the cultural and heritage values of Woden need to be better recognised and enhanced. The Callam offices, the Woden health centre, the Woden cemetery and the library are being considered by the Heritage Council for registration. I would like to note that the ACT government has indicated it will retain community facility zoning in the territory plan under the restructured territory plan. The committee agrees with the recommendations by the Woden Valley Community Council and Professor Stewart from the University of Canberra that the implementation of the Canberra social plan should be a high priority for the ACT government.

The social aspects of ecologically sustainable development are just as important as the economic and environmental issues of concern. Given this, as well as at other additional sites in the Woden Valley, the redevelopment of the Woden bus interchange is likely to include a community facility. The committee welcomes the proposed rejuvenation of the mixed services area. Of course, though, some problems, one of which is noise pollution, are created when business and residential buildings are mixed together. The committee therefore recommends that noise attenuation measures be required for new residential buildings.

I would also like to discuss another issue that arises from conflicting land uses when permitted land uses not previously activated are used, in particular with regard to waste collection. As the Woden town centre is classified as zone B under the Environment Protection Regulation 2005, commercial waste may be collected from the area at any time between 2.00 am and 10.00 pm; therefore there is no need to comply with zone noise standards during these hours. As a result, the report recommends that the ACT Commercial Waste Industry Code of Practice and the Environmental Protection Regulation 2005 be reviewed so that there is some regulation of the hours during which waste can be collected from the mixed services area in Phillip and other areas as appropriate to adequately cater for residents' needs.

Moreover, several submissions to the committee highlighted parking issues as a result of development. The committee agreed and has recommended that the variation include the provision of publicly accessible parking where a development displaces existing parking. However, the committee also recognised that encouraging an increased use of public transport is preferable to providing more public car parking.

It is recommended that the Phillip pool and ice-skating rink be retained and refurbished. This is essential for a range of social reasons, such as promoting mental

and physical health through physical activity, and to enable the provision of leisure and professional activities associated with such a sporting facility. Furthermore, Phillip oval is to be retained as public land under the proposed variation. Residential use will not be permitted on the land and commercial use will be allowed only if it is compatible with the operation of the oval as a sporting ground. The committee appreciates the value of Phillip oval, which hosted competition level Australian Rules football and cricket in its heyday. There is plenty of space for supporters and the facility is projected also to generate increased economic activity in the Woden area.

The committee notes that, according to projected climate change, temperatures in Canberra are expected to rise and rainfall to decline and become more intensely delivered in storm events. With this in mind, it is important to ensure that development in the future is environmentally sustainable. It is for these reasons that residential development throughout Canberra should be designed to promote cutbacks in greenhouse gas emissions. As such, the committee recommends that there be incentives to reduce energy consumption in buildings. One such incentive is for buildings to qualify for the Green Building Council's green star energy rating methodology as part of the ACT government's climate change strategy. The committee would like to see both residential and commercial high-rise buildings in Canberra adopt innovative, energy-efficient mechanisms. This is imperative, as currently heating and cooling accounts for about 39 per cent of residential energy consumption in Australia and 15 per cent of residential greenhouse gas emissions.

The 2005 concept plan for Woden east includes nine development blocks, seven with medium density residential units and two with 10-storey mixed development use. With the increase in buildings, the committee took a particular interest in the proposed Woden east parks, as these will help alleviate the "concrete jungle" feel of the area. Stakeholders were concerned that high-rise buildings are overwhelming and commented that urban green spaces are essential for workers and others who spend time in Woden. To alleviate these concerns, the committee agreed that special attention has to be paid to the creation of an improved sense of open space in Woden.

In line with environmental sustainability, the committee recommends that there be incentives for native gardens in the Woden east estate. Added to this, the committee recommends that high-value significant trees be retained. There are also a number of water-sensitive urban design measures, including a pond, wetland, grass swales and a modified Yarralumla creek to be included in the Woden east estate. Since these parks have a great potential to enhance the aesthetic values of the estate, it is also recommended that there be a mechanism for dealing with graffiti, litter and shopping trolleys in the Woden east estate.

Mr Speaker, our draft variation 262 is a minor change to the residential core area of Narrabundah. With that, I commend the report to the Assembly.

Question resolved in the affirmative.

## **Legal Affairs—Standing Committee Statement by Chair**

**MR SESELJA** (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Legal Affairs. In the Fifth Assembly, the Standing Committee on Legal Affairs undertook an inquiry into legislation amending the Victims of Crime Act 1994. In its report, the committee recommended against the legislation proceeding, recommending in its stead that the government undertake a comprehensive review of the victims of crime legislation to ensure that the objectives of the legislation are achieved fairly and efficiently.

During the recent annual report hearings, the committee questioned the Attorney-General and the department on the lack of a response to that report. The Attorney-General advised the committee that the report had been completed before the 2004 election and that the government had not pursued a response to that report and that there was no intention to do so. The committee considers that this is an inadequate response to the committee's recommendations in its report. The issues canvassed in the report go further than the legislative amendments which prompted the inquiry. In fact, the matters canvassed by the committee are still very much a concern for victims of crime.

The committee's recommendations were concerned with a comprehensive review of the legislative arrangements to assist victims of crime by removing inconsistencies in definition, consideration of some anomalies in the legislation and omissions from the legislation, and streamlining of the legislation. The committee also recommended an administrative component to the scheme which would obviate the need for a victim of crime to make their claim in the Supreme Court where that claim was less than \$1,000. This kind of administrative procedure saves court time and money.

The committee calls on the government to reconsider the committee's report on this matter and the recommendations contained within. While the legislation was ultimately not proceeded with, the issues canvassed by the committee and the problems with the current system remain and should be dealt with.

## **Duties Amendment Bill 2006 (No 2)**

Debate resumed from 21 September 2006, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR MULCAHY** (Molonglo) (10.44): Mr Speaker, I would like to begin by thanking the Treasurer and his staff for their cooperation in providing a briefing on this bill and making themselves available for follow-up clarification on its details. The Duties Amendment Bill 2006 (No 2) has been introduced by the government to amend the Duties Act 1999 and abolish duties on the hire of goods, leases and unquoted marketable securities. This is in line with the ACT government's commitment to abolish these taxes under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations.

More specifically, the bill makes the following legislative changes: firstly, it amends chapter 6 of the Duties Act 1999 to expire on 30 June 2007, which will abolish the

liability on commercial hiring businesses to pay duty on the total amount of new and existing hiring charges. This will affect the hiring of goods and services such as videos, storage space and heavy equipment. Secondly, it amends chapter 5 of the Duties Act 1999 to expire on 30 June 2009, which will abolish duty on all leases executed after that date. It will, however, retain the duty payable on long-term leases and franchise arrangements that are longer than 30 years, which are still considered as conveyances, to protect the territory's land revenue base. Finally, it amends chapter 3 of the Duties Act of 1999 to abolish duties on unquoted marketable securities—that is, securities that are not quoted on a stock exchange—made after 30 June 2010. This includes the transfer of shares and units in a unit trust scheme, and follows similar amendments that have already been made to marketable securities that are quoted on a stock exchange.

This bill follows previous legislation that passed in 2001, 2005 and earlier this year abolishing the financial institutions duty, duty on quoted marketable securities, the debits tax and duty on non-real core assets. This bill, however, is expected to affect a broader number of taxpayers whose expectations may differ in relation to how the removal of these duties will impact the local ACT economy. This is partly why the abolition dates for these duties have been spread through to 2010 and why transitional provisions have been included in the bill to ensure that businesses and individuals are properly informed of the changes.

Individual taxpayers and consumers should benefit from the abolition of these duties—and the opposition welcomes these reforms—through lower prices for hiring a range of goods and services. However, this benefit is largely dependent on businesses volunteering to pass on this duty relief to consumers. Businesses will also obviously benefit through the abolition of these duties, particularly those currently affected by the duty on unquoted marketable securities. As this affects the duty on the value of assets as well as the value of shares, it is expected to have the greatest impact among the three duties which are being abolished by this bill.

It should be noted that the abolition of the lease duty in July 2009 will make the ACT the last Australian jurisdiction to do so. Likewise, the abolition of the duty on unquoted marketable securities by the ACT in July 2010 will make it equal last with South Australia in carrying out its obligations under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations. Sadly, this is symptomatic of the government's reluctance to fully embrace the spirit of the intergovernmental agreement. I would suggest, Mr Speaker, that the Treasurer of this government has taken only a literal interpretation of the ACT's agreement with the Australian government in reducing only specific taxes and charges. There has been, however, a disappointing failure to adhere to the more important spirit of the agreement that committed to reducing the overall tax burden on Canberrans. This government cannot have the GST cake and eat it too—that is, the ACT cannot take and spend its GST revenue windfall on expanding the public service and pursuing indulgent capital projects while at the same time expanding its existing tax structure through measures such as the fire and emergency services levy and the water abstraction charge.

In terms of the more specific revenue implications of this bill, it is estimated that the cumulative revenue forgone to 2011 through the abolition of these three duties is \$27.8 million. Indeed, part of the reason why the three abolition dates have been



spread between 2007 and 2010 is to help mitigate the overall negative revenue impact of their removal over the forward years. It is expected, however, that the ever-increasing revenues received from GST should more than compensate for the revenue lost from the abolition of these territory-based duties. In fact, the deal made with the Australian government was that the ACT and the other Australian states and territory would enjoy a guaranteed source of steady and growing revenue from GST tax receipts in exchange for reforming and reducing locally derived taxes, rates and charges. In spite of this particular bill, the territory government is ignoring its broader responsibilities and actually attempting to increase its overall tax take from the territory.

In summary, the bill amends the Duties Act 1999 to reflect the revised taxation regime that has been agreed by the states, territories and commonwealth under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations. In spite of the ACT's tardiness in comparison to its state and territory counterparts in eliminating these duties, the bill is a positive step towards reducing the tax burden on ACT individuals and businesses. Furthermore, the negative revenue impact that is expected through to 2011 from the abolition of these three duties should be more than compensated by the ever-growing revenues received from GST. Bearing this in mind, the opposition supports this bill.

**DR FOSKEY** (Molonglo) (10.50): Mr Speaker, I will be supporting the Duties Amendment Bill 2006 (No 2). Despite the manner in which the federal agreements over GST were made, I accept that the removal of duties regarding the hire of goods, lease instruments and unquoted marketable securities must take place. In view of the speech that has just been made by Mr Mulcahy, we appear to have a representative of the federal government in our Assembly.

I note that the government expects to lose \$27.8 million in revenue by 2011 as a result of this bill and that the ACT will not be receiving a greater share in GST. I appreciate that in future the government intends to make any provisional regulations regarding the changes through disallowable instruments, and I am pleased about this democratic process. However, the Greens are somewhat sceptical about the manner in which the government will be able to prevent arrangements from being made which attempt to defer transactions to beyond the repeal date so as to avoid the duties payable. I understand that the compliance team within the revenue commission will ramp up its activities around the changeover dates and examine relevant contracts for dates of agreement and dates of payment. But there may be many instances where they are unable to detect a deferral in order to avoid duty, so I wish the government luck in this endeavour.

The Greens are also a little sceptical about the keenness for a lessor to pass on the removal of duty to its lessee. I note that the revenue commission will conduct an educational campaign to make sure consumers are aware of the withdrawal of duty, and I wish the government luck in this endeavour also. I would also like to give my thanks to the revenue commission for its briefing. The staff are always a pleasure to have in the office and we are greatly appreciative of their honest and apolitical advice, which is always of huge assistance to us.

**Mr Mulcahy:** Mr Speaker, I raise a point of order under standing order 55. Dr Foskey just made a statement to the Assembly that I was the representative here of the federal government. That is quite improper and inappropriate and I would ask her to withdraw that statement.

**MR SPEAKER:** I do not know that it is unparliamentary. It would be open to you to correct that after the debate is over by way of a statement pursuant to standing order 46. It is not without precedent in this place for somebody to make an incorrect statement in a speech.

**Dr Foskey:** Mr Speaker, I am willing to withdraw it.

**MR SPEAKER:** Thank you. That resolves the issue but I do not think it is unparliamentary to say those sorts of things. It is open to you to correct at any time what is said.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (10.54), in reply: I do not wish to be disorderly at all, Mr Speaker, but I think Mr Mulcahy's difficulty is determining whether or not he represents the party that he sits with in this place rather than whether or not he represents another government in another place. Perhaps that is a bit inappropriate, but my commiserations, Mr Mulcahy—and I say this genuinely—on your removal from the office of deputy opposition leader. I must say, Mr Mulcahy, that as a person sitting on this side of the chamber, I am not aware of what your sin was.

**MR SPEAKER:** Order! Chief Minister, relevance, please.

**MR STANHOPE:** You always seemed to be rather effective in the position, and I commiserate with you today.

**MR SPEAKER:** Order, Chief Minister!

**MR STANHOPE:** Thank you, Mr Speaker. I also congratulate the new Deputy Leader of the Opposition in her essential—

**MR SPEAKER:** There might be plenty of time to do that—perhaps in the adjournment debate—but now we should stick to the issue before us, which is the question that the bill be agreed to in principle.

**MR STANHOPE:** Thank you, Mr Speaker. I beg your pardon. I just did not wish to appear to be ungracious to the new deputy leader but I think my heart is more with the deposed deputy leader. My apologies, Mrs Burke, for overlooking you; my genuine congratulations.

The Duties Amendment Bill 2006 (No 2) amends the Duties Act 1999. This completes the ACT government's commitment under the Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations, the IGA, to review and abolish a range of business taxes. With the passage of this bill, the ACT

will have abolished seven business taxes over the 10-year period to 2010. They are the financial institutions duty in 2001, duty on quoted marketable securities in 2001, debits tax in 2005, duty on non-real core business assets in 2006, duty on rental arrangements in 2007, lease duty in 2009 and duty on unquoted marketable securities in 2010.

Providing legislation in advance of the abolition of the final three taxes will provide certainty to taxpayers. This advanced notice will enable them, and in some cases their clients, to adjust contracts, business practices and computer systems to accommodate the changes. The transitional provisions in the bill will ensure that all taxpayers are treated consistently, equitably and fairly, both before and after the abolition of each tax. To ensure that taxpayers properly discharge their liabilities, the executive may make transitional regulations if they consider a matter is not, or is not adequately or appropriately, dealt with in the transitional chapter.

Over the years there has been much discussion leading up to the abolition of these business taxes, so I will confine my comments now to a summary of the effect of the bill on duty liability. Chapter 6 of the Duties Act will expire on 30 June 2007 and all obligations will cease for any liability for hiring duty incurred after that date. Chapter 5 of the Duties Act will expire on 30 June 2009 and duty on leases executed after that date will cease. Provisions relating to duty on the transfer of shares and units in a unit trust scheme will expire on 30 June 2010 and duty on unquoted marketable securities transactions made after that date will cease.

I would like to point out that there are two cases where the transfer of unquoted marketable securities will continue to trigger transactions that will remain liable to duty. This will be so even though the transfer of the underlying shares and units will no longer be dutiable in their own right. This prevents the avoidance of duty where there are transfers of control over land without an actual transfer of land. The first case is where duty known as “land-rich” is imposed on the transfer of certain interests in landholders in the ACT. The second is where the acquisition of shares and/or units gives an entitlement to occupy land known as a land use entitlement.

This bill moves some definitions to the dictionary to allow for the future expiry of chapters 5 and 6, and omits other redundant provisions at the various abolition dates. There is also a new requirement to provide an acquisition statement within 90 days of the transfer of marketable securities where the acquisition triggers a “land-rich” duty liability.

Mr Speaker, I will not go back to the detail of the comments I made when this bill was introduced some little while ago, but I know—and, indeed, this was commented on by the shadow Treasurer—that the relationship between these amendments and the removal of these taxes and the GST is, of course, real. In the intergovernmental agreement underpinning the introduction of the GST the states and territories agreed to cease the application of certain business taxes. We have quite rigorously and fully complied with the intergovernmental agreement, as have the other states and the Northern Territory, as it relates to the removal of these taxes.

To the extent that the states and territories should bow down and thank the commonwealth for its generosity in delivering GST revenue to them as if it were

some manna from heaven or some bequest by the commonwealth parliament, it needs to be said that this misunderstands the nature of the intergovernmental agreement that the states, the territories and the commonwealth entered into at the time the GST was imposed. It is part of a mantra or recurring theme from the shadow Treasurer and the Liberal Party in this place that we are being drowned in cash from the commonwealth and if only we did not expend funds on the delivery of high priority government services to the extent that we do—indeed, in this particular circumstance, to overcome deficiencies which we inherited from the Liberal Party—all would be well. But, really, this seriously misunderstands and misrepresents the nature of the payments by the commonwealth to the states and territories.

The suggestion implicit in remarks made today by the shadow Treasurer that we are absolutely swimming in cash from the GST could not be further from the truth. I think it is fair to suggest that the commonwealth is swimming in cash from the GST. Of course, the commonwealth has always promised that the GST was a state tax, that these funds would be confined to the states and territories for the delivery of services to the people of Australia through state and territory constitutional arrangements. But this is not exactly or precisely how it has operated in practice. We have met our obligations.

There is the suggestion—we heard it again today—that, while the states and territories might perhaps be implementing the detail of the intergovernmental agreement, they are not working within the spirit by abandoning a range or raft of other taxes or perhaps repressing their own taxation activity. In that context it does need to be said again and again that the commonwealth government is the highest taxing government that Australia has ever seen. It is. It is indisputable—you just need to look at the numbers. The Liberal commonwealth government is ripping more taxes out of Australians than has any other government in the history of Australia.

This ACT government, this Labor ACT government, is not, despite the rhetoric from the other side, a high taxing government. This is shown in the numbers. This is not a high taxing government. We certainly levy now—certainly since the last budget—at a level consistent with the average around the states and territories. Prior to the budget just delivered, our taxation effort was not actually anywhere near the highest in Australia. It still is not. Certainly, we did not have a level of taxation effort that was consistent with the majority of states and territories around Australia. Through our most recent budget, we now have—I forget the precise number—lifted our taxation effort to be consistent with the average effort of jurisdictions around Australia.

Obviously, any debate around taxes represents an opportunity to belt any government in power—an opportunity which, of course, as has happened today, oppositions always take. But despite that, this government is not an historically high taxing government, unlike the current commonwealth government, which is a very high taxing government.

I will conclude by thanking the opposition and the Greens for their support of the amendments which, as I say, finalise the ACT's commitment to the intergovernmental agreement in relation to the introduction of the GST. I thank members for their contribution and support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Health Legislation Amendment Bill 2006 (No 2)**

Debate resumed from 19 October 2006, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (11.04): The opposition will be supporting this bill. The bill has three broad purposes. Two aspects relate to the Health Professionals Act. Firstly, it clarifies some definitions within the act. Secondly, it extends the transitional arrangements for the move from the previous arrangements; it ensures that the legislation falls within ACT Health's responsibility to comply with the human rights legislation; and also it implements a number of relatively minor amendments relating to the health aspects of a number of acts.

The Health Professionals Act is intended to facilitate the management of the various groups of health professionals in the ACT. One matter that has arisen in this regard is the need to identify particular professions that have to this point either been included within the single category of nursing or otherwise not identified clearly.

The amendment bill will put in place definitions of various categories of health professionals. One such distinction that has arisen concerns the distinction between nurses and midwives. Another matter related to the Health Professionals Act is the transition of matters from the previous legislative regime to the current act.

At the present time all of these transitional issues are included within part 15 of this act. At this time there is an expiry provision applying to part 15 whereby this act will expire on 18 November 2006—that is next Saturday. The issue we have to consider is that there may be matters that will remain unresolved as at 18 November 2006 but which will need to be resolved—for example, where there may be disciplinary proceedings that have commenced but not been completed.

The proposal contained in this bill is to extend the expiry provision for part 15 by two years, until 9 January 2009. The opposition agrees with this proposition to facilitate the smooth transition to the new act and to ensure that any matters that are outstanding under the former legislation are dealt with effectively without disadvantaging any parties.

The second group of amendments relates to the ACT human rights legislation. ACT Health has been concerned to make sure that all of the legislation for which it has responsibility accords with the Human Rights Act. An independent expert agency was

engaged to undertake this evaluation. A number of matters were identified. Some of these are relatively minor and are incorporated into this amendment bill.

There are other matters that have been raised by this review that relate to specific legislation, such as mental health legislation. These will be dealt with in due course. The third group of amendments relates to various pieces of legislation and encompass a range of matters. These generally appear to be fine.

Turning to the government amendments, the Minister for Health has today proposed two amendments to this bill—firstly, to delete clause 1.9 that would have inserted a new section 59A. The scrutiny of bills committee has raised concerns about the application of this proposed section, especially in respect of the detention of witnesses.

The opposition agrees that this matter should be considered further. In fact, it is quite amazing when you look at 59A as it currently stands. The presidential member can issue a warrant to detain the person. Subsection (2) states that a warrant authorises the detention of the person named in the warrant; secondly, the bringing of the person before the tribunal; and, thirdly, the detention of the person at the place stated in the warrant until the person is released by order of the tribunal.

That is interesting in itself because health professionals, witnesses or anyone could be detained at a place stated in the warrant until the person is released by order of the tribunal. How often does the tribunal meet? How long will these people be detained? It is an interesting contrast that the government has put this into, for example, the preventative detention bill—the antiterrorist legislation—where the Chief Minister has gone through all sorts of hoops to look after the interests of would-be terrorists.

He had great concerns about a number of issues in the bills before other state parliaments and the federal government legislation, yet here we see a potentially indefinite period of detention for somebody who might simply be a witness, or any number of health professionals. I certainly make that point. I note that the government now appears to have perhaps realised the error of its ways there, or the classic inconsistency between that and its attitude to things like the antiterrorist legislation. I understand it will be seeking to delete that.

Secondly, the government is going to delete the clause proposed in section 130C from clause 1.19. This section simply replicates provisions in longstanding legislation related to the supply of certain medicines. The pharmacy guild has raised some concerns about the effect of this section on pharmacists, especially with the prospect of 50 penalty points for selling medicines such as ibuprofen that are now sold relatively freely over the counter. The opposition agrees that proposed section 130C be deleted from the bill.

I have also foreshadowed that the opposition will be moving during the detail stage to delete clause 2.25 and insert a new section 250. This section is intended to validate retrospectively the approval of things that have been done in certain medical facilities. The opposition supports this bill. We will be moving a number of amendments.

**MR SMYTH** (Brindabella) (11.09): I thank Mr Stefaniak for delivering that information. He is correct. That is the position of the opposition. There is one other

clause that causes the opposition some grief. I will be moving an amendment to remove clause 250 on page 25. This clause retrospectively makes the following authorisation:

... in a medical facility, or a part of a medical facility, approved under a prescribed notified instrument is taken, for all purposes, to have been done in a medical facility, or part of a medical facility, approved under section 30D (1).

People would be aware that most on this side of the house are against retrospectivity in most issues, and we are certainly against the provision of abortion in the territory. This retrospectively validates all the facilities which have to be approved under the act where an abortion may have taken place since it lapsed.

Firstly, these things should not lapse. It is important that we get continuity so everything that is approved is done in compliance with the law. Secondly, as a general principle, it is conscience voting. A number who might choose to speak here today will not be having any truck with things that provide a facility that allow an abortion to take place.

It is a debate, as well you would understand, Mr Speaker, that we have had long and hard in this place on numerous occasions. The current law authorises and allows abortions in the ACT, but I will find it very difficult to vote in this debate for this particular clause that will validate those facilities. With that in mind, I have given the Clerk an amendment. If that can be circulated, I will move the amendment.

**DR FOSKEY** (Molonglo) (11.12): This is an omnibus bill which performs a number of functions, as the minister itemised when tabling the bill. I guess it has become fairly clear since the scrutiny of bills committee reported that there may have been a number of things in the bill that are only coming to light now. That highlights the very big problems that occur when a bill is tabled, as this one was, on the last sitting day of a sitting week. Here we are debating it on the first sitting day of the next sitting week.

One of the things that has happened with the scrutiny of bills report is that it shows the enormous, positive role that an assembly of people who are not in the party of government can play in making sure that the legislation that leaves this place is well considered and as good as it possibly can be. I believe that is the role that most members in this house want to see the Assembly taking. We do not want legislation to go out that has embarrassing oversights, as I believe this one did.

I guess this time frame is a product of the squeeze between the time it has taken the medical professions to update their codes of practice and the expiry of existing transitional arrangements that came into place when the act was passed. The problem is that such tight time frames mean that it is almost on the day of debate that the members of the Assembly, and indeed the government, are advised of civil liberties concerns raised by the scrutiny of bills committee. In this case it was an amendment to the Health Professions Act that gives the presidential member of the Health Professions Tribunal seemingly untrammelled power to issue a warrant to detain a person required to appear before it.

I understand that during the detail stage the government will move an amendment to delete that provision from the bill. It is on that basis that I am prepared to support the bill in principle. However, I have other concerns which I will outline below. I am also not entirely convinced as to the rationale for some amendments which appear to flow on from the audit of legislation for which ACT Health has administrative responsibility for consistency with the Human Rights Act conducted by the Monash University Castan Centre for Human Rights Law. This lack of clarity goes to the heart of the functioning and the value of the Human Rights Act. I will address these issues shortly. I also have concerns about amendments to the Gene Technology Act, which I will return to. I support most of the other amendments in this bill.

The amendments to legislation in order to bring the optometrists and pharmacists into the health professionals bills were expected and welcome. It was clear when this legislation was first introduced in 2004 that the various health professions previously covered by stand-alone legislation would need to be brought into this overarching legislation one at a time, once those professions had done some more work on their codes of practice. Neither the optometrists nor the pharmacists have raised any concerns with the Assembly or through the media, so the process appears to be continuing as expected.

Similarly, there are a number of amendments which are, in effect, consequential to the separation of midwifery and nursing as professions under the act. The Greens support the affirmation of midwifery as a specific and valuable profession and support these amendments, which simply ensure that both nurses and midwives are considered separately, where necessary, in other legislation.

The bill also makes clear that the ACT government sees the statutory review of the ACT's Gene Technology Act as unnecessary, as the commonwealth's review of its own legislation will suffice. This is one area where the Greens have concern with this bill because this is a complete backdown on the agreement the ACT government made when it introduced the act in the ACT.

No-one would doubt that the review of the commonwealth act was detailed and thorough but, as the ACT itself argues very often, we are not simply an adjunct of the commonwealth. Indeed, on very many matters we think quite differently to the commonwealth. Certainly the government thinks quite differently to this current commonwealth government.

My office followed up exactly why we should be happy with the commonwealth's review of gene technology around the country. We actually asked for the paper, an input of the government's submissions, letters or other representations of its views on this issue. I am very thankful to the staff of the Minister for Health's office for getting back to my office. No doubt they had to do a bit of extra work that they did not really have in their plans. While we have here a list of the ways in which the ACT got involved in the commonwealth review, we do not yet have anything which says what the ACT government said to that review. That is really, I believe, what we need to know.



I would want to dispute the implied recommendation of the commonwealth review that the states surrender their right to take independent action such as moratoriums on genetically modified crops for marketing reasons. That is what the ACT government is accepting by not doing its own review.

The ACT Assembly's health committee conducted an inquiry into the Gene Technology Bill and recommended a more cautious approach. The ACT government did not accept those recommendations. It has essentially accepted the commonwealth regime with the addition of a moratorium on the commercial release of genetically manipulated food crops, echoing the moratorium in New South Wales. That is appropriate, given that we are plonked right in New South Wales. In that context, then, the decision not to consider an ACT review, as legislated for, is unfortunate.

Furthermore, there was the apparent incapacity of the department to provide my office with a list of ACT input to the commonwealth review. At the last minute we got that list, but I am still wondering how comprehensive that ACT input was. I will still be following that up.

Perhaps more importantly there is the Human Rights Act. The scrutiny of bills committee report makes a number of comments questioning the basis of the changes to health legislation that are described as flowing from the human rights audit of ACT health legislation conducted by Monash University's Castan Centre for Human Rights Law. Once again, however, as this audit was apparently commissioned by the government for cabinet consideration rather than Assembly or public enlightenment, we have been advised that this must remain confidential.

Of course, it is a self-serving idiocy to claim that because a document can be kept confidential it must be kept confidential. That is the same facile argument that was used to support keeping secret the functional review. It has now been trotted out again, both to my office and to the scrutiny committee, with regard to this audit of health legislation.

There could be reasons why that audit should not be made public, but the fact that it is prepared for cabinet of itself is not that reason. The Queensland government's use of a trolley full of hospital records, which was wheeled into cabinet meetings in order to grant information such as waiting lists immunity from freedom of information, makes that obvious. The fact that this review was prepared for cabinet does not mean that it, some of it or relevant parts of it, cannot be released to the scrutiny committee and MLAs, if not more publicly, in order to explain the rationale for some of these amendments.

The ACT's model of a human rights act is one of dialogue. I had understood that dialogue was intended to be one that is public. That includes the parliament as well as the executive. Dialogue requires at least one other participant. In fact, it seems to me that a secret human rights dialogue inside the cabinet room, or between one part of a government department and another, might be no real dialogue at all.

I wonder what the position of the Castan Centre for Human Rights Law is on section 59 of this bill. This section would give enormous powers of detention, far in

excess in some ways of those powers in our contentious antiterrorism law. I understand it is, thanks to concerns so eloquently raised in the scrutiny committee's discussion of this bill, to be withdrawn by the minister for the time being.

The fact that section 59 was there in the first place raises very powerful questions regarding the government's oversight of its own legislation and the value of the compatibility statements that are rolled out, without detail, when any government bill is tabled in the Assembly. We had a statement of compatibility, yet that was a glaring oversight that I am sure no member of this government would have been comfortable with. The Greens certainly are not.

My call for the discussion that underlies those compatibility statements to be made public is more and more strengthened. I will keep making that call, otherwise it is just too easy to write those words and waste a bit of paper at the same time.

While this government likes to claim the credit and take the high moral ground for leading from the front with the first human rights act in Australia, it would seem to be delivering very little if the parliament and the people of the territory are not part of the debate. I had thought, on reading the bill and its explanatory statement, that I would have been able to demonstrate to those doubters how the Human Rights Act works. However, the audit is secret; the explanations for the proposed changes to legislation on that basis are therefore flimsy; and other provisions that have been added to the bill seem to contradict it.

I understand that the staff that work on the human rights evaluation of legislation do not have much free time. There probably are not enough of them. I imagine they would love to provide a more detailed analysis of the human rights implications of legislation. They would probably like to make the process more transparent if they could. In this case, however, it would seem that, even when that analysis has been commissioned externally, in the mind of this government it is not something for us to see. I wonder how transparency and contestability rank in the process of building human rights compliant law.

I have the amendments here in front of me. I am pleased about those amendments. I am pleased that it has now been noticed that there was one provision—section 130C (1) (b) (ii), on page 15 at line 17—that removes subparagraph (ii) because it is no longer considered appropriate to make it a criminal offence to prevent any person from treating menstrual problems.

I am really glad that a good look at the legislation found that and had it removed, but it strengthens my original point—that we need this legislation to be out in the public for much longer so it gets the kind of scrutiny it deserves. This is a big bill. There is a lot in it. It covers a lot of areas. There are a lot of people with interests in it. I know there is a rush to get it done today. It will get through today, majority government or not, because I think there is goodwill in this Assembly. We want to make sure that what comes out of here is good law.

**MR SESELJA** (Molonglo) (11.26): I would like to talk to some of the provisions of the bill and obviously some of the concerns that have been raised by the scrutiny of bills

committee. The first and most significant in respect of the time devoted by the committee was in relation to proposed new section 59A of the Health Professionals Act.

I want to spend a little bit of time going through that. I understand there is going to be an amendment, but I think it is important that we go through some of the reasons why this was perhaps not a good idea. My concerns, I guess, are over the process that got us here.

As Dr Foskey has touched on, new section 59A would have given quite extraordinary powers to the president of the tribunal in this case. It would give the president the ability to essentially detain someone—and not just detain someone. It seems that the only reason for detaining them would be that they had failed to appear or, I believe, perhaps also failed to produce documents. It seems extraordinary that we would vest that power in a presidential member of a tribunal without any of the safeguards that we would expect.

We have gone through a long process debating terrorism laws in this country. The Chief Minister has obviously expressed a lot of concern over the federal government's moves to be able to detain suspected terrorists. If we compare the safeguards that are in that legislation, this does not compare very favourably. In that legislation I believe 14 days is the maximum that a person can be detained. Under this legislation there is no maximum.

There is no discussion about the issues around access to lawyers. The powers are cast in the form of open-ended discretions. As I said, there is no time limit whatsoever. We see in other pieces of legislation such as the Australian crime commission act 2003 that it needs to be a judge who makes these kinds of orders. Here we are allowing a member of a tribunal who has requested the information to make the order of detention. There is no provision as to the evidentiary status in later court proceedings of any statements. There is no provision for an independent review of the exercise of the power to detain. No provision is made as to the manner of detention.

All these things are of significant concern. It reflects on maybe the rushed nature of this. It also perhaps reflects on the ineffectual nature of the Human Rights Act. We are now seeing that it is probably in breach of section 18 of the Human Rights Act, because it would appear to be an arbitrary detention, yet we had a statement from the government that it was human rights compatible.

The question is, what do those statements actually mean. What does the Human Rights Act mean when we have the government coming forward—the government which has trumpeted the Human Rights Act and its human rights credentials—with compatibility statements which are clearly wrong. They have been shown to be wrong here in this case.

This is perhaps one of the dangers of a majority government. It ticks off on compatibility statements with its own legislation which clearly have no value. It is essentially saying, "This complies with the Human Rights Act because we say it does." That does not give me a lot of comfort, and I do not think it would give members of the community a lot of comfort.

I think the comparison with the terrorism laws is an apt one. The committee drew attention to the fact that the explanatory statement states merely that the provision is necessary to ensure the attendance of witnesses at disciplinary proceedings involving health professionals. The minister's presentation speech makes no reference to the power to detain dimension of proposed section 59A.

We have this serious power, this significant proposed power, and no mention is made in the tabling speech. I would have thought this was something that, at the very least, should have been clearly brought to the attention of the Assembly. It should have been something clearly put out there by the government as something it was looking to do.

If it was not deliberately looking to put in a power like this, I guess we need to question the procedures that went into developing this legislation and where they broke down. Who is giving the compatibility statement? What part of the Attorney-General's area is saying, "No. This is compatible with the Human Rights Act"? On what basis do they believe that a broad discretion to detain someone with no time limit and no apparent safeguards is compatible with our human rights legislation?

Had this been put up by the commonwealth government, it would have been roundly condemned by this government, I am sure. It would have been listed as another example of the Howard government trying to stomp all over the rights of its citizens. The Howard government has never put up anything that is this loosely drafted and which has so few apparent safeguards in such a serious area.

The opposition is very concerned about this. I am happy that the committee brought this to the attention of the government and that the government is now going to act. But I am concerned at the broader issue of the development of this kind of legislation, because sometimes these things can slip through. There is the fact that it was not mentioned in the tabling speech and the fact that the human rights compatibility statement apparently did not pick up this discrepancy with what is in the text of the Human Rights Act.

On the other issue in relation to the amendment moved by Mr Smyth, I think it is clear that there is a majority view in this place on the issue of abortion. I think there is a significant minority in this place who have a conscientious to abortion. The concern here, obviously, on the part of those who have a conscientious objection to abortion is supporting retrospective legislation, which I often have concerns about as a general principle, but also, obviously, for me having a conscientious objection to abortion giving retrospective effect to that very act, which I oppose.

I think, once again, in a similar way to the issues around 59A, it is a serious issue. It might be seen as a minor administrative issue, but for many people in this Assembly who have a conscientious objection to abortion, as with many people in the community who have a conscientious objection to abortion, it is not a minor issue. I would have expected that we would have perhaps a more broad-ranging debate.

I am not going to go into my reasons for that. This has been debated at length in this Assembly. But it needs to be made clear that there are still people, even though it is

not a majority view in this place, who have serious reservations about our abortion laws and have a conscientious objection to abortion. That is where some of the concern lies, and some of the concern lies in terms of retrospectivity.

Generally in terms of the amount of detail in this quite significant piece of legislation and the short time frame for debating it—Dr Foskey, who no doubt has views different from mine on this issue, highlighted this—there may well be other things that have been missed. That is certainly my concern. I think the committee had concerns around that, and Dr Foskey has concerns around that.

For the sake of good legislation we should not be afraid to put it up for scrutiny. We should not be afraid, as a community, to debate these issues, even where they are contentious—and clearly some of these issues are contentious. Issues around arbitrary detention and issues around abortion are contentious. We should not be pushing through an omnibus bill without any real mention in the tabling documents, and certainly in the tabling speeches, of some of the serious issues. I put those concerns on the record, and I flag my support for Mr Smyth's amendment.

**MRS DUNNE** (Ginninderra) (11.35): I am speaking today about the absolute failure of scrutiny of the government to put forward a bill which has such glaring and appalling errors in it as we see in this bill. Let us read it. The new clause 59A, which the government now proposes to withdraw, says:

If a person who is given a notice under section 59 (1) does not appear before the tribunal as required, the presidential member may issue a warrant to detain the person. A warrant authorises the detention of the person named in the warrant; and the bringing of the person before the tribunal; and—

Get this one, Mr Speaker—

the detention of the person at the place stated in the warrant until the person is released by order of the tribunal.

What happened to habeas corpus, minister? This is the most appalling failure of this minister and her department. Did this minister ever read her cabinet submission? Did she ever read the piece of legislation she was putting forward? Did the Attorney-General, when his department signed off on the human rights compliance, ever read this legislation? What we have here is lock them up and throw away the key. If somebody who is the president of a tribunal—

**Ms Gallagher:** Who is a magistrate, who has Supreme Court oversight.

**MRS DUNNE:** Not in his capacity as a magistrate but in his capacity as a member of a tribunal that oversees the professional registration and complaints against professionals—not for any criminal matter necessarily. Because somebody did not turn up or did not have the right documents, this minister was prepared to introduce it into here and pass a piece of legislation that has these draconian powers in it.

Dr Foskey and Mr Smyth have pointed out other elements, where section 130C (1) (b) (ii) makes it an offence for a pharmacist to prescribe matters in relation to menstrual problems. The officials and the advisers were tittering. These are

major mistakes. These people—this minister and the people who advise her—should hang their heads in shame. They should not be tittering from the advisers benches over this, because this is a scandal.

Dr Foskey is entirely correct about the processes that go on in this place. We introduce a bill, we take so long to get our act together and then suddenly it is something that has to be done at great pace. This minister did not recognise, probably did not even read—

**Ms Gallagher:** This minister listened to the scrutiny of bills report. What an offence!

**MRS DUNNE:** This minister had to be told about a major issue of human rights by the scrutiny of bills committee. Any first year law student, any member who picks this up for the first time and actually reads it, would see what was wrong with this. This is a disgrace.

There are other elements in this that Mr Seselja has touched upon—the provisions in part 2.8 of new subsection 250. What is open to interpretation and is probably a live argument is that, for some time since July 2005, a range of procedures have been carried out in medical facilities which are not registered medical facilities. That makes those procedures illegal.

All of those procedures, irrespective of what they are, are illegal. The issue that concerns me—and which I gather concerns Mr Seselja—is that, as a person who is conscientiously opposed to the procedure of abortion, an abortion can only be carried out in a registered premises. The fact that we are here today retrospectively registering those premises back to July 2005 quite possibly means that every one of those abortions was illegal.

This is another failure of the Stanhope government. It spends its time tilting at windmills and going after the issues that are not of interest to the people of the ACT. At the same time it is prepared to allow medical procedures to go on in unregistered facilities, rendering them illegal. It is prepared to endorse and have on the statute books provisions that allow the president of a tribunal to lock someone up indefinitely without any protections. This is the Stanhope government.

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (11.41), in reply: I thank members for their contribution to the debate. Is Mrs Dunne is having a bad day or what? We have all read about and listened to the turmoil in the Liberal Party. It seems Mrs Dunne has not been able to vent her spleen other than by coming in and attacking me quite personally on a number of issues in the first complex legislation to be debated today.

**MR DEPUTY SPEAKER:** Order, minister, relevance!

**MS GALLAGHER:** I am linking Mrs Dunne's contribution to the debate. It is clear that Mrs Dunne is having a bad day, as are many members of the opposition, I assume.

**MR DEPUTY SPEAKER:** With due respect, I do not think you can link a bad day to the debate.

**MS GALLAGHER:** I will go to the points that the opposition are crowing about. Their inconsistency on human rights and their capacity to pick it up and run with it when they want to and then drop it like a hot potato at another time always amuse me.

This is serious legislation. I have to say that, when I introduced this bill, there was the capacity to pull out the amendments that were required to be passed in November and that we needed and to separate the bill if we had to. I waited to hear back from people, through their briefings from my office, about how they felt about supporting the legislation. We were never given an indication that this bill is so complex that it requires more time to consider it. We certainly made ourselves available. People took up the opportunities for those briefings. I know Dr Foskey did. I know Mr Smyth's office had some discussion with my office.

If there were people who, as you listen to the arguments today, wanted more time for this, I would have been more than happy to separate out of this bill the amendments that needed to be passed by November, pass them today and leave the rest. But it is very difficult when you come into the chamber and start running these arguments and not raise them with me prior to that, when I could have acted on them.

The arguments about majority government, not listening to people and ignoring input are stupid arguments to run. I have read the scrutiny of bills report. I have listened to what the pharmacy guild is saying and responded to that. Majority government reads the scrutiny report, weighs it up and says, "Okay, this is based on the report of the scrutiny of bills committee, which has the responsibility to look at these bills and provide their advice. The government looks at it and responds to it." I am now getting vilified for doing what the scrutiny report wants me to do. How ridiculous! Accusing us of using majority government to get there—how ridiculous!

We could pass proposed new section 59A today. It has existed verbatim since 1994 in ACT legislation. Mr Seselja, as chair of the scrutiny of bills committee, failed to pick that up. It has existed for 12 years in the Mental Health (Treatment and Care) Act. Your outrage today over this clause is ridiculous. It has been there for 12 years. It has been through the Castan review; it has been through the human rights process. All of them, based on their advice to me, have allowed that section to continue. There is a new paragraph (d), which says that the person must be brought before the tribunal as soon as possible. It has been improved from the clause that was there and it has been given note.

Based on that advice, I was happy for 59A to proceed. It had been given the tick through the human rights audit. It had been given the tick through our own human rights process, through JACS, with an amendment, which we agreed to. However, the scrutiny report raised the argument with me. I had another look at it yesterday and thought, "All right. I will accept the scrutiny of bills committee's argument on this. I will listen to what the Assembly is saying to me." That is a minister's job. It is to take pieces of advice. We have taken advice from Monash University; we have taken advice from JACS. I have taken advice from health. Now I have taken advice from the scrutiny of bills committee.

I have listened to them. That is the outrage you have got today? It is incredible that they claim that it is majority government bulldozing its way through; it is ignoring the human rights processes. What a load of rubbish! We have had this audited by Monash University, by a professor of law. We have had it go through JACS. They have asked us to make an amendment. We made an amendment to a clause that has existed for 12 years. And you guys go off like that! It is absolutely ridiculous. Maybe it is more beneficial for you to vent your spleen on matters like this rather than attacking each other. But for Mrs Dunne to come in here with her little tirade of abuse of me on this, saying that I am not doing my job properly and that I had not read the bill, is a load of rubbish. We have taken more advice on 59A than on other areas.

**Mrs Dunne:** And you were prepared to let it go through?

**MS GALLAGHER:** You disagree with it, Mrs Dunne. You are not a human rights lawyer but you have got a particular view on this. We have taken human rights advice on a clause that has existed in our legislation and has been used for 12 years. Today you have cottoned onto it and you think, "Goody, we can get in here and slap it around."

I foreshadow that the government will be moving three amendments to the legislation. We will change the commencement provision to allow schedule 2 to commence on the day after notification, rather than 28 days after notification. We will also omit section 130C (1) (b) (ii), which makes sense. The pharmacy guild contacted us on this issue and it is sensible that we accept their advice that it should not be a criminal offence for anyone who supplies a substance for anyone else for the treatment of menstrual problems. As I said about section 59A, we accept the Assembly's view; we accept the scrutiny of bills report; and we accept the position of Dr Foskey. We are agreeing to remove section 59A.

This legislation deals with a number of matters, some of which were time critical, which is why we have had to push forward with passage today. As I said, if members had spoken to me and asked for further time to consider the range of matters being dealt with in this bill, we would have certainly considered splitting the bill. As it was all in together, we proceeded, based on the discussions we had had with those opposite. If Mrs Dunne had wanted to raise a matter, if she had taken the time over the last couple of weeks to have a look at it and had expressed concerns about it, we would have certainly been talking with her as well.

There are a number of acts covered by this bill dealing with the audit of the human rights legislation as it applies to health legislation. The Gene Technology Act, the Public Health Act, the Public Health Regulations 2000, the Food Act 2001, the Health Professionals Act 2004, the Sexually Transmitted Diseases Act 1956 and the Tuberculosis Act 1950 are being repealed through this.

The third category of amendments relates to other portfolio amendments that are not suitable for a separate bill or for inclusion in the Statute Law Amendment Bill. This includes:



- the Health Professionals Act 2004, a power to allow the Health Professionals Tribunal to award costs in appropriate circumstances;
- the Health Professionals Act 2004, an amendment to protect a health professional from being directed or incited to engage in unprofessional conduct;
- the Gene Technology Act 2003, amendments to section 194 to allow the ACT to rely on the independent review of the operation of the act conducted by the commonwealth to satisfy the requirements for an independent review of the corresponding legislation;
- the Health Professionals Act 2004, an amendment to section 43 to allow the presidential member of the tribunal to select a person from a list of health professionals approved by the minister to sit on the tribunal and to make clear that lay members of the tribunal are only appointed for the duration of a hearing;
- the Health Professionals Act 2004, an amendment to section 14 to list the health professions regulated by the act; and
- the Health Act 1993, an amendment to ensure that retrospective approvals of medical facilities to undertake pregnancy terminations made under section 30D are valid.

I understand the opposition will move an amendment to this, based on members' opposition to the termination procedures in the territory. It is very unfortunate that this error was made when we made previous legislative amendments to regulation in this area. It was my office that picked up the fact that the notifiable instrument had not been made. The minute we were aware of it we moved to retrospectively address the situation. Certainly we had a notifiable instrument drawn up straight away to address the problem from a forward point of view.

It creates the position where, for a number of months, due to a notifiable instrument not being made, we simply have to do it, regardless of your position on terminations, because we are creating a situation where terminations conducted during that period of time may be illegal. I do not know how that suits the purpose of those who do not believe in terminations being performed because it exposes potentially the medical professionals and staff—through no fault of their own, other than a failure to have a notifiable instrument—who are working in these facilities. It is extremely unfortunate that that occurred, but errors occur from time to time.

A number of errors have occurred. As members who have been ministers before are aware, these things happen from time to time, through no-one's real fault. There are a couple that I can think of: Quamby not being declared a shelter under the Children and Young People Act for maybe 14 years; CIT fees, with no-one notifying the fee increases but you, the opposition, when in government, happily collected the fees. There are a number of times that these situations occurred. Nobody likes them to occur. On a matter as serious as this, I certainly regret it. As I said, my office were the ones that picked it up and the ones that moved. This is part of making sure that we are correcting that in the interests of all people who are concerned.

Other amendments in the third category include:

- the Health Professionals Act 2004, an amendment to section 58 to allow the presidential member to order that a person undergo a stated medical, psychiatric or psychological assessment at the preliminary hearing stage,
- an amendment to principle 12 of schedule 2 of the Health Records Act;
- the Health Professionals Act, an amendment to various sections to allow the tribunal to continue to hear a matter in the absence of the lay members of the tribunal and to allow presidential members a casting vote in any decision it takes; and
- an amendment to the Health Professionals Act 2004 to reduce by one the number of lay members on the tribunal, to allow the president of the tribunal, a magistrate, to represent the community expectations of the tribunal.

I will speak more about section 59A in the detail stage, but I thank members for their contribution to the discussion. I thank Mr Smyth and Dr Foskey for taking the benefit of briefings and advice from my office. This is an example of majority government listening to the will of the Assembly, responding and making sure that, where we can make concessions and agreement on things, it is sensible to do that. Based on advice from the Assembly and based on the input of members in the process, I have been happy to make the amendments.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (11.55): I seek leave to move amendments Nos 1, 2 and 3 circulated in my name together.

Leave granted.

**MS GALLAGHER:** I move amendments Nos 1, 2 and 3 circulated in my name together [*see schedule 1 at page 3481*]. I table a supplementary statement to the amendments. I have spoken to these in the in-principle stage. Amendment No 1 is fairly straightforward, as are all of the amendments. Certainly Nos 1 and 3 are straightforward.

The only thing I would add in relation to amendment No 2 is that, as I said at the in-principle stage, this is a clause that has been in our legislation for some 12 years. It did go through the Castan review. I am still looking through the Castan review. I am more than happy to look at how we can make that available to members in the future.

It is still providing advice to me and to government in deliberative discussions which will be held in cabinet. Once that process is through, I will be more than happy to look at whether we can provide all of that review to members because of their interest.

As I have said, the advice through that review was that no further action was required to address this clause. JACS, in issuing advice on human rights compatibility, asked that an addition be included in this clause to bring the person before the tribunal as soon as possible. We took that advice and put it in there. The presidential members are magistrates. The Supreme Court has general oversight of all of these tribunals, so there are additional protections there. I accept, as I have said, the view of the scrutiny committee and of members who had raised their concerns with me. After listening to that advice and responding to it and taking more advice on whether or not we need a clause like this, I thought it was better to accept the views of the opposition and the Greens not to proceed with this clause. It is simply the government listening to the Assembly, not majority government being arrogant or ignoring what people are saying.

**MR PRATT** (Brindabella) (11.59): I stand to speak to Ms Gallagher's amendments. I am very pleased that she has moved to get rid of 59A. I must say that I am terribly disappointed that JACS would have come up with this particular instrument of power. You have to wonder why the department would set the government up for perhaps a monumental act of hypocrisy, if they had gone ahead with this, because of the government's failure, over some 15 months now, to give our law enforcement agencies the powers to detain people for alleged terrorist principles.

We would have seen a magistrate dragging somebody before the tribunal to detain them because they had not indeed attended the tribunal. On the other hand, the government is out of step with other jurisdictions in this country and has failed to conform. So I am very, very pleased that the minister has moved to eradicate that. This puts the spotlight on JACS as to how the hell they got to bring before us that type of recommendation.

**MRS DUNNE** (Ginninderra) (12.00): I apologise to the minister for speculating that she had not read the bill. I thought that perhaps it was just ignorance that had caused this provision to sneak into the legislation, but it was naivety or something else rather than neglect that has got us here. It is good that the minister has finally seen the light.

We have had an audit by a human rights lawyer at Monash University; it has been through JACS; it is human rights compliant. Suddenly, thanks to the work of the scrutiny of bills committee—thank you, Mr Seselja and your advisers—yesterday they changed their mind. This provision still stands. The minister admitted that she had considered whether it should stay in or go and has come up with an amendment which says that the person must be brought before the tribunal as soon as possible. It does not say anything about when they might be released; it does not say they should be released as soon as possible. There is nothing in here—this provision is silent—about the release of someone held by order of the tribunal, except that they are only released on the order of the tribunal. This is an outrage.

This is more power than any parliament has, especially this parliament. We do not have the capacity, in this parliament, to lock people up. Other parliaments do, but they

have more safeguards than this. The fact that the minister admitted that they had sought advice and that this was approved—do not any alarm bells start ringing? Did not anyone think, “Gee, this is a problem. What are we doing with a human rights compatibility statement that says that this is the case, when the Human Rights Act says that you cannot detain people in this way?” How can these two things be held to be logically connected?

This minister has failed. I thought she had failed because she had not read it, but she purposely considered this matter, took advice on it, and then said that it was all right to lock people up and throw away the key.

Amendments agreed to.

**MR SMYTH** (Brindabella) (12.03): I move the amendment circulated in my name to omit clause 2.25 in schedule 1 [see schedule 2 at page 3481]. A number of members have spoken to this clause that will retrospectively approve the use of facilities for abortion. We all know that it is an issue that people hold strong opinions on, but the fact that the notifiable instrument was repealed back on 7 July 2005, and it has taken some 16 months for this error to be corrected, certainly is an indictment of the former minister. If the new minister, as she claims, found the mistake and was rectifying the mistake, then that is a good thing. Mr Corbell might explain how this occurred.

For those of us who have a strong opinion against abortion, a strong belief against abortion, to go back now and retrospectively say, “Yes, we are going to approve that the use of these facilities for 16 months was okay,” is unacceptable. The Liberal Party has always taken the view that to do anything retrospectively is something that we would only do cautiously and not do on a great number of occasions. In this case we simply wish to make the point, as many of us have done on many occasions, that we are against abortions and we are against abortions being conducted in facilities in the ACT.

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (12.04): I spoke to this at the in-principle stage. I accept there is a difference of opinion in the Assembly on pregnancy terminations. I have explained how this situation occurred. I do not see how those who are opposed to terminations can further their cause by not supporting retrospective approval of medical facilities. I do not think it assists those who are anti abortion at all.

This is really to protect the women involved. It is to protect the health professionals that are involved who, through no fault of their own, potentially could be exposed because of this. This is simply to address an issue which has unfortunately arisen. But it has arisen. To fail to support this amendment is to effectively say to those who may be impacted on by this, “You have got no protections at all.” I do not think that is a sensitive or fair way of dealing with an unfortunate occurrence which is being addressed through this legislation and which was addressed. I do not believe it went for 14 months—I would have to check—but it was certainly fixed up the minute we became aware of it. I think it was less than that by the time we put in a notifiable instrument, but I will check. I think it was around 12 or 13 months once we became aware of it. Having said that, it is extremely unfortunate but it is very important that this opposition amendment not be supported.

Question put:

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

The Assembly voted—

Ayes 7

Noes 10

Mrs Burke	Mr Smyth	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mr Mulcahy		Mr Corbell	Ms MacDonald
Mr Pratt		Dr Foskey	Ms Porter
Mr Seselja		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

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

Bill, as amended, agreed to.

## **Carers Recognition Legislation Amendment Bill 2006**

Debate resumed from 17 August 2006, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (12.11): The opposition will be supporting this bill that extends the meaning of “carer” to greater reflect the reality and implements recommendations that will flow from the report of November 2004 on the review of carers legislation in the ACT. That report was subjected to fairly extensive consultation, a number of submissions were received, and the government agreed to prepare legislation and give effect to amendments consistent with the response to the report. In its response to the report, the government agreed to consider whether amendments could be made to the definition of carer in the Discrimination Act and the Guardianship and Management of Property Act to allow for and recognise the various caring responsibilities by a number of people for a person in need of care.

The bill inserts new definitions which remove references to primary carers and clarify the fact that it is possible to have multiple carers providing assistance to a single person. The definition also recognises that a significant level of commitment is required to qualify as a carer. “Carer” now means:

a person is a carer of someone (the dependant) if—

- (a) the dependant is dependent on the person for ongoing care and assistance;
- and
- (b) the person cares for the dependant otherwise than because of—

- (i) a commercial arrangement; or
- (ii) an arrangement that is substantially commercial.

An example of carers in the legislation, which sums up the crux of it pretty well, is:

Ms S suffers from a severe brain injury because of a car accident and requires constant care. Her spouse, 2 children aged 18 and 11 and a family friend share her care and would each be a 'carer'.

That is a fairly good example of what happens in practice. The bill is reflecting what happens in practice, and we support it.

**DR FOSKEY** (Molonglo) (12.12): I will be supporting the Carers Recognition Legislation Amendment Bill, as it provides greater rights and recognition to the many carers that live in the ACT. I have some concerns that flow from the bill, which I will outline below, but I will not be proposing any amendments. This bill has a long history, including commitments in the Canberra social plan, the 2003 caring for carers policy and the 2004 carers action plan; so it is good to see some legislation finally coming to the Assembly.

As we know, carers are an important part, and they are going to be a growing part, of our society. Approximately 14 per cent of the ACT population is known to provide unpaid, informal support to others who require care. I am pleased that this legislation provides many of these carers with enhanced rights and recognition, improving their ability to provide care.

I also appreciate that the government took on many of the community's recommendations regarding this legislation, including providing amendments to a number of acts rather than creating a stand-alone carers act; acknowledging that a person can have multiple carers, and these carers often are on an equal basis with near relatives; providing carers with rights of appearance and to be informed of decisions made by the Guardianship and Management of Property Tribunal; recognising that a carer may need to discriminate against potential housemates in order to protect the person they are caring for; and providing some level of recognition of the role that young carers play and their need to represent the person they care for.

While most community organisations appreciate the proposed changes, they have also told my office that they are disappointed that the government has not gone further. In addition, the Greens appreciate the effort the government made to consult with the community about the legislation but we are concerned that many of the submissions made to the 2005 review of carers legislation discussion paper have not been made public. There are also concerns regarding a person's right to privacy and their carer's need to access information which affects the way the care is provided. The Human Rights Office commented that it would be desirable for some ACT legislation to be amended to better deal with these issues.

I am sure that all MLAs were sent a copy of a letter that was sent to Mr Corbell as Attorney-General from Dee McGrath, who is the CEO of Carers ACT. She highlights issues by quoting from a number of case studies where the carer is not listened to—I suppose that is the best way to put it—and where the person for whom they care has an appointment with or talks to an official person, whether it is a psychiatrist or another person with authority to make decisions affecting that person, and the carer is discounted.

This is a very difficult question, because it is hard to balance the rights of people who have a mental illness or another issue which puts them in a position of needing to be cared for and the rights of the carer to have some say in the way that person is treated because it will impact on the person who cares. I appreciate these are difficult areas. I believe that there needs to be an exploration of them and a way of dealing with them. But this bill does not appear to have done that.

I know that the ACT government is awaiting the consideration of a draft national health privacy code and has been since 2003. That seems to me to be a long time for such urgent issues. I would appreciate it if the government could give us an update of where that national health privacy code is at, how it affects the ACT and perhaps the input that the ACT government has had into that process.

Despite all these issues regarding recognition and legislation, carers must also be provided with on-the-ground support and assistance. The approach the ACT government is taking at the moment in many areas seems to be one of restricting funding but recognising rights. While I am sure that young carers appreciate their new right to make complaints on behalf of the person they are caring for, I am sure that they would also appreciate greater assistance with their education and living costs, because these are the areas that really suffer when they have to dedicate themselves to providing care.

I know that there are some excellent programs out there that provide some assistance, but only a small number of carers access them. Community organisations often have their hands tied in the way that they can spend their funds on the young carers. Whether it is marketing their programs, spending money on schoolbooks or buying food to put on the table, the fact is that choices have to be made. While the public service must be able to account for the manner in which a community organisation has spent government funds, there does not seem to be a lot of flexibility in the way that an organisation can spend those funds and choose which is the most effective way to spend them for individual clients.

I note that only one progress report regarding the caring for carers action plan has thus far been tabled. According to the DHCS website, the next one will be tabled this month. I look forward to that report—I expect we could even see it this week, or next week at the latest—as it appears that progress has yet to be made in regard to housing, respite care, training, the carer recognition scheme and consideration of issues affecting young carers by the upcoming Commissioner for Children and Young People. I have expressed this concern before—that is, if he or she has the resources to do so—because this is one area where that commissioner could be very valuable.

Carers have made a number of important statements about Mental Health ACT. We have noted that the Mental Illness Fellowship of the ACT Inc. was set up by people who care for children with a mental illness. Many of these children are now adults. I am aware and acknowledge that there is a very thorough process going on at the moment, the review of the Mental Health Act. This is something that is happening in tandem with that. Carers have outlined to our Minister for Health that they are dealing with a crisis-driven mental health service, whereas they need a mental health service that needs to be their ally and assist them in caring for people and that the carers themselves need care.

While carers of children with mental health issues or of relatives with mental health issues are perhaps one of the most challenged groups of carers, we also need to acknowledge that parents are still carers. We have grandmothers in the community who are caring for their children's children. We also have many people who are caring for elderly people or at least being their advocates and overseeing the care that their elderly parents get. Often their parents are no longer able to advocate for themselves in residential aged care units and in the home. This is going to be a growing issue and one that I hope that the government seriously considers and is responsive to so that we make sure that this territory provides the best possible care, not just for the people who need it but for the people who care for the people who need it.

**MRS BURKE** (Molonglo) (12.22): I am very limited as to what I can say today by my vocal chords, but I certainly put on the public record my acknowledgment of the government's work on this. Albeit that it has been a little lengthy in coming, we have finally got to a point today that better supports and acknowledges the work of carers.

Dr Foskey made some very good points, particularly in relation to the government being able to provide an update on the draft national health privacy code. It has been an issue that has been raised with me as well. In terms of access to information for carers, it is a very difficult area. I understand that it is one that places any government in a very difficult situation to legislate against.

I reiterate: whilst we have waited a while for this, I really am grateful to the government for the work it has done and obviously to voluntary carers for the work they have put into it for the department, because we need to keep this issue well in the spotlight. As Dr Foskey said, it is going to be a growing issue and one that we need to focus more clearly on and have good direction on. I thank the Assembly for that.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (12.23), in reply: I thank members for their support of this legislation. As members have indicated, this legislation is the result of an extensive review process that was commenced by the Department of Disability, Housing and Community Services in late 2004 and has resulted in a number of important changes to the legislative framework that protects and provides support for carers.

Rather than go through the detail again, as I have already dealt with that in my presentation speech, I simply address a couple of the issues raised in the debate, in



particular the matters raised by Dr Foskey on recognising the issues for carers of people with a mental illness. This is an issue that I have had detailed discussions with Carers ACT about, and I recognise and am very conscious of their concerns in this area. As a former health minister, I am all too aware of the issues when people descend into illness, when they are suffering from mental illness and how carers often are the first people to recognise the warning signs and want to take a more proactive and interventionist role to prevent a more serious deterioration for the person they are caring for.

As Dr Foskey rightly recognises, there is a broad range of issues on health privacy that make this issue particularly complex. But, as I have indicated to Carers ACT and as I can indicate to members today, I believe the way forward on this matter is through our review of the Mental Health Care (Treatment and Care) Act which is currently under way between the justice and community safety department and the health department. That joint review is looking at a range of issues. In particular, the prospect of advanced treatment directives is one that I believe offers some hope to address this issue.

Without wanting to pre-empt what may become the results of that review, the option that needs to be explored through the Mental Health (Treatment and Care) Act is the provision of a mechanism whereby someone with a mental illness who, whilst they are well, is able to agree to a treatment plan, and, if they were to become unwell again, could, as part of that, provide a clear role for their carers to come in and intervene on their behalf, to be a party to consultations or discussions with doctors or other health professionals as they become unwell, if and when they become unwell. The notion of advanced medical directives provides us with a real opportunity to take that more proactive approach and involve the carer more directly in a way which involves informed consent on the part of the person who suffers from a mental illness.

That is the option that I am very keen to see explored further. I know that is a matter the department of health and particularly Mental Health ACT have a strong interest in. I hope that the work through the review of the Mental Health (Treatment and Care) Act provides for that opportunity.

With that, I thank members for their support. I give my assurance that these issues that Dr Foskey and Mrs Burke have raised are continuing to receive attention. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.27 to 2.30 pm.**

## Questions without notice

### Griffith library

**MR STEFANIAK:** My question is directed to the Minister for the Territory and Municipal Services. According to page 36 of the social plan outlined by the Stanhope government, one of the goals of the community is to “reduce the risks of social exclusion by narrowing the gap between the information rich and the information poor”. Given that many residents of the inner south are elderly and may also be economically disadvantaged, why are you closing Griffith library, as this will greatly increase the risks of social exclusion?

**MR HARGREAVES:** In terms of its provision of library services across Canberra, the government is making sure that people are not socially excluded. We need to appreciate that the people of Griffith and Narrabundah are grieving about the closure of their library. I acknowledge that and respect that.

The government has a responsibility to all of Canberra. When we talk about the provision of library services, we need to take into account the additional services and facilities that this government has put in place. For example, Mr Stefaniak would acknowledge the development of the Kippax library in his own electorate—\$3.3 million dollars into the Kippax library. That is a group centre. He would acknowledge the additional moneys that we have put into refurbishing Woden and Belconnen—something like \$2 million worth. I am sure Mr Stefaniak would acknowledge the link project, which includes a new Civic library—\$16 million worth—it is worth probably in the order of 12 of that. That is about enhancing the services. He would know that we have put something like \$800,000 into new materials right across Canberra.

As far as the government are concerned, we have to provide the best and most contemporary collections that we possibly can in areas where people can use them. When we commissioned a report into library services, we found that all the other libraries other than Griffith were in fact increasing their patronage and usage, and Griffith was declining. We took the decision that the Griffith library would close. We have a matter of public importance on the books for later on. I will go into it in some more detail at that point.

But people should know that some of the services currently being provided at Griffith library do not necessarily need to be there. The call centre, for example, can be located within Canberra Connect. You can get a greatly enhanced service on a one-stop-shop basis. The mobile library is an outreach service. That can be based anywhere, as long as it has a truck-parking bay. The home lending library itself is another outreach service. That also does not need to be provided from Griffith; it can be provided from anywhere. It goes into people’s homes and stops that isolation.

The staff at Griffith will be deployed in other libraries. The materials will also spread across the other libraries. We find that our holdings are, I think, on average five years old. We would like to have them considerably younger than that so that we meet international benchmarks.

I reject the view put forward by Mr Stefaniak that we are engaging in social exclusion. I think we are enhancing the services right across Canberra and we will continue to do so.

**MR STEFANIAK:** I have a supplementary question, Mr Speaker. Minister, when your government closes Griffith library how do you intend to plug the digital divide for the residents of the inner south and others who use this facility?

**MR HARGREAVES:** I will answer that in a couple of ways. Firstly, we found that quite a large number of the users of the Griffith library are in fact also users of other libraries. We also find that some people come from afar; one fellow said that he was from Bungendore and that that was the closest library to his home. I would argue that the Queanbeyan library is a little bit closer to Bungendore than is the Griffith library. I would suggest that the person who lives in Evatt and who mourned the loss of the Griffith library has to go past, in fact, two libraries before he gets anywhere near Griffith.

In terms of the digital divide, that is the very point we make with the enhanced services. In the new Civic library—and I have offered members a tour over that; I do not know how many members have taken us up on that—there will be increased computer access. There will be people on deck to show people how to navigate their way around the internet. There will be people to show folks how to use the internet to pay their bills if that is the way they would like to do it. In fact, a lot of the materials accessed by students these days are through the internet and there will be trained staff there to help them. We have increased those particular services at Kippax, we have increased those services at Belconnen, we have increased those services in Civic, and, of course, we have a couple of joint-use libraries around the town as well. So, in answer to Mr Stefaniak's question of how we intend to address the digital divide, we intend to increase our attempts to bridge that divide.

### **Environment—energy usage and climate change**

**MR GENTLEMAN:** I ask the minister for the environment and sustainability a question relating to energy use in the territory and, indirectly, climate change. I understand that the opposition has adopted a policy on energy usage that will see consumption of electricity produced by fossil fuel powered generators reduced by eight per cent over a period of four years if they take government in 2008. Has the government a similar policy?

**MR HARGREAVES:** I thank Mr Gentleman for the question. I share his understanding, through you, Mr Speaker, of the opposition's policy, but it makes me wonder where they have been and what they have been doing since the last election. We have a fair idea of what they have been doing. From reading the *Canberra Times*, we know what they have been doing. Energy policy is certainly not one of them, although they have been using their energies quite well. Perhaps they have been too busy developing policies to even take note of their own personal electricity bills.

ActewAGL has been offering green power to the Canberra community for some considerable time. Any Canberra consumer can sign up today for ActewAGL's

Greenchoice product that is accredited under the green power scheme. I am advised that the ACT is a founding member of the green power scheme and has recently entered into a new agreement with other jurisdictions to further promote the branding in the market.

The Stanhope government also has in place its greenhouse gas abatement scheme that obliges retailers of electricity to increase the component of their product that they draw from cleaner and greener sources each year. Before the next election, when the opposition promises to introduce this policy, the current government scheme will have achieved sustained reductions in electricity-related greenhouse gas emissions of 8.6 per cent per person. In the first year of its operation, 2005, it achieved a reduction of 316,360 tonnes of CO<sub>2</sub>. This emission is the equivalent of taking 73,570 cars off ACT roads for a year.

I am further advised that the Canberra community has responded to this initiative far more strongly than any other community in the country. Five per cent of consumers have signed up, when the national average uptake is only 1.5 per cent. Congratulations to the people of Canberra. This speaks well of Canberrans and their commitment to contributing to the abatement of emissions from burning fossil fuels.

All of this is in addition to the Stanhope government's choice to adopt a target of 23 per cent of the government's own electricity needs from renewable sources. I am happy to report that we are almost there on that one, too. From memory, the last figure I saw was that we were at 19 per cent at 30 June 2006. That figure is increasing all the time. I am proud to say that, under the Stanhope government's leadership, the ACT is the second highest user of green power in Australia, second only to Tasmania, which has enormous hydro power capacity, and we are unlikely to ever overtake it.

While we are talking about election commitments and targets, can I point out that, at the last election, the Stanhope government promised to ensure that the ACT government fleet would have 10 per cent fuel efficient or low-emission vehicles in the fleet by 2008. I am happy to announce that we have reached that target two years ahead of time. The Stanhope government is getting on with the business of achieving for the Canberra community while the opposition is thrashing around, making promises that are too little, too late.

Since we made the target so far ahead of time, the cabinet was united in deciding to convert the whole government fleet of cars to four-cylinder vehicles unless there is an operational reason why not. Compare this to the Prime Minister, another recent discoverer of climate change; a new dawn has dawned. His choice of car is a gas guzzler, bearing the number plate C1 in a fleet of similar vehicles.

**Mr Mulcahy:** It is a specially constructed car.

**MR HARGREAVES:** The commonwealth government, a good friend of the Liberal backbencher across the chamber, would do well to take a leaf out of the Stanhope government's approach to government vehicles.

**MR GENTLEMAN:** Minister, is there anything else that consumers can do in partnership with government to reduce emissions?

**MR HARGREAVES:** Yes, there are. There are many things that the Stanhope government has introduced that will help. We have introduced mandatory energy efficiency rating declarations at the point of sale for dwellings and introduced a five-star energy rating for the building code. I would like to congratulate my colleague Mr Corbell on driving that one.

The ACT government has also developed a series of community programs, including the ACT energy wise program. The program provides home energy audits and rebates for energy efficiency improvements. The home energy advisory service provides advice to residents and small businesses on energy efficiency measures. The home energy efficiency advice service has responded to about 5,500 inquiries since 2002. In November 2005, the ACT government committed to purchasing appliances with low standby power usage, the first Australian jurisdiction to do so.

There are 13 licensed electricity retailers in the ACT. Not all of them operate in the small user end of the market, but they do all offer some version of green power. The government would encourage all consumers of electricity to convert to one of those products. In fact, the government encourages the wider community to follow its lead in using renewable energy, and there are many things that individuals within the community can do. I would encourage consumers to consider the following.

Changing to an accredited green power option eliminates household emissions from electricity. Installing solar hot water systems may reduce household emissions by up to 30 per cent. Installing solar panels can eliminate household emissions from electricity. Using energy efficient whitegoods can result in a substantial reduction in household emissions from electricity. A AAA-rated shower head may reduce household emissions by up to 12 per cent. Using energy efficient light bulbs may lead to a 10 per cent reduction in household emissions.

Choosing your next car on the basis of its fuel efficiency may result in a great reduction in transport emissions. Walking, cycling or taking public transport can reduce transport emissions. Transport and household emissions can be eliminated by calculating our carbon footprint and acting on the findings. There are a number of public websites that simplify this calculation. Implementing the findings of workplace energy audits can result in a reduction in emissions of up to 30 per cent.

The government has provided incredible leadership. I know that the Chief Minister has driven a lot of it and Mr Corbell has driven a lot of it. I am happy to do my bit. We have provided that leadership and we call upon the community and business to follow that leadership and see how we can do our bit to combat climate change.

**MR SPEAKER:** Members, in framing and referring questions to ministers, please be mindful of the proper titles of the ministers, otherwise those listening to question time might find it difficult to hunt down a name if a minister is not referred to by his or her proper title.

**Bushfires—parks brigade**

**MR PRATT:** Mr Speaker, my question is to the Minister for Territory and Municipal Services. Minister, will you give an undertaking that no rangers positions, parks brigade personnel positions or parks brigade equipment will be lost in the current TAMS review; or, as you were quoted as saying in the *Canberra Sunday Times* on 5 November, don't you "give a rat's arse" about being open and transparent on the matter?

**MR HARGREAVES:** I would like to address two of those. That article in the *Canberra Sunday Times* did not quote the full contents of the conversation. In fact, we were talking about the requests for information from Mr Watts of that illustrious journal, the *Sunday Canberra Times*, who rang the office at a quarter to five on a Friday afternoon requiring a whole raft of pieces of information. I considered it quite inappropriate that it happened.

Whilst they can have those demands of my office, they do not have to be, three weeks in a row, requiring our public servants to work past that time and deny them time with their families. I told that reporter that the reason why it was an inappropriate request at that particular time was because he was denying people time with their families. Had that reporter asked me the day before, or at nine o'clock that morning, I would have happily got that information. However, I will not ask my officers to sacrifice their family time to satisfy the inappropriate whims of a very junior journalist from the *Canberra Sunday Times*.

Turning to the a substantive issue Mr Pratt raises, the Department of the Territory and Municipal Services is required, under the bushfire operational plan component of the strategic bushfire management plan, to provide certain resources for bushfire mitigation. Those bushfire operational plans are signed off and approved by the commissioner of the Emergency Services Agency. TAMS is totally compliant with that bushfire operational plan and will remain that way.

**MR PRATT:** Mr Speaker, I have a supplementary question. As we are nearly halfway through the financial year, when will these decisions about the parks brigade be made?

**MR HARGREAVES:** as I understand it, a substantive part of Mr Pratt's question went to the resources the Department of the Territory and Municipal Services is going to apply to bushfire mitigation and response.

**Mr Pratt:** Shall I reread it to him, Mr Speaker?

**MR HARGREAVES:** As I understand it, that is the question. I have indicated to Mr Pratt that we will fully comply with the bushfire operational plans. We intend to do that. We accept our responsibility under the strategic bushfire management plan.

**Mr Pratt:** So the brigade will go.

**MR HARGREAVES:** Mr Pratt, of course, jumps to all manner of conclusions—quite inappropriately. He would know that the provision of resources in bushfire mitigation is dependent on two particular resources being available. One of them is personnel and the other is the training available to those personnel. The government does not shirk its responsibilities in this regard.

## **Environment—tree plantings**

**DR FOSKEY:** My question, which is to the Chief Minister, concerns the arboretum planting. Chief Minister, would you please explain what has led you to decide that November, in a drought, is an appropriate time to plant thousands of young trees when early spring is generally considered the safest time to plant trees? Would you please table any advice that you have received?

**MR STANHOPE:** It is interesting in this day and age of rapidly advancing climate change to see the Greens' party leading the charge against the planting of trees. It is an interesting paradox that the first to stand in this place and criticise the government for planting trees, or these particular trees, is the Greens. I think it is perhaps a reflection of the extent to which the Greens have lost their way and really have lost the basis on which they seek the support of the community that they stand now and oppose the planting of trees. It really is, is it not, a wonderful paradox to see the Greens become the anti-tree party in the ACT Legislative Assembly?

But are they anti-trees or are they anti these trees? Is it a case that all trees, when they germinate, germinate equally but some trees are more equal than others? We are talking about 6,000 trees. In the last four years the government has planted four and a half million trees, but we have this fixation, this fetish around 6,000 of the four and a half million. Of the four and a half million trees that have been planted, the government, actively over the last couple of years, has watered just on 150,000 of them, with nary a question from the Greens, who have a new-found opposition to trees, or at least a new-found opposition to some trees, these particular trees.

Those four and a half million trees are more equal, of course, than the arboretum trees. The four and a half million trees do not attract the angst or the attention of the Greens with their fetish about what are not trees per se, but exotics. These are not natives; therefore they are bad trees.

**Dr Foskey:** You are missing the point.

**MR STANHOPE:** These are bad trees, these 6,000 trees that the Greens have targeted in their campaign. We were asked why we did not plant these trees in spring. Let us cast our minds back. How much rain fell in September this year? How much rain fell in October? The Greens would plant trees by the month, with no regard for the weather. They have no regard to whether or not it actually rained. What was the rainfall in October? It was 1.4 millimetres. The Greens would plant in October because this is the designated time; the moon is in the right position. There is no rain, no water at all, but it is October. Therefore, we should plant while the moon is high.

This is nonsense! We face the greatest challenge the earth has ever faced. Even the Liberal Party has now accepted that we need to address climate change, greenhouse gas emissions and how to deal with the excess carbon that is smothering the world. One of the simple and expeditious things we can do as a community is plant trees. The ACT government actively contributes to programs designed to ensure that, through

the planting of trees, we cover our own fleet exhaust emissions. But because these trees are exotics, they are unequal trees that should not be planted and should not actually sully the vista of the suburbs of Canberra. It is nonsense, absolute confected nonsense!

The arboretum potentially serves a whole range of purposes in the context of the city, tourism and amenity. It will provide a significant legacy for this community for the future, for our children and grandchildren. Of course, because they are exotics, they attract the opposition and the ire of some. But let us put these 6,000 trees in context. In the last three to four years, we have planted four and a half million trees and we have this confected nonsense over 6,000 of them. Let me say now that these trees will be using bore water or recycled water.

**MR SPEAKER:** The member's time has expired.

**MR SPEAKER:** Do you have a supplementary question, Dr Foskey?

**DR FOSKEY:** Yes, thank you, Mr Speaker. Could the Chief Minister then please outline the measures that will be taken to protect these seedlings from wind and exposure to sunlight so that we do not lose the benefits of this considerable investment in money and labour?

**MR STANHOPE:** Wind and sunlight and trees. One of the reasons we are planting those trees and planting them now is that they were ordered and acquired over a year ago at a time when we had some expectation that we might, or hope that we might, have a reasonable season; that we would not slip from a good year of rainfall and climate back into a bad year, as we have. To that extent our crystal ball failed us and we had acquired these 6,000 trees. If we had our druthers, if we had our time again, I would suggest that we would not be planting these trees now. But they were acquired in anticipation that we would not run from an El Nino drought into a good year of above-average rain into another El Nino drought. It is quite a remarkable climatic circumstance we find ourselves in—in El Nino, out and back in so quickly. It is an unusual circumstance to have an El Nino separated by one good year.

To the extent that we, perhaps in hope and expectation that we might have a second season, acquired, as one does, trees of this sort, of this type, one has to order these trees, particularly in the quantities that we were purchasing them. They have been sitting out at the Yarralumla nursery awaiting the weather, which never arose, as we waited through September, as we waited through the driest October on record, as we waited for a change in circumstance that did not arrive—until now; we have had our 40 millimetres this month as we head perhaps towards average rainfall for the month of November. If the time is right at any time in this particular season, it is probably now, if it is ever going to be right.

Those experts that were utilised, and the experts we utilised in relation to this project, are the experts at the Yarralumla nursery, first and foremost in the ACT for expertise in trees and the planting of them. Their advice to us—the advice on which we relied—was that these 6,000 trees will to the best of our human capacity be maintained, and we hope will survive, over this summer with the addition of somewhere over a thousand millilitres, I think—that amount of water that four or five households utilise



in a year; that amount of water that 10 people consume in a year, except, of course, that this will be non-potable, non-consumable water. It will be bore water or grey water from the lower Molonglo—the same amount of water used by 10 people in a year.

**Mr Smyth:** Ten people or 10 households?

**MR STANHOPE:** That is our advice. That is the advice of Professor Peter Kanowski and that is the regime of those whom we have hired and on whom we will rely to keep these trees alive and water these trees. I am not an arborist or a forester. I and the ACT government rely on advice. We have plenty of advice available to us. This is a project with enormously broad support, with tremendous application. Indeed, the Vice-Chancellor of the Australian National University just in the last two weeks has approached me with a prospect of entering into a memorandum of understanding with the ACT government for a joint future collaborative research project in relation to the enormous scientific benefits that the arboretum will present, and I look forward to negotiating and finalising that memorandum of understanding with the ANU so that we can better understand some of the implications of climate change on trees, on our capacity to grow them and keep them alive.

To suggest that climate change will not impact on those species that were previously planted here in the territory is naive. This arboretum potentially will have enormous scientific and other benefits for this region of Australia in the context of research that we can do through it, mindful of the fact that over time there have been up to 35 or 36 arboreta in the ACT, planted and designed for the very purpose of allowing scientific research into the different capacity and potentiality of different species of trees. The ANU recognises that and the ANU recognises the enormous benefit that this arboretum can provide. It is an approach from the vice-chancellor to me that has now precipitated the negotiation of a memorandum of understanding on the joint capacity for research, with a mind and eye to the future, to climate change and the different capacities of different trees in this environment. (*Time expired.*)

### **Bushfires—parks brigade**

**MR SMYTH:** My question is directed to the Minister for Territory and Municipal Services. Minister, I refer to your quote in the *Canberra Sunday Times* on 5 November about the future of the parks brigade, when you said, “I don’t give a rat’s arse if the request comes from God; it’s not going to be responded to.” We are in the early stage of what is anticipated by experts to be the worst fire season since 2003. If a fire starts in the Namadgi national park, for instance, the parks brigade will be the first unit to respond. Minister, why will you not respond to questions about the future of the parks brigade, given the important role it plays in fighting bushfires?

**MR HARGREAVES:** I make the point that Mr Smyth is up to his old tricks again, quoting out of context. I indicated to the chamber earlier today the context in which that remark was made—it was about the demands placed on the public service to provide information with 15 minutes notice before they were to go home. In fact, if Mr Smyth were totally honest, he would quote the rest of that article and indicate to the Assembly that in fact that information was provided. It was provided to that report and it was provided by my office. I totally reject Mr Smyth’s assertions entirely.

**MR SMYTH:** Mr Speaker, I have a supplementary question. Minister, how will you fulfil the obligations that you acknowledged in the bushfire operational plan that you mentioned earlier? How will you fulfil the obligations of the bushfire operational plan if firefighters have to respond to Namadgi during this bushfire season?

**MR HARGREAVES:** We will comply. We will be able to satisfy Mr Smyth's request through the instigation of the bushfire operational plan, which has been approved by the Commissioner of the Emergency Services Authority.

### **Taxis—services**

**MR SESELJA:** My question is to the Minister for the Territory and Municipal Services. There has been considerable discussion about the introduction of a new taxi network in the ACT. What due diligence has been carried out? Will the due diligence carried out serve as a guarantee of the ongoing, long-term viability of the new network for taxi owners and operators who might join that network?

**MR HARGREAVES:** I presume Mr Seselja is talking about the application before the department at the moment for the creation of new network. Clearly those conversations with the applicant are not completed at this point. There are many issues which need to be satisfied in the context of accreditation, such as business probity issues.

I remember in 1998 or 1999 the emergence of the yellow taxis system. Mr Smyth was minister at the time. He was very supportive of it and almost approved it. When the probity check on that company was done, I received a copy under the Freedom of Information Act. That copy was merely a letter from a business manager saying that the applicant was a good bloke. There was no reference to financial capability. There was no reference to whether or not the business that he was proposing was able to do it. There is no way in the wide world we are going to go down that track again.

There are probity issues which need to be determined, including whether or not the company has a financial sustainability to be able to push the network forward. We have to determine whether or not they have the capability to run a network at all in the context of the same accreditation standards as Aerial has to satisfy. We have to satisfy ourselves that the vehicles that would be attached to that network can be equipped with the radio systems that we require before those cabs can go on the road. There are a whole range of issues.

I can advise the chamber that those conversations are ticking along quite nicely. Predominantly the standards have been achieved, but I cannot go into the details, nor will I until that process has concluded. It is quite inappropriate to do that. I can say this: I am hopeful that the second network will be up and running, my guess is, just after Christmas. We are aiming at just before Christmas. Being realistic about these things—I would not want to build people's hopes up too much—I am hopeful that we can have some competition in the marketplace shortly after Christmas.

## Schools—closures

**MRS DUNNE:** My question is to the Minister for Education and Training and relates to the establishment of P to 10 schools in Amaroo, Holt and Harrison, amongst others. In July 2005 when your predecessor announced the closure of at least five schools in west Belconnen, to be replaced with a P to 10 school, she told the Canberra community that P to 10 schools were to be the Stanhope government's preferred model of education. The minister pointed to the apparent success of schools in Amaroo and plans to build another in Harrison. In *Towards 2020*, however, we see proposals over and above the conventional K to 6, 7 to 10 and 11 and 12 schools and the more recent P to 10 school to introduce 7 to 12 schools, which have not been seen in Canberra since 1973, and, on top of those proposals, 9 to 12 schools, 5 to 8 schools, 6 to 10 schools, P to 3 schools and P to 4 schools. Minister, this year, what is the Stanhope governments preferred model of education?

**MR BARR:** I thank Mrs Dunne for the question. It is good to see her up on the back bench. It is important to look at what the government has put forward in the context of its being a proposal. We have a variety of schooling structures within our system. We have always had that variety. There are some new configurations that we have put forward for discussion, and we are having that discussion with the community at this point. Those discussions will conclude on 6 December and the government will then make decisions around future schooling structures.

However, it is important to note that all of the models that the government has put forward are, in essence, operating within the system at the moment. We have early childhood schools already. We have schools with a middle schooling focus already. The one area where we are proposing to put some choice into the public education system is, as Mrs Dunne has identified, in relation to 7 to 12 schools. I would reject the assertion that they have not been seen in the ACT since 1973. I think there is a large number of 7 to 12 schools currently operating in the ACT in the private sector. So the model is not unheard of.

The question we have posed is: is there room in the public education system for 7 to 12 schools? Not to replace the college system, a system that we very strongly support, but is there room within the public education system for some additional choice and for there to be some 7 to 12 government schools? That is the question that we have posed. It would be fair to say that in particular regions of Canberra there is more support for that proposal than there is in other regions of the city. The government has acknowledged that and will take all of that feedback into account when making its decisions in relation to the proposals that it has put forward.

I do think that it is a little bit disingenuous of Mrs Dunne to assert that there has to be a one-size-fits-all model. There does not. The government has preference for a degree of flexibility across the system, looking at the particular regional differences that occur in our city. We are having discussions at a regional level with local communities around preferred models of education. It is important to know that all of the models that the government has put forward are, in essence, already operating. We have early childhood and we have schools with a middle schooling focus.

The only one that is slightly different is the extension of years 11 and 12 in a secondary school format but, as I have indicated, that used to operate in the ACT and currently operates in the private sector. So it is not some radical new proposal that has not been heard of before. We are engaging in a conversation with the community around that proposal. If there were not strong support for it, the government would not go ahead with it.

**MRS DUNNE:** Could the minister explain to the Assembly where there is in the ACT a stand-alone middle school of the sort proposed for the Melba cluster?

**MR BARR:** There isn't a stand-alone middle school in the ACT system at the moment. There are, however, a number of schools that do have a middle school program and do seek, if you like, to have a middle school focus within discrete buildings within their overall structure. As I said, in essence what the government has put forward are not models that are significantly different from those that currently operate within the system. However, as Mrs Dunne has identified, there was a proposal, one of a series of options put forward for the north-west Belconnen region, for a stand-alone middle school and we have been receiving feedback on that proposal. It is one on which there are mixed views in the community, I acknowledge, and we will take all of those views into account when making our final decisions at the conclusion of the consultation process.

### **Schools—closures**

**MRS BURKE:** Mr Speaker, my question is to the minister for education. Minister, submissions about the so-called school renewal program, *Towards 2020*, were due on Friday, 3 November. When will those submissions which have been cleared by the submission makers for publication be made available to the public, and by what means?

**MR BARR:** I thank Mrs Burke for the question. As members would be aware, we asked for written submissions to be provided by 3 November. I have, however, extended that deadline to the conclusion of the consultation process on 6 December. I felt it was important that anyone who may have missed the original deadline who still wanted to provide feedback to the government could do so right up until the conclusion of the consultation process on 6 December.

A number of organisations have already made their submissions public by publishing them on their own websites. Depending on the format in which submissions have arrived, the government is able to make a large number of them available on line and we will seek to do so. There are others that may, for varying reasons, take a little bit longer to get on line.

It would be my intention that the submissions that were marked for public release will be available on the *Towards 2020* website. There are, however, a large number of submissions that are private. The people who submitted them have indicated that they wish those submissions to remain private.

The government will, of course, as part of its consultation report, make all of the information that has come in by way of submissions—where it has been indicated that that is to be publicly available—available at the conclusion of the consultation process.

**MRS BURKE:** Mr Speaker, I think the minister may have just answered my supplementary question. Just to clarify, are you going to be, therefore, making those available on or about 6 December?

**MR BARR:** Certainly the government will make those submissions available, where the people who have submitted them have indicated that they wish them to be made available. It will do so at the conclusion of the consultation process. I will not give an absolute commitment that it will be close of business on 6 December, but it will be shortly after, at the conclusion of the consultation process.

**Mrs Dunne:** People can say, “I want this published,” but you will not publish it.

**MR BARR:** Some people have preferred that their submissions remain private, and they have indicated that.

**Mrs Dunne:** That is all right. But for the people who have said they want them published, you will not publish them?

**MR BARR:** Yes. We will publish them.

**Mrs Dunne:** But not during the consultation period.

**MR BARR:** No. I am indicating that we will do so at the conclusion of that process. Those submissions are still being received, as I have extended the period for them to be received. Clearly, there is nothing preventing organisations from publicly releasing their own submissions, and a large number have done so.

**Mr Smyth:** But you will not be putting them on the web.

**MR BARR:** We will be making that information available on the website at the conclusion of the consultation process when the government makes its decisions in relation to the 2020 proposal.

## **Arts funding**

**MR MULCAHY:** My question is to the Chief Minister. I placed a question on notice during the estimates committee hearing on 22 June this year regarding the budget split for arts funding in the 2006-07 budget. In your answer, you stated:

The figures for the budget split for the ACT Arts Fund, the ANU Faculty of Arts, the Cultural Council, the government’s arts facilities and public art are not yet available. The figures will be provided as soon as they are available.

I do not appear yet to have received these figures, despite several follow-up calls to your office, the latest being on 20 September, and the receipt of repeated assurances

from your people that an answer was to arrive imminently. I ask you in the Assembly: can you detail the 2006-07 budget split for the ACT Arts Fund, the ANU Faculty of Arts, the Cultural Council, the government's arts facilities and public art?

**MR STANHOPE:** I thank the shadow Treasurer and shadow minister for the arts for the question. I apologise at the outset. I was not aware that this was an issue that you were keen to pursue. I beg your pardon. I do not think I can help you today. I do not have those figures with me.

**Mrs Dunne:** It was a question on notice. You had five days to answer it.

**MR STANHOPE:** No. I answered it. You did not listen to the question. You should always listen to your own faction members, at a minimum, and not embarrass them publicly by contradicting them. There is some unity required at least at a factional level, if not at an organisational level. You must get the fundamentals right so that you can again begin to build unity.

**Mr Corbell:** Can she become opposition whip for the third time?

**MR STANHOPE:** This is the third occupant of the deputy opposition leader's seat in six months. It would be an Assembly record to have two leaders and three deputies in the space of five months. It is quite remarkable. As I said this morning, congratulations, Mrs Burke. I certainly wish you well. It is a singular honour which your colleagues have done you, albeit in circumstances that you might otherwise have preferred. Again, commiserations, Mr Mulcahy, on your rather sudden and as yet unexplained demise.

**MR SPEAKER:** Come to the subject matter of the question.

**MR STANHOPE:** I will come to the subject matter. The community deserves some explanations of these shenanigans. It behoves the Leader of the Opposition to let us all in on the secret.

I apologise that I have not provided that information to Mr Mulcahy. I will make it a matter of some urgency within my office.

**MR MULCAHY:** Thank you, Chief Minister, for agreeing to that. You might also ascertain why it has taken so long to answer this relatively simple question regarding a matter that I would have thought should have been prepared prior to the 2006-07 budget being handed down.

**MR STANHOPE:** I am duly chastened. I will pursue the matter. I will provide as full an explanation as I can.

### **Water—sustainable supply**

**MS MacDONALD:** My question is to Mr Stanhope as Chief Minister. Could the Chief Minister please outline for the Assembly how the ACT government's water policy encapsulated in its resource management strategy, think water, act water,

demonstrates the government's commitment to securing a sustainable water supply for the ACT over the long term?

**Mr Pratt:** Judging by the sprinklers on during the day—waste water.

**MR STANHOPE:** It is good to see that steel-trap mind there hard at work, Mr Pratt, though I must say that Sherlock Holmes is rather flattering. Inspector Clouseau we all immediately identified with—

*Members interjecting—*

**MR STANHOPE:** but Sherlock.

*Members interjecting—*

**MR STANHOPE:** The Pink Panther; Inspector Gadget; Inspector Clouseau certainly strikes a chord.

**MR SPEAKER:** Come to the subject matter of the question, please.

**MR STANHOPE:** I thank Ms MacDonald for the question. It is an important question. At this stage there is nothing occupying the minds of Canberrans and Australians more than water and water policy. I am pleased that the ACT government, since its election and during this term, has made water and water resource management within the ACT a major priority. We have taken a raft of decisions to ensure short, medium and long-term policies are in place to ensure the security of water supply within the ACT. We have done that, of course, as a result of a combination of both this long and now—in the opinion of the Australian Bureau of Meteorology—the worst drought in recorded Australian history.

The last briefing I had from the Australian Bureau of Meteorology at the last meeting of the Murray-Darling Basin Commission was that at that stage, which was just three or four weeks ago, the Bureau of Meteorology were not yet convinced that this particular drought could be described fairly as harsher or worse—in the context that droughts are worse—than the federation drought of 1902 or thereabouts, but they did feel that if we did not receive average rainfall between then and the end of summer they would be characterising this as the worst drought in recorded Australian history.

As a result of that and, of course, the continuing impacts of the 2003 bushfire on our catchments, the government has over this last four years taken a significant range of steps, not just through the development of a water resource policy think water, act water but through the development, establishment and construction of significant additional infrastructure at very significant cost. I do not have the final dollar amount in terms of investment over the last three years in water infrastructure in the ACT but it is of the order of \$80 million, which is a massive investment by ACTEW in water infrastructure. We have committed and spent nearly \$80 million now to ensure that we have a water treatment capacity that will meet the needs of a city the size of Canberra. It is sobering to reflect that prior to the 2003 fire we did not have the capacity in water treatment to treat water for our entire population, which was a shortcoming that has now, for the first time, been dealt with.

Similarly, through the establishment and implementation of think water, act water, we set ourselves some significant targets in terms of mains water use reduction and the increased use of waste water. We are making very good progress on each of those. The implementation of permanent water conservation measures has achieved through its first year the targets we set for it, which puts us well and truly on the way to achieving that reduction in per capita use of mains water. Similarly, we have significantly increased the use of waste water within the urban environment, remembering always, of course, that we lead the nation in the context of recycling and returning recycled water to the environment because of the closed nature of our system. We are an inland city with major water treatment works that treat 50 per cent of all the water that we take. That is something that no other city in Australia does, or no other city of this size does, to the extent or capacity that is exhibited here, primarily because they are on the coast and do not treat and reuse or recycle their water.

The ACT now recycles back into the Murray-Darling Basin system 50 per cent of all the water we take. We gross about 65 gegalitres and we return 32 gegalitres of water every year. In addition to that, through think water, act water the government continues to support a range of programs and supports for the better use of water within our community.

**MS MacDONALD:** I ask a supplementary question. Could the Chief Minister also elaborate on what regional and national forums the ACT participates in?

**MR STANHOPE:** I thank Ms MacDonald for the question. The ACT government actively participates in regional and national fora designed to ensure that we act collegiately and together as a region and as a nation in relation to water and water reform.

That is headed up, of course, by our participation in the Murray-Darling Basin initiative. I am pleased to say that in the last three months the ACT, for the first time, has become a full participating member of the Murray-Darling Basin Commission. We previously had observer status. At the last meeting of the Murray-Darling Basin Commission we were granted full membership. Canberra is the major urban centre in the Murray-Darling Basin and I am pleased that the ACT government has now been afforded full membership, which of course allows us to participate fully in decision making in relation to the Murray-Darling.

There are some aspects of the management and of the commission's work that the ACT government does not participate in. The ACT does not take water. We have no water allocations that are of concern. We have not overallocated, as the other jurisdictions do. There is a range of subject matters within the commission's function in respect of which the ACT is not a participating member.

The ACT government is also participating in the national water initiative. We were a party to the establishment of the National Water Commission and participate actively in relation to, for instance, appointments to the commission and its membership. As I have previously announced, as part of the national water initiative the government has lodged a submission with the National Water Commission for funding for projects



within the Australian Capital Territory under a \$1 billion commonwealth-sponsored project, and I look forward to a positive outcome to that application.

The ACT government supplies the regional management framework for formal cross-border arrangements between the ACT and New South Wales governments in relation to cross-border water issues. These are significant ongoing issues and we have managed to successfully negotiate a range of agreements and arrangements in relation not just to cross-border water but more important issues that dictate the use of water and determine the use of water in cross-border regional settlement agreements and cross-border planning strategies.

The ACT government participates fully in relation to all these fora. Indeed, through our own work within the territory in the development of our own water strategy, we are actively pursuing a secure water future for the Australian Capital Territory.

### **Sustainable transport plan**

**MS PORTER:** Mr Speaker, my question is to the Minister for Planning. Minister, last week you launched the TravelSmart Belconnen project. Can you tell the Assembly the benefits of this program and how this will contribute to achieving the government's sustainable transport plan?

**MR CORBELL:** I thank Ms Porter for the question. TravelSmart is a key sustainable transport initiative and was identified as such in the government's sustainable transport plan, which encourages Canberrans to think about their travel needs and reduce their car use wherever possible. This is a vital measure if we are to tackle the issues around global warming and climate change in our community at a local level. Walking, cycling or catching the bus is encouraged. There are many ideas to reduce car travel, such as combining a number of trips to make a single current journey, working from home, teleconferencing and a range of other measures.

The TravelSmart Belconnen project, which I launched last week, is the single largest project of its type in the ACT. It is aimed at helping 11,000 households across Belconnen to tackle global warming by changing their travel habits. The TravelSmart Belconnen project is a large-scale voluntary travel behaviour change project intended to encourage residents to get out of their cars and use healthier, more sustainable modes of transport for some of their journeys. It involves 11,000 households. They will be in the Belconnen town centre, Charnwood, Dunlop, Evatt, Florey, Flynn, Fraser and Melba.

The project is jointly funded by the ACT government and the Australian Greenhouse Office in the commonwealth Department of the Environment and Heritage. Suburbs in the Belconnen district have been selected to participate in the project because there is a good variety of transport alternatives, including walking and cycling path infrastructure. It is an established district with over 80,000 residents. That makes it suitable for a large-scale project involving 11,000 households. The district has 25,000 jobs, 9,000 tertiary student enrolments and significant local shopping opportunities. This means relatively short travel distances for many households. Therefore this opens up choices for encouraging householders to leave their cars at home and use alternative transport modes.

TravelSmart Belconnen will provide householders with personalised information and support to help them change their travel habits, encouraging them to explore various travel alternatives to the car, such as cycling, walking or public transport, or to make smart choices such as combining several trips into one journey.

Participation in TravelSmart can save householders time and money. It obviously helps promote exercise; reduce health problems such as stress, obesity, heart disease and depression; reduce traffic problems; and improve the environment. To date more than 3,000 households in the project area have been invited to participate in the project and about 45 per cent of those have agreed to participate. That is an excellent take-up rate. The project is expected to reach all 11,000 households in the Belconnen area, including the town centre and the seven other suburbs, by the end of the year.

These projects work. Similar TravelSmart projects have been implemented in several Australian cities and have seen a shift of between five and 14 per cent from private car usage to sustainable modes of travel. This is the first time we have done it on such a scale here in Canberra, and we certainly hope to match or outdo the shift we have seen in other jurisdictions.

**MS PORTER:** Minister, what other TravelSmart projects have been undertaken in the ACT?

**MR CORBELL:** This is not the first TravelSmart project that has been put in place in the ACT, although the Belconnen project is the single largest. To draw members' attention to some others, there was a workplaces pilot which targeted employees in different government office buildings. That resulted in travel option plans being developed which employees in a workplace can use to change their travel behaviour. Plans were developed for people in the ACT Planning and Land Authority itself, approximately 370 staff; the Department of Urban Services, as it then was, approximately 500 staff; and the Department of Defence at its Russell Offices, approximately 6,800 staff.

In addition, a TravelSmart schools and commuter project was undertaken. It is an ongoing project and is an expansion of the existing walking school bus program being conducted by the YWCA. The commuter element of this project targets 20 large workplaces. A series of three information sessions will be held in each of these workplaces to inform and support employees to utilise healthier, more sustainable modes of travel. Other TravelSmart projects that have been conducted in the past are the households on the move and the way to go programs.

We do undertake evaluation of these projects. The evaluation that was conducted on the households on the move project found, amongst other things, that, even with a very small sample of households, statistically significant differences were able to be detected between some aspects of travel for the target and control households in the projects. That really does hold considerable promise when we look at the larger samples that will be used for full-scale projects such as the Belconnen one.

At the end of the day, these are practical and progressive measures that the ACT government is putting in place to tackle the issue of greenhouse gas emissions.

Change in travel behaviour is one of the most significant ways that we can tackle energy use in the city, and projects such as TravelSmart play a very important role in getting those changes happening.

**Mr Stanhope:** Mr Speaker, I ask that all further questions be placed on the notice paper. I do wonder, Mr Speaker, whether it would be disorderly of me to suggest, having regard to the rather oppressive atmosphere in the chamber, that all members turn to the member closest to them and offer him or her the sign of peace—peace be with you.

## **Answers to questions on notice**

### **Question Nos 1249 to 1300**

**MR SMYTH:** Mr Speaker, I rise under standing order 118A. I have 48 questions on the notice paper, ranging from question No 1249 to question No 1300, that are unanswered by the Minister for Business and Economic Development. I wonder whether he has an explanation as to why they have not been answered.

**MR STANHOPE:** I understand, Mr Speaker, that the questions are indeed incredibly extensive. The resources required within the department at the time of transition were quite massive. The answering of the questions has demanded an enormous amount of time, energy and resource, probably will be at a cost of some thousands of dollars to the taxpayer and simply has not been able to be achieved to date.

If a member asks 100 questions in rote, demanding an answer on every page of a massive document, I do not think it is appropriate for me to require that they be answered immediately. The shadow minister asked a question on just about every page of the economic white paper. The cost of answering these questions probably will be thousands of dollars and I simply am not requiring of my department that they treat answering questions asked in that rote manner as a matter of priority.

## **Papers**

**Mr Speaker** presented the following papers:

Study trips—Reports by—

Mr Berry MLA—Reproductive Choice Australia Forum—Melbourne, 23 October 2006.

Mr Seselja MLA—Menzies Research Centre policy think-tank—Sydney, 6 and 7 September 2006.

## **Executive contracts**

### **Papers and statement by minister**

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present the following papers:

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

Contract variations:

Brett Phillips (2), dated 27 and 29 June and 20 October 2006.

Danielle Krajina, dated 15 September 2006.

Kuan Yian Sim, dated 5 October 2006.

Long-term contracts:

Catherine Hudson, dated 3 April 2003.

Short-term contracts:

Adam Stankevicius, dated 19 September 2006.

Athol Morris, dated 18 September 2006.

Bernadette Maher (2), dated 18 October 2006.

Brett Phillips, dated 20 October 2006.

Chris Maguire, dated 28 June 2006.

Danielle Krajina, dated 8 July 2006.

Derek Jory, dated 28 and 30 June 2006.

Dita Hunt, dated 22 September 2006.

Greg Ellis, dated 27 and 29 September 2006.

Hugh Jorgensen, dated 25 and 28 September 2006.

Jeremy Lasek, dated 27 September 2006.

Jon Quiggin, dated 26 October 2006.

Martin Hehir, dated 5 October 2006.

Maureen Sheehan, dated 26 October 2006.

Pauline Brown, dated 26 October 2006.

Tony Brown, dated 6 October 2006.

Trevor Clement, dated 3 October 2006.

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

Leave granted.

**MR STANHOPE:** Mr Speaker, these documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 17 October 2006. Today, I have presented one long-term contract, 18 short-term contracts and four contract variations, the details of which will be circulated to members.

### **ACTTAB Ltd—statement of corporate intent Paper and statement by minister**

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present the following paper:

Territory-owned Corporations Act, pursuant to subsection 19 (3)—Statement of Corporate Intent—ACTTAB Limited—1 July 2006 to 30 June 2007.

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

Leave granted.

**MR STANHOPE:** Mr Speaker, as required by the Territory-owned Corporations Act 1990, I have tabled ACTTAB's statement of corporate intent. The act specifies that it be tabled in the Assembly within 15 days of its being received. The statement of corporate intent outlines ACTTAB's commercial objectives and main undertakings and provides a performance report on each of ACTTAB's products in 2005-06, along with a forecast for 2006-07. It also provides a financial forecast for 2005-06 and the four outyears and details the strategic objectives of the organisation. I commend the statement of corporate intent to the Assembly.

### **Consolidated financial report Paper and statement by minister**

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Financial Report for the financial quarter and year-to-date ending 30 September 2006.

I seek leave to make a statement on the paper.

Leave granted.

**MR STANHOPE:** Mr Speaker, I have presented to the Assembly the September quarterly management report for the territory. This report is required under section 26 of the Financial Management Act 1996. As part of the 2006-07 budget, the ACT government moved to using government finance statistics as its key budget measure. The September quarterly report is the first such report to be prepared on the government finance statistics basis.

At the end of September 2006, the net operating balance for the general government sector was a surplus of \$126 million. This result for just a single quarter should, of course, be interpreted cautiously as the results from quarter to quarter can be quite volatile. Nevertheless, the outcome is broadly consistent with the budget forecast of an \$80 million deficit for the year as a whole.

It should also be recognised that the September quarter results were influenced by the fact that a considerable amount of revenue for the year is recorded as a lump sum in September, boosting the budget outcome in that quarter at the expense of the remaining three quarters of the year. The September quarter result was also boosted by the impact of revenue from several large commercial property transactions.

Year-to-date expenditure is broadly in line with the budget estimates. In saying that, I also note that the rate of expenditure tends to increase in the second half of the year and this may offset the increases in revenues being demonstrated in the year-to-date figures.

In the 2006-07 budget the government changed the reporting of our headline budget indicators from an Australian accounting standards basis to a government finance

statistics basis. This report reflects that change in accountability, with the September quarter financial report being the first quarterly report to be prepared on a GFS basis.

The Financial Management Act, however, still requires the preparation of the territory's budget to be in line with generally accepted accounting practice. For this reason, Australian accounting standards statements are still being prepared and reported on in the quarterly consolidated financial report. This dual level of reporting may need to be continued until such time as the accounting standards are fully harmonised with the government finance framework. That will be in the 2008-09 financial year for the general government sector. Mr Speaker, I commend the report to the Assembly.

## **Notifiable instruments**

### **Papers and statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following papers:

- Director of Public Prosecutions Act, pursuant to subsection 20 (6)—
- Director of Public Prosecutions Direction 2006 (No 1)—Notifiable instrument NI2006-390, including an explanatory statement.
- Director of Public Prosecutions Direction 2006 (No 2)—Notifiable instrument NI2006-356, including an explanatory statement.

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

Leave granted.

**MR CORBELL:** Mr Speaker, today I have tabled two directions I have made as Attorney-General to the Director of Public Prosecutions. I draw members' attention first of all to Director of Public Prosecutions Direction 2006 (No 1). This direction was issued on 24 October this year and was designed to provide the necessary legal support so that the paintball competition held at the Adventure Paintball range involving interstate competitors could proceed on the weekend of 28 and 29 October 2006.

Under the Firearms Act 1996 and the Firearms Regulation 1997, organising and participating in paintball competitions is a perfectly legal activity provided that particular safety requirements are complied with. Such competitions also bring with them economic benefits to the territory economy.

The legislation currently lacks provision for interstate competitors to bring their interstate-licensed paintball markers into the territory for the purpose of participating in a paintball competition. While a long-term solution will be achieved through legislative amendments, this prosecution direction met the immediate needs of the 28 and 29 October 2006 competition. This direction is fully compliant with the requirements for making such directions as set out under the Director of Public Prosecutions Act 1990. In particular, the Director of Public Prosecutions was consulted and supported the making of the direction.

I have also tabled today Director of Public Prosecutions Direction 2006 (No 2). This direction will replace a similarly worded direction which was made in 1998. The direction is designed to ensure that the provisions of the Medical Treatment Act 1994 remain effective, despite the enactment of the commonwealth Euthanasia Laws Act 1997. The direction will provide that the Director of Public Prosecutions must not proceed with a prosecution of a health professional in particular circumstances where the death of a person follows the withdrawal or withholding of treatment or provision of pain relief to that person by the health professional.

Recent events have prompted inquiries about whether the correct processes were followed in making the 1998 direction. The new direction reinstates the effect of the previous direction and is made in the same terms as the previous direction. The new direction is fully compliant with the requirements for making such directions as set out under the Director of Public Prosecutions Act 1990. In particular, the Director of Public Prosecutions was consulted by me and supported the making of the direction.

## Papers

**Mr Corbell** presented the following papers:

Civil Wrongs Act, pursuant to section 205—General Reporting Requirements of Insurers.

Land (Planning and Environment) Act, pursuant to subsection 29 (1)—Approval of Variation No 257 to the Territory Plan—Suburb of Crace, Gungahlin, dated 24 October 2006, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

Planning and Environment—Standing Committee—Report 21—*Variation to the Territory Plan N. 257—Suburb of Crace Gungahlin*—Government response.

## Land Development Agency—annual report 2005-06 Paper and statement by minister

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Land Development Agency—Annual Report 2005-06—Corrigendum.

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

Leave granted.

**MR CORBELL:** In the LDA's 2005-06 annual report it was reported that approximately 130 hectares were sold by way of direct grant in 2005-06 and approximately 70 hectares were granted to other government agencies. There was a calculation error in determining these figures. In fact, approximately 35 hectares were sold by way of direct grant for a

range of commercial, industrial, community and aged care activities, and approximately 61 hectares were direct granted to other government agencies.

## **Indigenous education Paper and statement by minister**

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations): For the information of members and in accordance with the resolution of the Assembly of 24 May 2006, as amended on 16 February 2006, I present the following paper:

Indigenous Education—Half yearly report—January to June 2006.

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

Leave granted.

**MR BARR:** This report covers the period January to June 2006. Many of the key indicators that we use to measure indigenous students' progress, such as literacy and numeracy outcomes, have not been finalised for 2006. Therefore, this report does not contain the detail that will be provided in the annual report covering the full 2006 school year. Nonetheless, there have been some pleasing developments in a few areas.

Mr Speaker, previous reports to the Assembly on performance in indigenous education have provided information about the on track program. This program was originally trialled as the Birrigai boys program in 2004. Through a grant from the community inclusion fund, the program was expanded and continued in 2005 as the on track program. The program is aimed at improving outcomes for Aboriginal and Torres Strait Islander primary school students in the areas of attendance, behaviour, self-identity, literacy and numeracy.

In 2006 there has been a further expansion of this program to include indigenous female students, and 19 students benefited from this program in the first six months of 2006. Another 15 indigenous female students from five north side high schools attended a leadership camp organised by year 10 indigenous students from Melba high school. The camp provided an opportunity for students to celebrate their culture and to learn from the elders who attended.

Opportunities for all ACT students to learn about and understand indigenous culture occurred through celebrations of National Sorry Day and NAIDOC Week and a new after-school program for indigenous students, managed in partnership between the Department of Education and Training and the Australian Catholic University, commenced. Participating students learn about aspects of their culture as well as enhancing skills in literacy and numeracy.

Mr Speaker, I believe these programs demonstrate the commitment of the government to improving outcomes for our indigenous students. Significantly, these programs focus not only on improving literacy and numeracy skills but also on the development of knowledge and pride in their rich cultural heritage. I commend this report to the



Assembly and look forward to reporting further on positive gains made by indigenous students in the next report.

## Papers

**Mr Corbell** presented the following papers:

### Annual reports

Annual Reports (Government Agencies) Act, pursuant to section 13—

ACT Cleaning Industry Long Service Leave Authority, dated 19 October 2006.

ACT Construction Industry Long Service Leave Authority, dated 10 October 2006.

### Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2006 (No. 7)—Disallowable Instrument DI2006-222 (LR, 23 October 2006).

Canberra Institute of Technology (Advisory Council) Appointment 2006 (No. 8)—Disallowable Instrument DI2006-223 (LR, 23 October 2006).

Canberra Institute of Technology (Advisory Council) Appointment 2006 (No. 9)—Disallowable Instrument DI2006-224 (LR, 23 October 2006).

Canberra Institute of Technology (Advisory Council) Appointment 2006 (No. 10)—Disallowable Instrument DI2006-225 (LR, 23 October 2006).

Children and Young People Act—Children and Young People (Children's Services Council) Appointment 2006 (No. 2)—Disallowable Instrument DI2006-226 (LR, 26 October 2006).

Gas Safety Regulation—Gas Safety (Appliance Worker Accreditation Code) Approval 2006—Disallowable Instrument DI2006-239 (LR, 30 October 2006).

Health Professionals Act and Health Professionals Regulation—

Health Professionals (Dental Board) Appointment 2006 (No. 2)—Disallowable Instrument DI2006-237 (LR, 30 October 2006).

Health Professionals (Pharmacy Board) Appointment 2006 (No. 3)—Disallowable Instrument DI2006-238 (LR, 30 October 2006).

Heritage Act—Heritage Register (Fees) Determination 2006 (No. 1)—Disallowable Instrument DI2006-220 (LR, 19 October 2006).

Justices of the Peace Act—

Justices of the Peace (Eligibility) Guideline 2006—Disallowable Instrument DI2006-216 (LR, 9 October 2006).

Justices of the Peace (Role) Guideline 2006—Disallowable Instrument DI2006-217 (LR, 9 October 2006).

Public Sector Management Act—Public Sector Management Amendment Standards 2006 (No. 1)—Disallowable Instrument DI2006-218 (LR, 11 October 2006).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2006 (No. 7)—Disallowable Instrument DI2006-221 (LR, 19 October 2006).

Tertiary Accreditation and Registration Act—Tertiary Accreditation and

Registration Council Appointment 2006 (No. 2)—Disallowable Instrument DI2006-219 (LR, 16 October 2006).

University of Canberra Act—

University of Canberra (Courses and Awards) Amendment Statute 2006 (No. 2)—Disallowable Instrument DI2006-235 (LR, 26 October 2006).

University of Canberra (Fees) Amendment Statute 2006—Disallowable Instrument DI2006-234 (LR, 26 October 2006).

University of Canberra (University Facilities) Amendment Statute 2006—Disallowable Instrument DI2006-236 (LR, 26 October 2006).

Workers Compensation Act—

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 1)—Disallowable Instrument DI2006-227 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 2)—Disallowable Instrument DI2006-228 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 3)—Disallowable Instrument DI2006-229 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 4)—Disallowable Instrument DI2006-230 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 5)—Disallowable Instrument DI2006-231 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 6)—Disallowable Instrument DI2006-232 (LR, 26 October 2006).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2006 (No. 7)—Disallowable Instrument DI2006-233 (LR, 26 October 2006).

## Griffith library

### Discussion of matter of public importance

**MR SPEAKER:** I have received letters from Mr Gentleman, Ms MacDonald, Ms Porter and Mr Pratt proposing that matters of public importance be submitted to the Assembly. In accordance with Standing Order 79, I have determined that the matter proposed by Mr Pratt be submitted to the Assembly, namely:

The importance of retaining the Griffith Library.

**MR PRATT** (Brindabella) (3.48): Mr Speaker, I rise today on behalf of a significant number of Canberrans who are outraged at the planned closure of the Griffith library. I draw the attention of this place to the petition tabled today containing over 2,500 signatures of constituents, mainly from the inner south, but also from all over Canberra who are vehemently opposed to the closure of this valuable asset to the community. I also acknowledge the hard work of the library users, the Griffith/Narrabundah Community Association and the Save Our Griffith Library Group, who have rallied support to try and retain the Griffith library.

In the absence of the government's figures—shades of the functional review!—I have ascertained from various sources my own information about the library and its performance. If we examine the rate of borrowing at the Griffith library, we will see that the number has not changed dramatically. However, the number of people who reserve books on line has increased over the years. A significant number of people now order their books on line and treat the library as a bit of a takeaway. They phone their orders in and they turn up to the library and take the books away. That is, they do not stay and browse.

So, yes, while the traffic flow through the place in terms of browsing and all those things that people like to do at libraries has declined somewhat over a number of years, the rate of lending has not changed all that dramatically. Indeed, it cannot be argued that the level of borrowing has declined so horrifically to justify the closure of the library.

Information technology will never replace books. People like their books and, in the main, prefer not to download masses of material online if they can borrow that material. A lot of people still like to get their hands on the good old crusty feel of a good book and reference material. They do not always have access to online services and they do not want to look just at an on line display. They like to be able to pick something up and photocopy bits and pieces out of it.

Why would the government pick on a small, but valuable, community facility such as the Griffith library? Why would it not consider alternative staffing arrangements—for example, some of the many library users who might be prepared to volunteer their services? Why not even think about perhaps reducing library hours if the matter is so critical? I still do not think it is all that critical, but have those sorts of options been considered?

Where is the value to the government in the sale or the disposal of this library? Is it in the land or the building? What will become of these premises? What is the grand plan that dictates the government's desire to close this service down that has resulted in a small nut being cracked with a large sledgehammer?

Let me just put to you the opposition's commitment, should we ever become government. I can assure this place and I can assure the community that if the government does go ahead in December with this abominable proposal to close the library, the ACT Liberals in the future will do everything possible to ensure that a decentralised library service is reestablished in the Griffith area to serve the inner south. We commit to the community that if we become the government we will reestablish that service in one way, shape or form. Even if you sell or bulldoze that building, we will look at ways and means of trying to return a service—

**Mr Hargreaves:** Another 500 grand on top of it.

**MR PRATT:** to those people in the inner south. I know that you, minister, and the Minister for Health might sit there and laugh about this.

**Ms Gallagher:** We are not laughing.

**Mr Hargreaves:** We are not laughing at you. We are just ticking it up.

**MR PRATT:** You do not give a stuff about the community. We know that.

**Ms Gallagher:** We are not laughing.

**MR PRATT:** No, that is okay. The opposition knows that you do not give a toss about the community. We take this matter very seriously.

During annual reports hearings, Mr Hargreaves, the Minister for the Territory and Municipal Services, the minister responsible, was quick to make light of the fact that many of the letters received by his office were from people living outside the inner south. It is very shallow and shortsighted of the minister to assume that the only people affected by the closure of the Griffith library live within cooe of the building.

Griffith library draws users from all over the inner south of Canberra and beyond because of its ease of access for children attending schools in the area, including three colleges, three high schools and six primary schools, as well as elderly and disabled residents of the inner south and other suburbs. The Civic and Woden libraries will not provide an adequate substitute for these library users who will undoubtedly be deterred from library use in the future by the horrific parking situation and time-consuming journeys experienced in accessing both of these centres, particularly under this regime, which is choking the living bejesus out of parking in other centres—

**Mr Hargreaves:** I raise a point of order, Mr Temporary Deputy Speaker. I ask Mr Pratt to withdraw the word that he just used. That is offensive. I think it is in the list.

**MR PRATT:** Which word is that?

**Mr Hargreaves:** The living—

**MR PRATT:** I beg your pardon?

**Mr Hargreaves:** I will quote Mr Pratt, Mr Temporary Deputy Speaker. He said “the living bejesus”. I think he should withdraw that word.

**MR PRATT:** Well, Mr Temporary Deputy Speaker, if you so judge, I will withdraw. Let us not waste our time here.

**MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman):** Continue, Mr Pratt.

**MR PRATT:** Thank you very much. A public library service is essential for the wellbeing of any community and it must be relatively accessible to everyone. This is yet another example of the Stanhope government’s slash and burn policy. The Canberra community is infuriated by this government’s shortsighted, money hungry policies that disadvantage those that can least afford it. We have talked about hospital pay parking, school closures, the closure of the ACT Shopfront and the failure to do

something over a number of years about the Tharwa Bridge, which now faces another two-year wait to get something put in place. The government has failed to do something about the amenity at Red Hill shops and a lot of other shopping centres. It has failed to do something about infrastructure and footpaths around our suburbs. It has failed to guarantee here today that TAMS—

**Mr Hargreaves:** I raise a point of order, Mr Temporary Deputy Speaker, as to relevance.

**MR TEMPORARY DEPUTY SPEAKER:** It is a matter of public importance, minister.

**MR PRATT:** I know the minister has to waste time and gag the opposition here today because we are putting points on the table that he cannot defend. He is so embarrassed by this ridiculous and stupid decision to shut the Griffith library that all he can do here today is to try and gag the debate. That is okay, minister. We understand your motive.

Mr Hargreaves was his usual flippant self when asked during annual report hearings why there was no consultation with the community. He replied to this effect: why would I bother when I know what the answer would be? Why would I bother to consult with the community when I know that the community is going to say, “No, we do not want our library closed. We do not see the justification in closing our library.” This was the response by the minister.

Minister, consultation occurs before you get to the point of making a decision. You do not consult with the community when you have decided that you are going to shut something. But that is the pattern that has been set by this minister’s government in terms of the school closures program.

The very short period between informing the community about the proposed closure and the closure date is inexplicable and just confirms that this government does not want to consult with the community on anything. They will just steamroll their way through. Add the insult of the Griffith library closure to the injury of the proposed school closures program to understand how this government governs.

This is not good governance. This is not community consultation. These are terrible decisions that strike at the heart of our community. As we have seen with the decision to close schools, it is scratching away at the fabric of ACT society and it will kill off decentralised services. It is decentralised services in our community that retain the lifeblood of our community. Today we are seeing an attack on the heart and soul of our community.

I just want to quickly read some comments by my colleague Mrs Dunne, the member for Molonglo, who is also deeply concerned—

**Dr Foskey:** No, Ginninderra.

**MR PRATT:** I am sorry. What did I say?

**Mr Smyth:** You said Dunne. It is Mrs Burke.

**Mr Hargreaves:** You do not know what you said. Would anybody else like to tell him what he said?

**MR TEMPORARY DEPUTY SPEAKER:** Order!

**MR PRATT:** I withdraw Mrs Dunne. I insert Mrs Burke, the member for Molonglo. Mrs Burke is stricken by laryngitis and I will speak on her behalf. Mrs Burke points out that, as one of the members representing the community in this case, she was disappointed to hear of the Stanhope government's intention to close the Griffith library. She points out:

One comment that strikes a chord is that residents feel a sense of deprivation, especially when this government made clear its intent to continue to maintain the Griffith library.

She goes on to say:

In part, the Griffith library is quite popular due to its ease of access, especially for children who live in the neighbourhood or attending schools in the area, as well as elderly residents.

This unique facility tends to draw users from all over inner Canberra. The Civic and Woden Libraries will not necessarily provide an adequate substitute for the Griffith library users who may be deterred from accessing the town centre libraries, as patrons may experience parking difficulties or time-consuming journeys experienced via our somewhat disparate bus services.

This MPI is the last possible way for the Liberal opposition, on behalf of its constituency, to persuade the government to revisit its decision.

Mrs Burke asks for details of the review that justify the minister's decision to close the library. She asks:

Did the review really take into account the importance of essential services like libraries to small communities such as Griffith and its surrounds?

What mechanisms were observed to measure usage of the Griffith library? Were library user numbers monitored over a longer period or just in the short term? How was visitation measured to obtain an accurate snapshot of how visitors used the facilities or the number of books borrowed?

According to Mrs Burke, there is a valid point to be made here about our community libraries. We all know that people do not always access a library simply to borrow a book. Patrons often like to browse or read a book or magazine, photocopy a recipe or research a travel destination, just to name a few activities.

Mrs Burke is deeply concerned about what is happening to this library. What is going to happen? Will those who live in the inner south of Canberra so easily drive to Woden? Are they going to so easily drive to Civic to access their library services? The people of Narrabundah, Forrest, Manuka, Red Hill and Kingston like to be able to go down to their local community library.

**Mr Hargreaves:** What about Weston?

**MR PRATT:** They like to be able to go in and browse. Do not talk about Weston. The fact that you might be concerned about Weston is no justification for denying a service to the people of Griffith. That is what you are doing, minister. Slowly but surely you are removing decentralised services. You are removing another frontline service. You are denying the people fundamental services.

If you want to save money in territory and municipal services, what about attacking waste in that department? What about attacking the bureaucracy and streamlining the waste? Frontline services, such as the ACT Shopfront and the TAMS Parks Brigade are threatened. The number of rangers in the Parks Brigade has been reduced. Now the Griffith library is to be closed. Why are these frontline services being cut at the expense of bureaucracy? It is because there are 2,500 additional public servants and this government has allowed bureaucratic waste to get beyond its control. It has been asleep at the wheel and now it cuts frontline services.

It is a disgrace. The residents of Griffith will now be denied their library because these people cannot govern. They waste. They cannot govern, and the people suffer. (*Time expired.*)

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (4.03): Firstly, before I go into the detail of this I would like to ask Mr Pratt if he would have the courage to list for this Assembly those areas of the Department of Territory and Municipal Services he says are bureaucratic waste. I do not believe he can. I do not believe he knows about it.

**Mr Pratt:** What about the \$80,000 bike shed at Macarthur House?

**MR TEMPORARY DEPUTY SPEAKER:** Order, Mr Pratt!

**MR HARGREAVES:** He does not know a thing about it; it is just a very easy attack on a defenceless bureaucracy, and that is so typical. I will give you an example. Last weekend Mr Pratt attended a rally at Griffith. That is fine; I have no problems with that. However, what I do have a problem with is his going into the library afterwards. Mrs Burke also did so and she was quite okay; she spoke to the patrons in there in quite a civil fashion, and I have no difficulty with that at all. Mr Pratt, on the other hand, asked to speak to the OIC. He introduced himself to her and then said he would be really interested to know the details of how and why the decision to close Griffith library was made. He knows the protocol of members speaking to ministers: you do not speak to the public servants directly. Furthermore—

**Mr Pratt:** I raise a point of order, Mr Temporary Deputy Speaker.

**MR HARGREAVES:** You cannot take it, can you?

**MR TEMPORARY DEPUTY SPEAKER:** Resume your seat, minister. Mr Pratt has a point of order.

**Mr Pratt:** That claim is a lie and I would ask the minister to withdraw it—

**MR HARGREAVES:** No. Mr Temporary Deputy Speaker, I shall continue.

**Mr Pratt:** before we get into deeper and hotter water about this issue. I would ask him to withdraw that claim. That claim is a lie. I did not ask people to brief me about the services of the library.

**MR TEMPORARY DEPUTY SPEAKER:** Mr Pratt, you know the use of that word is inappropriate in this place. I have already called you to order once. I do not want to have to do it again.

**Mr Pratt:** I will withdraw the word “lie”. I stand by the principle of what I discussed.

**MR HARGREAVES:** Mr Temporary Deputy Speaker, on the point of order: I am happy to continue on and we will see where that takes us about this.

**MR TEMPORARY DEPUTY SPEAKER:** You may continue, Mr Hargreaves.

**MR HARGREAVES:** Thank you very much. The officer then said to Mr Pratt that she was a public servant and was not able to discuss the matter with anyone. Mr Pratt then said he understood he needed to make an approach to the minister’s office if he wanted information. He said that. He then indicated he would be seeking an appointment with the minister at 9 o’clock Monday morning to request an urgent meeting with me to discuss the full library service review details. He has not contacted my office. So he has not even bothered to try to find things out. This man is a bully and a coward.

It has been some time since the opposition raised a matter of real importance. This matter today is important and I acknowledge that. It is important to the government. I acknowledge Mrs Burke as the newly-created Deputy Leader of the Opposition. I think that is wonderful.

The decision to close the library is a significant one, particularly as the Stanhope Labor government has a strong commitment to our public library service and the important role public libraries play in the life of the ACT community. It must be noted that the role and the nature of public libraries are changing; they no longer fit the stereotype of quiet places filled simply with rows and rows of books. Instead, they are moving with the times to embrace electronic resources and new service delivery methods to appeal to people of all ages, particularly a new generation of library users.

This government has invested significantly in library services in the past few years to help modernise them. The \$3½ million new Kippax library, which opened in August 2005, is almost four times larger than the previous one, which was located in a temporary facility. It features an open floor plan using natural light, a community meeting room, public toilets and enhanced electronic services. It is accessible for people with disabilities and is located closer to bus stops and the local shopping centre. In fact, the building has been awarded a 2006 Master Builders Association award for excellence in construction and design.



For this new library \$800,000 was provided to enhance the collection with new books, hundreds of contemporary CDs, DVDs, audio books and literacy and English learning resources. This has resulted in a massive increase in visitation to the library, with the number of people jumping from 5,566 a month in the old library to 12,106 in the new one. In addition, the borrowings at Kippax jumped from 9,473 a month to 23,075. This shows what the right library in the right location with the right resources can do.

The Stanhope Labor government refurbished Erindale and Woden libraries in 2003 and 2004 respectively at a total cost of almost \$2 million. The refurbishments provided improved internal layout, better access for people with disabilities, enhanced computer areas to allow for expansion of electronic services, better located reading areas to make more use of natural light, new youth areas and improved facilities and furniture. The \$1.1 million refurbishment of Belconnen library has also just been completed and it features a new computer area, new study areas, new public toilets, a revamp of the children's area, as well as new seating and furniture to maximise the customers' comfort.

Assembly members have watched for some time the construction of the new Civic library next door to this building as part of the \$16 million Civic library and link project. It will be opened by the Chief Minister on 8 December this year. This library will be over 60 per cent larger than the existing one and will have new computer facilities, including a training room, community meeting space and a youth area with MTV play station and CD listening devices. It will also provide exciting opportunities for new strategic partnerships with the library's neighbours in Civic Square—the Theo Notaras Multicultural Centre and Resource Library, refurbished at a cost of \$3 million, as well as the Canberra Museum and Gallery and the Canberra Theatre, which are part of the Civic library and link project.

The ACT government is committed to ensuring that our public library facilities, services and programs remain viable and meet the needs of the ACT community in the coming years. Currently two-thirds of our collection materials are over five years of age, so we are making a substantial investment in modernising public library collections as well as introducing technologies that make borrowing easier. The government also has to be mindful that, even though the city is expanding, its population growing and we generally are having a boom time in the private sector, the government's resources are limited. Those limited resources need to be spent equitably. For example, we need to recognise the need to expand the Gungahlin library to meet the needs of the area's rapidly growing population.

There is much discussion these days of sustainability and in a government context providing sustainable services to the community. Canberra has been living beyond its means but the Stanhope Labor government took the decision this year to move to a more sustainable basis. Mr Pratt would wind that decision back. I have not kept a running total of the costs of our decisions he would reverse, but with free parking at the hospital, reduced parking fees elsewhere, reopening this library and a couple of other things he would cost the community somewhere in the vicinity of \$10 million. He makes uncosted policy on the run to suit his own purposes rather than thinking of the wider community.

On the other hand, at the recommendation of the Council of Australian State Libraries, the government commissioned Dr Veronica Lunn of the Queensland-based AEC Consulting Group to review the totality of library services in the ACT. Dr Lunn is a librarian and she has a national and international reputation as a library practitioner, researcher and consultant. She recently completed her review of ACT library and information services and I table her report. For the information of members it will be available on the Department of Territory and Municipal Services website, [www.TAMS.act.gov.au](http://www.TAMS.act.gov.au), from tomorrow morning. It will take this evening to load it up. It will be available when you get to work tomorrow.

Dr Lunn, who is a national expert in library services, sought to identify a more sustainable and efficient service delivery model for ACT library and information services and to position the services to meet the needs of a growing population. A key objective was to develop a service model that could be resourced within a climate of fiscal responsibility and that would enable a forward strategy for the library service.

The review comprised process analysis, site visits, benchmarking, financial and performance analysis, as well as best practice information from other library services. Staff consultation comprised a significant portion of the review and the review project team played an important role in developing ideas for further testing and in discussing options. A range of submissions was also received from staff within the library and from the management team.

Among other recommendations, the review recommended that Griffith library should close. Whilst I have tabled that review, not all of the recommendations have been accepted or totally considered as yet; they are still being evaluated. So I do not want the house to jump to the conclusion that every recommendation there has been accepted by government at this point.

It is sad that such a landmark institution will close. It is unfortunate that the users will need to go elsewhere. No-one likes change and we all wish that Canberra would remain as it was when John Howard was a boy and money poured in from a Prime Minister who lived in the Lodge and understood the need for a capital that the nation could be proud of. It is regrettable but those times are gone.

The decision to close Griffith library was difficult and not made any easier by the fact that I know the passion and commitment with which the south Canberra community defend facilities in that region. However, the Stanhope government remains committed to providing a first-class library service that is accessible to all Canberrans. Books and other material will be shuttled from one centre to another for collection by users at the library closest to them. The home and mobile lending library services will continue. I will be making submissions to the cabinet for further funding to upgrade services and systems. I am not able to anticipate the outcome of those submissions but they will be made.

There are two main reasons why Griffith library is closing. The first of these is usage. All branch libraries recorded growth in their business levels for January to July 2005 and January to July 2006, with the exception of Belconnen and Griffith. Service interruptions at Belconnen due to a major facility upgrade account for Belconnen's

usage variation. Griffith library was the only library to experience a real decline in transactions. Griffith is the least used of all libraries on Saturdays, although I expect a large crowd will attend the public meeting there next Saturday. In passing, I note, as I have said before, that Mr Pratt made inappropriate inquiries there last week as part of his bullying tactics. The second reason is cost. Griffith attracts the highest cost per individual loan. The average cost across the service is \$1.74 and at Griffith the cost is \$2.55.

Next I want to lay to rest a furphy that has sprung up in the community. It has been said that the site will be sold for redevelopment. I have not turned my mind to future uses of this site. When a site is vacated and it looks as though it may become surplus to government's requirements, it is handed to the TAMS property group for management. The property group then commissions a strategic planning study, which includes community consultation on its future use. This could include occupation by other government agencies or not-for-profit community groups or sale to the private sector with caveats on its use—for example, the provision of older persons' accommodation.

There is no connection between the value of the land and the decision to close the library. This is an important thing for those opposite to understand: there is no hypothecation of moneys to the library from any sale or rentals. At a time when this government's policy of the ACT living within its means has been clearly articulated, it is evident that the hard decision to close Griffith library is necessary to enable the library service to put resources where they are most needed and deliver the best value for money.

What is important is not so much that a particular library remains open but that the Stanhope government remains committed to providing first-class services to the community. It is committed to ensuring that our public library facility, services and programs are sustainable and spread as widely as our limited resources permit. As I said in question time, I respect the anguish that people in the southern Canberra suburbs of Narrabundah and Griffith are experiencing at the moment. I understand the anguish that they are experiencing in the moment.

At the end of the day the government have to provide as good a service across the whole of Canberra as we can possibly afford. We have sunk an enormous number of millions of dollars into the systems across the town. What this project review has revealed is that we should be looking at libraries in town centres and group centres, and that is exactly what this government is doing. We are not suggesting for a second that we should set one citizen against another, but I make the passing observation that the people of Weston Creek do not have a library—and there are 30,000 of them—and the people in Griffith, in a very small shopping centre, do.

We are not talking about taking off one and giving to the other. What we are talking about is taking Griffith library away and spreading those resources right across the whole of Canberra. We know that the clientele of Griffith are also clientele of many other libraries. The person, for example, in Evatt actually travels past two libraries to get to Griffith and could easily go to the other two libraries. This is the way to be equitable about this. As I have said, we have soaked a lot of resources, a lot of money

and a lot of commitment into a high-quality library service and I am totally committed to that end process.

**DR FOSKEY** (Molonglo) (4.18): I have got to say that I am a bit biased about libraries. I probably would not be here if it had not been for the Bacchus Marsh library. I know some people might not think that would be a bad thing. I was a bookworm from an early age and used to ride down to the library pretty well every day after school and borrow at least one or two books and I had read them by the next day. I did not grow up in a home that had many books, and I just want to put that on the record. I have a bias, but I think that library made me who I am today.

Libraries do have a different role in our society. When I was a kid, it was books. We all know that now libraries are where many people connect with all the information technology, all the ways there are of getting information in our world. I have read many, many things about the impact of globalisation on our library service and I understand the pressures on the ACT government that have led to this decision. But it is like the school closures; I say to them, and I will say it again: where is that functional review that says you have to cut this much money? Why not take the community along with you and decide where those cuts should be?

I am sick of hearing Mr Hargreaves and other ministers say, “Well, what would you do?” I will tell you what I would do. I would go to the community and say, “If we are going to have cuts, where are they going to be? If you are going to make a cut, would you make an announcement one month before it is closed?” There are still people going to that library who do not know it is going to close. If you saw a library that perhaps was not being used as much as another, you might say, “Is this library fulfilling this community’s needs? How can we get maximum use out of it?” That is what you would do if you were committed as a government.

Libraries, in our society that values learning, can become lifelong learning centres, and I know from our own documents that that is what the ACT wants to be—a learning city. It is especially important in an ageing society where people cannot get around much and where so many people are isolated. We live in a world where the infrastructure of learning, knowledge and information has become very complex and expensive. Not everyone can afford to have it. Every one of you will know how much you spend per month just on your internet—and then there is the computer, the software and everything else. We cannot all afford it.

This closure was announced with one month’s notice and as far as I can see there has been no attempt to consult the users and say, “We are closing this library. What can we do that gives you those services that you are losing with this library?” The government did not even have the courage—is it courage, is it consideration?—to do that.

Our library network is interconnected, so it is no wonder that someone from Evatt might write because they care about the Griffith library. Even if they do not use the Griffith library, they have every right to be concerned that it is closing. But what I have learned from talking to people involved in the campaign is that a lot of people go to the Griffith library just because they are going to the Griffith shops to buy their organic vegetables there, if they are that kind of person, because they are going to

play sport at any of the Narrabundah ovals or they are going to the Fyshwick markets—so why not make that trip go as far as you can.

The idea of lugging a great sack of books on a bus along with your shopping from Woden and Civic is really demeaning to people. It is not fair and it was a flippant remark. I would like to know what stats the government has looked at on this. It boils down to stats. I think the government was told or decided it had to close a library and it looked for the library of least political concern. Well, there must have been some decision. There are no other good grounds; they have to have been political.

The simple fact is that there is no good reason for closing the Griffith library, not even money-saving. It is a short-term saving because it is a disinvestment in our community and in our people. I come from Melbourne. That is where I went to uni. I still go back there as I have a daughter there. When I was there last time I had a look at their library services because I was in a position where I could get some documents. In a place the size of the inner south there would be at least one library, probably two. Local government is different there but there is a geographical and a population placement. Yes, there should be a library at Weston Creek, too. They deserve a library. It is not that easy to get out of Weston Creek and go to, I guess, Woden.

I am really looking forward to reading the report tomorrow morning to see how Veronica Lunn could have found a benchmark lower than our own provision of libraries. I know that this whole functional review exercise is about meeting the benchmarks—it seems to me the lowest benchmarks—established by other cities. I do not know how low you have got to go to find one lower than this.

This library will close, as I said, without any attempt to find out what alternative arrangements will answer requirements. I have searched for information about the impact of closing libraries. Not surprisingly, not many local governments or other state municipalities do this work—close a library and then not follow up. But a group in Britain did some work and they found that, in one lot of closures, in the last month of that library's life—and remember that that library had only one month from the announcement that it was closing—every customer visiting the library was interviewed by staff to find out whether they would be able to use another library and the preferred location for additional services.

What happened in the follow-up after three libraries were closed in the United Kingdom? Seventy per cent of people in Sheffield continued to use the library; that is 30 per cent who did not, 25 per cent in Rotherham did not and in Littlecoates, which was better serviced and nearer other places, 91 per cent were still using the library 18 months later. People said the mobile library did not replace their library that was closed because it did not give them what they want, which is a place where they can sit down, a place where they can meet, a place where they know the people who are there and people who will help them find books. The mobile library was very useful when I lived at Bonang; it used to come up from Bairnsdale every three months. But it is not so good when you are an elderly person who is used to visiting a library two or three times a week.

To close I am going to read some comments—and I know Mr Hargreaves would have access to these—made by users of the Griffith library. They had some ideas about

what we could do after this library was closed because they thought that there needed to be something else. There needs to be, say, a boutique library or a shopfront in one of the inner suburbs. Someone said:

It is my local inner South library, so it is easy to call in and collect books—Woden and Civic require a special trip and has limited parking. Maybe a drop-off/pick-up facility could be provided at Griffith/Kingston/Manuka for those of us who use the online catalogue.

This is what a considerate community might do. Someone else said:

It offers a very good service and it is convenient. I also thought a Labor government would support government services and not be a Liberal party clone.

My apologies to Liberal members here who are arguing for the library to stay open. Another said:

I find this a “user friendly” library. Nothing is too much bother for the staff to help you with. I will be 80 years old and I find this important.

Another said:

I became a mum for the first time 22 months ago. I have no family in Canberra except for my husband and daughter. I found the library to be a welcomed source of entertainment for my young child and I. We could walk here and often met other mothers here.

Other new mothers talk about how it helps them overcome depression and the dreariness of the day as in our deserted suburbs you may not encounter a single person, and one said:

It is the only place on the South side of Canberra that acts as a collection point for the Lifeline books.

There is something we did not think of. Another said:

As a high school student it is the only place I can study at without spending 90 minutes on the bus. I am an avid reader, this is the nicest, largest place to get books from. The City libraries are busy and noisy. I can easily look after my young siblings here and they love it.

*(Time expired.)*

**MR SMYTH** (Brindabella) (4.28): I am surprised that Mr Hargreaves actually tabled the paper *Library services consolidation project—A report into ACT library services*, dated September 2006. I do note that he gave us the warning that he has not yet accepted all the recommendations, but it is incredible what it reveals about this government’s intentions concerning the ACT public library service. John Marsden, perhaps Australia’s greatest author for young Australians, said that the ACT public library service was the jewel in the crown of library services around this country, and he had no doubt that it led to the economic, social, political and environmental wellbeing of the people of the ACT, because he has faith in books and library services.

It is interesting to read the summary of key findings. I would love to know what the brief was. It might be interesting for the minister to table the briefing document that was given to the person who prepared this report because, if you read it, you will see that the ACT library service will be absolutely shattered. First and foremost, let's go to the first proposition. What will happen to the block of land when the Griffith library is gone? The minister said, "I haven't made a decision." What does the report recommend? I quote from page 5:

There is also an additional benefit to the ACT government in the value of the large associated land parcel for sale.

What is the recommendation? Flog it. Why do they have to flog it? It is because of this government's and this minister's ineptitude and financial mismanagement. The people of Canberra should not have to pay and I think the people of Canberra will take it up to this government because they understand. To go on, what is also suggested? The report states:

... streamlining of the Heritage Library, the ACT Government and Assembly Library, and Administration, as well as the integration of the library call centre function with *Canberra Connect*.

That is code for staff reductions. It goes on with some suggestions, and the conclusion is that they will provide significant labour savings, particularly the self-help model. What is that code for? It is code for fewer staff. And it is not going to be a free library service anymore. Page 5 states:

Finally, it is noted that there are opportunities for increased revenue that should be considered by the ACT Library Service. These include charging for Internet services from January 2007 and placing a service fee on reservations from 2008 when the software will be available ...

So there is the plan. There is John Hargreaves's master plan. It is for the total devastation of the public library system.

It is interesting to go back to previous debates and look at Mr Corbell's words when commenting on the previous government's task force into the digital divide, of which Mrs Burke was the chair. Talking about what had been done, Mr Corbell said:

These are all commendable steps, but they do not address the substantive issue of getting online access for people in a way that is most convenient for them, so that they do not have to catch a bus or drive a couple of kilometres to use a computer.

It is more than a couple of kilometres from Griffith or Narrabundah to Civic, Belconnen or Kippax libraries, which Mr Hargreaves suggested people could go to because they had put in more screens.

When you go to the recommendations, you find the devastation of the library service listed. Something like 42 staff are listed for axing—delete two professional officers, one professional officer, 3½ ASO2s and one ASO3. You get that just from the closure of the Griffith library. If you go to a two-tier structure, you have a reduction of four

PO2s and two PO1s, and it just goes on. Consider the introduction of a charge of \$1 per hour—it says \$1 per half hour in this page of the report—for the use of the internet. And it goes on; it does not end with the Griffith library.

Mr Pratt and I were at Erindale college the other day for the launch of a commonwealth government funded refurbishment of the science laboratories, and what were they talking about? They were talking about the fear that Erindale library was going to be closed, that it was going to be taken away from either the students or the public. But here is the secret plan—recommendation 1.14, which states:

Review the need for Mobile Library 2, and investigate opportunities to fund the option of bringing Home Library Service patrons ... into libraries ...

We have the home service because some people cannot get out of their homes. It is for the aged, the infirm, the crippled. What we are going to do now is to bring them to the libraries, instead of having the wonderful system that we have currently, which is to take the libraries to them. But it goes on, Mr Speaker, and it is very sad.

If people look at the report when it is put on the web tomorrow they will see on page 21 a list showing the number of registered members of the various libraries. The total is about 170,000 people. It is actually the biggest club in Canberra. It is the biggest voluntarily joined organisation in the ACT. We should be supporting those people in their desire to use their library service, not limiting it, not taking away mobile library 2, not threatening the services at Erindale. We should be building it up, because it is good for our society, it is good for equity. It is interesting that Mr Corbell made those points back in 2001, when he said:

... the issue of the digital divide is one which will be a growing equity and social justice issue for many ACT governments to come.

Apparently it is not a growing social justice and equity decision for this government, because there will be no social justice and there will be no equity. It is just going to take it away. The excuse tendered by the minister is that Weston Creek does not have a library. You should consider that, minister. He says that we have to do something more in Gungahlin, so we are going to rob Peter to pay Paul because of this government's ineptitude and financial mismanagement, and that is what it comes down to.

This is a government that has got its priorities wrong. We are going to plant trees in an arboretum in the middle of a drought. That is not very sensible. Everybody is saying that at the shops. When you talk to people at the shops, they say, "We are not putting any plants in our garden. We will take out the ones that have died, but you do not replace them in the middle of a drought." This government has got its priorities wrong. It would be interesting to see what the briefing document for this report says. Perhaps the minister could release the brief that the reporting group was given and had to comply with, because I can only see in these recommendations references to cuts to staff, cuts to services, savings to be made and the potential for more library closures. I think that is a terrible shame.



Mr Speaker, the minister said that the library had to close for two reasons and the two reasons were given. I do not accept the two reasons. High cost per loan was one. Where is the cost-benefit analysis of the high cost per loan? This library services an area that has some large blocks of public housing flats. We all know that in some of those areas there are difficulties and people need assistance and they should be given encouragement. We know that the Narrabundah primary school has an enormous concentration of indigenous kids and they should have a local library. The problem with what this minister puts forwards is that no thought has been given to those things. They are going to rob Peter to pay Paul so that they can put more services in Gungahlin.

Why haven't you planned for that, minister? You have been in government for five years. Why haven't you planned for that? In fact, I set up the original library service in Gungahlin. When it was a smaller community, we put in a small system whereby people could order books and get access to information from computer screens, always with a view to ensuring that that service would expand.

The minister cites the Kippax and Civic libraries. Gee, even Jon Stanhope acknowledged the other night when he launched the opening of the link at the Canberra Theatre that it started in my time. That refurbishment, a permanent home, a better facility for the Civic library, started under the Liberals, as did the planning for the Kippax library. It took a long time because we engaged with the community and we talked with the community to try to work out what it wanted, but not this minister: "Why would I ask what the public want because they will tell me I am wrong? So I am not going to listen to the public. I am just going to shut things. I am going to shut the Griffith library."

What do we have in this report? I urge the entire Canberra community to go on line in the morning and look at *Library services consolidation project—A report into ACT library services* and see what is proposed by this government because of its ineptitude and its poor financial management.

The minister says that a book loan costs a little bit more, \$2.55 instead of \$1.74. Where is the cost-benefit analysis as to whom we serve? Do we know who borrows those books? Is it done predominantly by an older population? Is it done by a younger population? Is it done by a population from perhaps a lower socioeconomic group? Is there actually a long-term benefit to the government in paying the extra 80-odd cents per loan because it would save some kid from drug addiction, it would save some young woman from being subject to domestic violence or it would save some older person from loneliness and despair?

Is there a social benefit in this matter? Where is the analysis? There is no analysis. There is just a tome from the minister as justification for doing it. Why are we shutting the Griffith library? It is because the report says we should shut it. Minister, how about coming into this place tomorrow—perhaps you could do it by close of business today—and giving us the terms of reference for the report? If they are in the report, I do apologise, but I have not had time to read the full report. It would be interesting to see the terms of reference and what you actually asked the consultants to come up with because, if it was just a cut in services, you have achieved your aim,

and that is a very sad thing for the people of Canberra and the public library service. *(Time expired.)*

**MS PORTER** (Ginninderra) (4.38): Mr Speaker, as you would imagine, the decision to close the Griffith library has not been taken lightly, nor is it a decision that any government would make if there were other options. Governments do not choose to make decisions that they know will be unpopular amongst sections of the electorate, but being in government is about making tough decisions, as is the case with the proposed closure of the Griffith library.

Any decision to cut a vital, much-loved community service such as a library is bound to result in public reaction ranging from concern to outrage and sadness and we are certainly seeing all those at present. We all know that many of these reactions are part of the grieving process, as Minister Hargreaves has mentioned. Sometimes, however, hard decisions have to be made to support the development of sustainable services into the future. Regrettably and sadly, such is the case with the closure of the Griffith library. Like Dr Foskey, I have spent many hours in libraries, have great fondness for books and remember visits as a child to my home library in Purley in Surrey.

Dr Veronica Lunn, author of the recently completed report on her review of the ACT Library and Information Service, has advised that the library service as a whole needs to be better positioned strategically through the realignment of existing resources and have a service delivery model that is financially sustainable if it is to continue to meet the challenges of delivering services in a rapidly changing information environment.

Dr Foskey has asked for the information on which this decision is based. Obviously, we have tabled this information today and it is due to be on the web tomorrow. So I am not sure why she claims the government either has not released this information, does not want to release this information or is refusing to share it.

The review findings demonstrate that the library's existing service model is not sustainable, given the cost of service delivery across the current nine branches of the ACT library network, as the minister has said. Additionally, the Griffith library has comparatively high unit costs for loans, largely as a consequence of its smaller catchment area. This has been outlined in that report.

Mr Smyth, as Mr Hargreaves has said, all of the recommendations of this report and this review are still being considered. Any staff redundancies will be voluntary and any job losses will be through natural attrition or by voluntary redundancies. There will be no forced redundancies.

Mr Pratt suggested in this debate, if I understood him correctly, that professional library staff at the Griffith library could be replaced by volunteers. Perhaps Mr Pratt also believes that members of the AFP could be replaced by the volunteers in policing. For Mr Pratt to suggest that proves yet again that he fails to understand the very essence of volunteering and volunteers. Mr Speaker, the role of volunteers in organisations is to add value, not to undertake core functions. There are certain roles for volunteers in the ACT library service, and I know many of them. I have attended their functions in both my current and previous roles and I can assure Mr Pratt that in no way would they seek to undertake the role of paid staff in the library service.

**Mr Pratt:** I know that.

**MS PORTER:** Volunteers will continue to play a valuable and important role in the library service, such as the volunteers in the home library service, which will continue, but, of course, they will not be taking the role of paid professional staff. Mr Pratt, I hear what you say, that you know that.

**Mr Pratt:** I did not say to replace them.

**MS PORTER:** Right. I said if I heard you correctly. Members would be aware that the Griffith library has occupied part of the old Griffith primary school building since 1994. However, whilst refurbishment of that facility was undertaken in 1993 to enable the library to move there, the building now requires significant additional capital investment to address issues such as airconditioning reliability and upgrading of the water and sewerage systems, which is also required, because they are now well over 50 years old.

Mr Speaker, infrastructure of that age requires constant maintenance, the cost of which, of course, is quite significant. In addition, modern public library service design principles place strong emphasis on overt security measures, such as lines of sight throughout the library building, particularly in the children's, internet and public toilet areas. Given the existing layout, that is simply impossible at the Griffith site. Given the continuing decline in patronage, together with the current design and layout of the Griffith library, the cost of upgrading the facility is simply not sustainable. Regrettably, the government had no option but to make the difficult decision that it has.

The ACT public library services are well utilised and highly regarded. In 2005-06, 1.96 million visits were made to its branches, 2.65 million loans were made, and there were more than two million hits on the library website and over 260,000 retrievals of information from the online full text database service, as well as 157,000 hours of free public internet use accessed in the branches. However, at the same time as feeling justifiably pleased with all of these figures which show the usage of the service, we must ensure that our public library service remains relevant to the community it serves. The library facilities must meet industry standards and the service must be well placed to respond to changing demographics and developments in technology. Mr Speaker, whilst having to make this decision to close Griffith library is regrettable, it must be considered in this context.

**MR SPEAKER:** The discussion is concluded.

## **Adjournment**

Motion **Mr Hargreaves** proposed:

That the Assembly do now adjourn.

## **Remembrance day Bushfires—volunteer training**

**MR PRATT** (Brindabella) (4.44): Mr Speaker, in this adjournment debate I want to briefly mention two matters. Firstly, I want to place on the record that Remembrance Day fell on the weekend. Mrs Burke, Mr Smyth and I attended the memorial service, and Ms Porter represented the Chief Minister. I commend the speech made that morning by the Minister for Defence, who drew a very strong parallel between the sacrifices and the attitudes and set of values of the men and women who were caught up in that conflict.

The minister said that we no longer have veterans of that conflict to commemorate that day with, but that our memory of their sacrifice will be long. He said that the inspiration of their effort is with us now and that, as we develop values in our youth, the sacrifice, the strength and the heart of those men and women who went from these shores on behalf of this nation to fight in the Great War, supposedly the last of all world wars, is the benchmark against which those values could be developed.

I thought that the minister's speech, highlighting those values and aligning those values to what we would now like to see developed in young Australian society, was absolutely spot on. I commend those members of the Assembly who attended the ceremony.

The next issue I want to briefly touch on is the state of the training of bushfire volunteers. Training now is not as streamlined or easily obtainable as it once was. Yes, good initiatives were undertaken in the last four to five years to benchmark volunteer training against Australian standards. There is no question about that. There needed to be changes undertaken to ensure that the training of our bushfire volunteers, our SES volunteers, was benchmarked against an Australian standard and that it certainly met that standard.

However, I think the government has lost sight of the need to maintain the balance between Australian Standards training and the traditional on-the-job training undertaken by bushfire volunteer brigades in the god knows how many decades that bushfire volunteers have been in place. I would like to see the government regain that balance so that when we do have volunteers stepping up and wanting to join our brigades and our SES units, they are not frightened away by what appears to be a long and convoluted training process for which we do not always have the resources to be able to train these people quickly.

It is so important to retain the volunteer ethic. The volunteer ethic is the heart and soul of our bushfire volunteer brigades and our SES units. Therefore, when volunteers step forward, in recruitment or otherwise, we need to retain them, and to retain them we need to train them reasonably quickly. To say to volunteers that they should come back in six months time for their module 1 or module 2 initial employment training or whatever it might be is the way to drive volunteers away. I think the government has lost sight of that. The other day, for example, I heard Captain Val Jeffrey say that he was aware that 24 volunteers had been recruited, had been waiting a year, and in that

year only one or two of them had been trained. That is not how you retain your volunteers.

The other point, too, is that there are experienced firefighters who have been away from the fireground perhaps for a couple of years and understandably need to have refresher training. Why not empower the brigades and the SES units to undertake the on-the-job training that would allow these people to be certified to be retained for use on the fireground? That is not happening. I think that goes to the heart of the crisis that the government currently has with volunteer numbers.

### **Industrial relations laws**

**MR GENTLEMAN** (Brindabella) (4.50): This morning the High Court of Australia delivered the decision on the federal government's IR laws. The decision handed down by the High Court effectively means that millions of Australian workers have lost their rights at work.

The High Court decision has given the Howard government the right to use its IR laws to strip away 100 years of protection for working families. Over these past 100 years, working Australians have benefited by these laws, enabling them to share in economic good times and the knowledge that they were protected by an award system. The prospect that a regular wage increase would assist them through the tough times was assured.

The right to bargain collectively for the benefit of all workers has also all but gone with the widespread introduction of AWAs, which pits worker against worker in a race to the bottom. The net result of these contracts will be the further erosion of workplace conditions, which will ensure that employees on AWAs will struggle to make ends meet. This is a disastrous decision for ordinary Australian families already struggling to make ends meet in a climate of higher interest rates and the current drought conditions, which make the cost of living prohibitive for many struggling on the basic wage.

Today's decision, coming one day after the federal government announced more changes to the IR laws, will do nothing to enhance the working and living conditions of ordinary workers. These changes further erode the working conditions of Australian workers, further entrenching the rights of the employer over those least able to protest.

One of the changes announced yesterday was to provide employers with an extensive right to stand down workers at any time there is a downturn in the operation of their business or during times of industrial dispute. The uncertainty will cause incalculable harm to most workers. How can a mortgage be paid on time or food provided for families if the employer has the right to stand down people without pay? For those with accrued leave, be it sick or annual, that is how they will be paid during those times, but for those without accrued entitlements, how they will survive is of no consequence to this federal government at all.

One of the fundamental principles of the Australian psyche has always been the notion of a fair go for all. One of the most insidious results of the past 10 years of this

Liberal federal government is the pervading ideology of running your life as you would a small business, in other words, looking after yourself at the expense of all your colleagues. This is the doctrine on which these IR laws have been set.

The federal government is always stating that a win for Labor means that unions will take over the running of the country. While we believe that this would at least ensure some equity for those people least able to articulate their concerns, nothing is ever mentioned about the fact that for the past 10 years big business has been pushing the agenda at all times and the fact the federal government is only listening to big business in this debate.

If this federal government really did care, as they say they do, about Howard's battlers, then these draconian laws would never have been introduced in the first place. It is the very people that Howard purports to care about who are about to have the full force of these draconian laws inflicted on them. As these laws bite and those less able to sustain a concerted attack fall through the cracks, it will become self-evident that the real purpose behind these laws, the eroding of the basic working conditions for Australian families and the subservience of ordinary workers to their masters, is the real agenda.

The Howard government is funded by the masters of these changes, the born to rule brigade, and has no desire or interest in seeing just and equitable sharing of this country's wealth among any but its own. The rate of corporate pay packets is evidence of just how these people rate themselves. The only way that we will win a fairer IR system is through ongoing political and industrial campaigning over the next 12 months, leading up to the next federal election.

History will show just how the introduction of these IR laws and the decision of the High Court today will impact on the future directions of all Australians. Certainly the ability of an individual worker to have a say in the conditions of their employment has been compromised. The collective will of the workplace to decide on how they decide to work has been eroded. The collective agreement was just that—collective and fair, a majority vote for the benefit of all employees.

It is clear now that the only way forward is to throw this federal government out at the next election and rid ourselves of these laws. On that point, on 30 November, the ACTU is organising an Australia-wide rally in support of changing both the federal government—(*Time expired.*)

### **Sally Lilienthal Indigenous youth**

**DR FOSKEY** (Molonglo) (4.55): Mr Speaker, I want to remember another great role model who has recently died. That is happening too often these days. People who have been very influential in my world are reaching a certain age.

Sally Lilienthal was an American woman who set up an organisation called the Ploughshares Fund. Some of you might have heard of it. It is pretty well known to people active in the peace and anti-nuclear movement. It is dedicated to preventing the spread and use of nuclear, biological and chemical weapons.

Sally Lilienthal was born in 1919, so she lived a very good long life. She studied sculpture and became known for innovative work in plastic and resin. She co-founded the San Francisco Museum of Modern Art Artists Gallery and served as director until 1983.

She began the Ploughshares Fund with a grant of \$100,000. She said, "I had a little money and I wanted to make it work in the most creative and practical way." So she decided to work to help bring peace into the world, using as her inspiration that text from the book of Isaiah in the Old Testament:

... they shall forge their swords into ploughshares ... neither shall they learn war any more.

Of course, anyone who lived through the 1960s remembers the line, "I ain't gon' study war, no more!" One recipient of Ploughshares funding was a group of American scientists who travelled to the Soviet Union and found that underground nuclear tests could be detected with modern seismic monitors. That meant it would be possible to have a ban on nuclear testing, and how important has that been? Other recipients include Japanese nuclear scientists who worked to prevent the stockpiling of plutonium in Japan and the author of a paper on the history of Israel's secret nuclear weapons program. They are just some of the projects funded by the Ploughshares Fund and they will, of course, outlast its founder.

The other matter I want to mention is a local matter that probably would not make the news. Unfortunately, these things do not. The Howard government recently disbanded its indigenous youth leadership group at a time when I would say they should be talking to indigenous people, especially young people, more than ever. It has abolished the group and mainstreamed it into that general youth representative body, the National Youth Roundtable, which, coincidentally, replaced the Australian Youth Policy and Action Coalition, which started with 50 people, went down to 30 in 2005 and now is also meant to represent the youth representative body. I do not know whether the National Youth Roundtable is a middle-class body like the youth advisory council was accused of being, but it is probably not the best group to represent indigenous young people.

I think we all know that indigenous people are less likely to finish school, get a job or go to university, are more likely to be imprisoned and have health issues like substance abuse. They need independent avenues so that their needs and issues can be represented and echoed back to the government. It is so important to foster indigenous youth leadership right now, given the dismantling of indigenous representative structures in Australia and the current void that exists in public policy debates.

I join with Tanya Plibersek, who is responsible for the media release that has informed me of this lamentable situation. All those who are concerned about the future of indigenous people should be making a big fuss about the disbanding of this group.

### **Mental illness**

**MR SMYTH** (Brindabella) (4.59): Mr Speaker, I wish to bring the attention of members and, through the Assembly, the community to a conference that was held from 1 to 3

November this year at the West Turner Bowling Club. It was entitled Healing Mental Illness Conference and it was run by a local group called Missionheart.

Missionheart is street church. They follow the Christian faith and they do all their work out in the street. One of the things that have come particularly to their attention is the number of people and families suffering because of mental illness. Rather than talk about it, Missionheart decided to do something about it, and so they organised a conference.

Attendance was free, with donations being voluntary. I understand the government donated some money to help with the running of the conference. So well done, Minister Gallagher. They brought together local and international experts in various fields and looked at issues like schizophrenia, bipolar disorder, manic depression, drug-induced psychosis, dissociative identity disorder, depression, genetic generational inheritance, family-related issues such as grief, shame and anger and the condition and life experiences of the sufferers of mental illness and their families.

Then, rather than just talking about it, they then worked to the keys to healing in each of these areas. It was very much about: how do we fix the problem? They seemed to think that much was well understood, but what they wanted to do was put before the carers and the suffers exactly what it is that could be done to minimise the effect of their condition.

I have to say that Jason and Maree did a fabulous job. What was interesting was it was a family affair. Jason's mum and dad were there, manning the front counter and other people's daughters and sons were there helping to run the conference.

It is interesting that they were able to attract, from overseas Dr Harold Dewberry, who is internationally recognised. Dr Dewberry is an Australian, but he has been overseas for a long time. In the early 1970s he set up the Teen Challenge in Sydney. He also established the Institute of Pastoral Care and Counselling to provide resources. Locally, we had Dagmar Ceramidas, who works in the ACT. She runs courses for overcoming depression for adult and college students in the ACT.

I think it is incredibly important that we help build resilience in the community. There was a couple, John and Glenys Darnell, who specialise in working with people who have suffered trauma or abuse and helping them to raise their self-esteem. We had Pastor Daryl James and Sue Barrett. Pastor James is here in Canberra and Sue Barrett is across New Zealand and Australia.

What was particularly great about the conference was the attitude of the people. Several hundred people in the room were excited. They wanted to make a difference. They were determined to make a difference and they were determined to make it in the most positive way that they could. They were more than willing to listen to the experts, but what they wanted to do was take the answers away with them so that they could improve either their own condition or that of their families. In that regard Jason and Maree are to be congratulated.

Question resolved in the affirmative.

**The Assembly adjourned at 5.03 pm.**



## Schedules of amendments

### Schedule 1

#### Health Legislation Amendment Bill 2006 (No 2)

##### Amendments moved by the Minister for Health

**1**

**Clause 2 (1) and (2)**

**Page 2, line 4**

*omit clause 2 (1) and (2), substitute*

(1) This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**2**

**Schedule 1**

**Amendment 1.9**

**Page 9, line 1**

*omit*

**3**

**Schedule 1**

**Amendment 1.19**

**Proposed new section 130C (1) (b) (ii)**

**Page 15, line 17**

*omit*

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### Schedule 2

#### Health Legislation Amendment Bill 2006 (No 2)

##### Amendments moved by Mr Smyth

**1**

**Schedule 1**

**Amendment 2.25**

**Proposed new section 250**

**Page 25, line 2**

*omit*

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