DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

7 December 2000

Thursday, 7 December 2000

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MR SPEAKER (Mr Cornwell) took the chair at 10.31 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

ASSEMBLY BUSINESS—PRECEDENCE
Suspension of Standing and Temporary Orders

MR MOORE (Minister for Health, Housing and Community Care) (10.32): I move:

> That so much of the standing and temporary orders be suspended as would prevent order of the day No 35, private Members' business, relating to the Public Access to Government Contracts Bill 2000, being called on forthwith.

Mr Speaker, yesterday in private members business, Mr Stanhope adjourned the debate on the Public Access to Government Contracts Bill. There was a misunderstanding on my part as to what arrangements had been made or not made with regard to that legislation. The government had indicated to Mr Osborne that we would be supporting the passage of the bill, albeit with a significant number of amendments. To correct what happened, we have agreed to provide some time from executive business to deal with that legislation now.

Question resolved in the affirmative, with the concurrence of an absolute majority.

PUBLIC ACCESS TO GOVERNMENT CONTRACTS BILL 2000

Debate resumed from 6 December 2000, on motion by **Mr Osborne**:

> That this bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (10.34): When I adjourned this debate yesterday, I think there was some misunderstanding. I had certain understandings in relation to how the matter was to proceed. I regret the confusion that occurred, and I am more than happy to proceed with the bill now. The Labor Party is happy to support this bill. The Labor Party is also supportive of the range of amendments that have been proposed.

The significant issue of how the government should deal the confidentiality of contracts, how confidentiality clauses should be drafted, how they should be utilised and how the government should report on its contractors and contractual arrangements has been much debated and commented on over the last couple of years.

A range of initiatives outlined in both the bill and the amendments will make a significant advance in ensuring the government is appropriately open and transparent, that its contracting processes are public and that they are as public and as transparent as they should be. This is an area of government management of the business of government that has not been all that well handled. It is a difficulty that afflicts governments and administrations not just here in Canberra but all around Australia. The extent to which governments, bureaucracies or public services—in this instance, governments—rely in inappropriate circumstances on commercial-in-confidence clauses or make significant and inappropriate ambit claims about the supposed confidentiality of information, relying inappropriately on commercial-in-confidence clauses as a reason or justification for refusing to make information available to the public, when on any open or sober review of the information, particularly in retrospect, it is invariably revealed that there is absolutely nothing inherently confidential or commercially sensitive about the information, has been a perennial problem.

That is why we arrive at the position where three members of this place—namely, Mr Moore, Mr Osborne and I—each responded in our own way, and with slightly different schemes, to this real difficulty, not a perceived difficulty, of confusion around commercial-in-confidence and a belief that the government was not acting appropriately in all the circumstances, to extent that it did not have binding guidelines in relation to the use of commercial-in-confidence clauses or the release of information.

There were some quite notable and infamous examples of inappropriate reliance on confidentiality clauses or supposed commercial-in-confidence. One of the very stark examples was the rock concert that was to be held at Bruce Stadium but was cancelled. I pursued information on the rock concert and the costs the ACT taxpayer would be meeting in the commitment of the ACT. That was a legitimate effort by me to reveal the exposure of the ACT with its joint venture rock promoter partner. The government refused to reveal any information initially, on the basis that all the information was commercially sensitive and could not be released, despite the fact that a set of guidelines that ought to have been operation in the ACT government at the time set out explicitly the basis on which information would be regarded as confidential and the basis on which it would or would not be released. The arrangement in relation to BOPL was in direct contravention of the government's own guidelines.

That is part of the problem that we have had. A set of quite good guidelines issued by the then Chief Minister were observed only in the breach. The guidelines are consistently breached. Contracts entered into by the government do not reflect the positions of principle or policy that are set out in the guidelines.

The contract for the holding of the rock concert is a great example. It was entered into in stark breach of the Chief Minister's guidelines in relation to commercial-in-confidence clauses. Hence one of the difficulties. The government breached its own guidelines, entered into a contract and then relied on a contract in breach of its own guidelines as a reason for not releasing information.

The information was eventually released in a three or four-stage process. If one looks at that information now in all its bare glory, one sees that there is absolutely nothing sensitive about the information the government initially refused to release. The government refused to release information about the fact that it was proposing to pay

truck drivers to deliver equipment at Bruce Stadium. What is politically sensitive about that? The government refused to release information that it was going to engage ushers to assist people to their places at Bruce Stadium. What is commercially sensitive about that? How can that possibly be commercially confidential? It cannot be. It was just a device designed to complete some other governmental purpose in the refusal to issue the information.

Inappropriate claims or commercial-in-confidence applied also to each of the user agreements for Bruce Stadium, which contained nothing that the public did not have a right to know. The contracts that dealt with the expenditure of large amounts of public moneys for the purposes of supporting or fostering the arrangements of football teams at Bruce Stadium contained absolutely nothing that the people of the ACT did not have a right to know about in respect of how their money was being spent. Two of those agreements were drafted after the issuing of the Chief Minister's guidelines in relation to the use of so-called confidentiality clauses. Those contracts were in breach of those guidelines. I could go on and on.

Much of the information I sought in relation to the issues around the redevelopment of Bruce Stadium was not released to me, on the basis that it was supposedly commercially sensitive or commercial-in-confidence. It quite clearly was not and quite clearly is not. There was a completely inappropriate use of the guidelines or the catch-cry of "commercial-in-confidence", a catch-cry that was used quite openly and deliberately to prevent access to information which the government, for reasons that often desert me, was determined not to reveal because, for some reason, they thought it would reflect poorly on them. It was nothing to do with the nature of the information or the supposed existence of a commercial or confidential arrangement, but a determination to keep from public gaze an issue that the government of the day perceived to be embarrassing to them or not in their best interests.

The latest example is quite bizarre. A couple of weeks ago, in response to a question on notice in relation to the development of a wine industry in the ACT, the Chief Minister advised me that neither I nor members of this Assembly nor anybody in the ACT community was entitled to know what the government charges for grey water. The latest state secret is the price of grey water. The price we charge for grey water from the treatment plant is too commercially sensitive to be made available to me, to this Assembly or to the people of Canberra. The price that the ACT sells its dirty water at is so sensitive, is such a matter of commercial importance, that neither the Leader of the Opposition nor the ACT Legislative Assembly is to be apprised of it. That decision is justified on the basis that the cost of dirty water in the ACT is a commercially confidential piece of information.

I would love somebody to explain to me why the price of our dirty water is so sensitive that none of us is allowed to know what we sell it at. How absurd is that? A major user of grey water from the water treatment plant is the winery at Holt. We sell it to them to irrigate 40 hectares of grapes, but the price at which we sell it is too sensitive for the community to be apprised of it.

These amendments at least put the acid on the government to disclose where it is relying on commercial-in-confidence. We all accept that there is a whole range of areas where it is appropriate that governments do that, where it is appropriate that arrangements be

regarded as sensitive. There is a whole range of areas in which governments must have the capacity to deal in confidence with business and with the community. We do not object to that. But this legislation quite appropriately and quite rightly says to governments, "If you are going to do this, at least declare where you are doing it and at least subject yourself to some rebuke around the circumstances in which you claim the privilege to keep from people information which ostensibly, on the face of it, taxpayers, the contributors of funds, have a right to know about."

The Labor Party accepts this bill. We are very happy to support the bill that Mr Osborne introduced. At this stage we are proposing to support all of the amendments that I currently have from Mr Moore. I believe that is the sum total of them. We will support those amendments and we will also support the amendments circulated by Ms Tucker. We are in the situation of supporting the bill and all amendments.

MS TUCKER (10.48): In accordance with the principle of freedom of information, the Greens have always supported wide access to government documents, including the contracts it enters into. We have had an ongoing concern about the government's use of the commercial-in-confidence claim to prevent government contracts from being publicly disclosed.

This issue is becoming more important with the increasing levels of outsourcing being undertaken by government and the subsequent contracting of private organisations to provide advice and conduct government business. The terms of these contracts are of public interest as government money is involved, and I do not think these terms should be kept secret.

This issue has been debated in the Assembly a number of times, most notably when we debated the contracts relating to Bruce Stadium. As a number of members have raised concerns about the secrecy of government contracts, we have ended up with three separate private members bills that take different but overlapping approaches to limiting the use of confidentiality clauses in government contracts.

Mr Moore's bill sets out grounds for a government agency agreeing to a confidentiality clause that can protect only trade secrets, the financial position of a party to a contract, or confidentiality arising from another source. The bill also sets out when confidentiality clauses cannot be used. It also requires a copy of contracts containing confidentiality clauses to be given to the Auditor-General within 14 days and requires the Auditor-General to give a copy of the contract to an appropriate Assembly committee. I believe that Mr Moore's bill is the most comprehensive in controlling the use of confidentiality clauses.

Mr Osborne's bill is more about making non-confidential parts of contracts publicly available but still allows confidentiality clauses in specific cases, using virtually the same criteria as Mr Moore's bill. However, there is nothing in the bill about disclosure to the Assembly of confidential contracts.

Mr Stanhope's bill takes a different approach to other bills. It allows all contracts to be disclosed to the Assembly unless a minister certifies that a contract is confidential. However, there are no criteria for when the minister can certify that a confidentiality clause can be used in a contract. A copy of confidential contracts must, however, be

given to the Auditor-General, who must give a report to the Assembly every six months on contracts received.

A round table meeting was held some weeks ago to resolve how to deal with the three bills. I was not at the meeting, but my adviser attended. My understanding was that the conclusion reached was that the Moore and Osborne bills should be amalgamated and that Mr Moore and Mr Osborne work on how to do this.

The government had concerns about some of the detail in the two bills, particularly the threshold for the disclosure of contracts, and said it would get back to other members with some proposals for dealing with these concerns. I was therefore concerned to find out on Tuesday that Mr Osborne's bill was listed for debate today and that I had not been given any indication of how this reconciled with the outcome of the round table discussion.

Only late Tuesday did I find out that Mr Moore was intending to move amendments to Mr Osborne's bill to incorporate the substance of his earlier bill. My office did not receive a copy of those amendments until mid-morning Wednesday. It is very annoying that amendments to bills are being rushed through so quickly this week without much time for scrutiny.

I have looked through Mr Moore's amendments, and they appear to be a fairly accurate translation of the substance of his bill into Mr Osborne's bill, with one exception which I will mention in the detail stage. I think this amended bill will provide better access to government contracts, so I will support Mr Osborne's bill and Mr Moore's amendments. I will, however, be moving a further amendment in the detail stage.

MR KAINE (10.52): I think Ms Tucker's outlining of events that have led to this morning is a pretty accurate one. It is significant that there has long been a concern in this place about the use of commercial-in-confidence as a reason for not informing the Assembly of what is being done. I am aware that the bill before us, together with the amendments that have been agreed to by at least some of the players, is an attempt to rectify that.

As Ms Tucker said, we originally had three bills, and today we have one, which is a bit of an improvement. We at least do not have to thrash our way through debate on the merits of three different bills to arrive at a conclusion. That work has been done outside this place, and that is commendable. Like Ms Tucker, I only say amendments to Mr Osborne's bill earlier this week. I have not had time to go through all of the ramifications of the commercial-in-confidence classification and its use over an extended period of time to allow me to make up my mind whether this bill is a complete solution to the problem or whether it is not.

However, I am prepared to support the bill and then to observe over the next year or so whether there continue to be consistent and persistent concerns about the continuing use of the commercial-in-confidence classification to avoid providing information to this place. This may be a solution; it may not. I do not know yet, but I am prepared to give it a try, and we can review it in a few months time if necessary.

Mr Speaker, I will be supporting the bill and the amendments, because I recognise that it is at least an attempt to address the problem that has been of concern to many of us.

MR MOORE (Minister for Health, Housing and Community Care) (10.54): As with many of the things we do in this house, particularly the things that are ground breaking, it is difficult to know whether we have got this exactly right. Mr Kaine correctly says that this legislation ought to be reviewed in the not too distant future when we see how it has been working. There is no doubt in my mind that amendments will be made to Mr Osborne's legislation later.

I would like to take a little bit of ownership, because I think of the bill as a comfortable marriage between Mr Osborne's bill and mine. It became clear in our round table meeting that we were doing things that were parallel to each other, and there was certainly some overlap. Therefore, being able to put the amendments together did not turn out to be that difficult. Part of the reason was that I already had a bill on the table.

We have had indications from members that this legislation will go through. When that has happened, as is indicated on the daily program, I will seek to remove from the notice paper the legislation that I had proposed originally, which has now been put into Mr Osborne's legislation in an amended form, along with a number of other things that have happened.

This is a very important day for the ACT. Confidentiality in contracts is an issue I raised a number of times before the Carnell government came into power and have raised since. This is a very important step to open government. The pleasing part is that it is recognised by every member of the Assembly that this is something we need to do to make more transparent the processes that have continued to cause problems.

Members who have been ministers will know that the irony is that the things that public servants seem to think it is so important to keep confidential, apart from privacy issues, seem to cause us so little difficulty. It is rarely a minister who says, "Keep this particular piece confidential for a political purpose." It has normally been an administrative attitude. I think this will help break through that, no matter who is in government.

It is with pleasure that I support this legislation and that the government supports this legislation.

MR OSBORNE (10.57), in reply: I thank all members for their support. I must admit that I am a little rattled after listening to Mr Kaine saying he is going to keep an eye on this legislation for the next year or so. He might be around after the next election, so it makes me nervous.

This is an important day for the ACT. It is not often that we get opportunities like this. Following the Bruce Stadium situation, I have tried to come away with some positives. I doubt very much whether there would have been the political will, especially from the major parties, to take a step like this had there not been a situation with Bruce Stadium.

I apologise to those members who feel they were not included in the loop on this legislation. I had a round table with the government, Mr Moore, Ms Tucker's officer and Mr Stanhope's representative. We went through all the three bills point by point. At the

end of that, my office and Mr Moore's were left with the challenge of coming up with some amendments. I apologise to those members who were not kept fully up to speed, but it has been quite a complex process.

I thank Mr Moore especially. Either one of us could have withdrawn his bill. This bill is a combination of both his bill and mine. I did consider having his name on it with mine, but I get nervous whenever Mr Moore's name is associated with mine in relation to bills. But I thank him for being involved in the process.

This is a significant step forward. However, I agree with both Mr Kaine and Mr Moore that it will be an evolving piece of legislation. I am sure that we will revisit it at some stage in the next year or two, but I hope that is only to open it up rather than to turn the clock back. I understand there is agreement on the amendments, and I look forward to the legislation being passed. I thank members for their assistance and support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

Amendments 1 to 7 (by **Mr Moore**), by leave, taken together and agreed to:

Nos 1 to 7—

Amendments—

Clause 3, page 2—

Line 2, insert the following new definitions:

"***confidentiality clause*** means a provision in a government contract that requires a government agency that is a party to the contract to keep confidential particular terms of the contract or of another contract to which a government agency is a party, and includes 2 or more provisions in a government contract that together have that effect, whether or not they appear together in the contract.

Example

Provisions in a government contract that are in the form of clauses M and N in the Schedule to this Act together constitute a single ***confidentiality clause***. This applies whether or not the provisions appear together in the contract.

Territory owned corporation means a Territory owned corporation under the *Territory Owned Corporations Act 1990*.".

Line 3, definition of ***government agency***, insert at the end of the definition ", but does not include a Territory owned corporation".

Clause 5, page 2, line 14, at the end of the clause, insert the following new subclause:

"**(2)** However, this Act does not apply to—

(a) a contract of employment; or

(b) a contract for consideration (whether monetary or otherwise) worth $50,000 or less; or

(c) a contract for the settlement of liability to an individual.".

Clause 6, page 3—

Line 9, paragraph (2) (a), omit the paragraph, substitute the following paragraphs:

"(a) details identifying each party;

(ab) details, of which the government agency is aware, of the cross-ownership of relevant companies;".

Line 20, paragraph (2) (i), omit the paragraph, substitute the following paragraph:

"(i) the effect of guarantees, loans or undertakings;".

Line 22, paragraph (2) (j), omit "Australian Securities Commission", substitute "Australian Securities and Investments Commission".

New clause—

Page 4, line 4, after clause 7 insert the following new clause in the Bill:

"**7A Registration of government contracts with confidentiality clauses**

(1) The auditor-general must maintain a register of contracts containing confidentiality clauses.

(2) A government agency that agrees to a confidentiality clause must provide the auditor-general with a copy of the contract containing it within 14 days after the contract, or an amendment inserting the clause into the contract, is made.".

MS TUCKER (11.01): I move:

That the following new clause be inserted in the Bill:

Page 4, line 4:

"**7AA Assembly to be informed of confidentiality clauses**

(1) For the 6 months after the commencement of this Act, and for each 6 month period after that, the auditor-general must give the appropriate Legislative Assembly committee a list of the contracts inserted in the register mentioned in section 7A in the 6 month period.

(2) The auditor-general must give the committee the list of contracts for each 6 month period as soon as reasonably possible after the end of the period.

(3) A government agency must, when asked by the committee, give the committee the information the committee requires about a decision to agree to a confidentiality clause.

(4) In this section:

appropriate Legislative Assembly committee means—

(a) the public accounts committee of the Legislative Assembly; or

(b) another Legislative Assembly committee nominated by the Speaker for the purpose, from time to time.".

I note that Mr Moore's amendment inserting a new clause 7A picks up the provision from his own bill that government agencies should provide the Auditor-General with a copy of any contract containing a confidentiality clause. That is fine. However, Mr Moore's amendments have not transferred the next clause in his bill, which relates to the Assembly being informed of confidentiality clauses. Mr Moore proposed in his bill that the Auditor-General immediately provide a copy of these contracts to an Assembly committee, presumably the Finance and Public Administration Committee in its role as public accounts committee. The round table meeting discussed this point, and I understand that the general feeling was that this might be a bit excessive.

However, there was talk of accepting Mr Stanhope's proposal that the Auditor-General provide a six monthly report to the Assembly committee on the contracts he had received. My amendment puts that proposal into the bill. My amendment also provides that the Assembly committee may seek further information on the contract from the government agency, as originally proposed by Mr Moore.

MR MOORE (Minister for Health, Housing and Community Care) (11.02): I am comfortable with the amendment.

Amendment agreed to.

Amendments 8 to 13 (by **Mr Moore**), by leave, taken together and agreed to:

Nos 8 to 13—

New clause—

Page 5, line 2, before clause 9 insert the following new clause in the Bill:

"8A Notice of Act to other parties

If a confidentiality clause is proposed during the negotiation of a government contract, the government agency must ensure that the effect of this Act is drawn to the attention of the other party.".

Amendments—

Clause 9, page 5, line 6, paragraph (a), omit "model clause and definition", substitute "model confidentiality clause".

Clause 10, page 5, line 23, subclause (2), omit "may not", substitute "must not".

New clause and new Part—

Page 5, line 32, after clause 10 insert the following new clause and Part in the Bill:

"**10A Invalidity of non-complying confidentiality clauses**

A confidentiality clause has no effect if—

(a) it does not comply with section 9 (Confidentiality clause in a government contract); or

(b) the agreement by the government agency to the clause was not in accordance with section 10 (Grounds for confidentiality of information).

PART 4—MISCELLANEOUS

10B Effect of disclosure of confidential information

If information required to be kept confidential by a confidentiality clause is disclosed under this Act, that disclosure does not affect the continuing force of the confidentiality clause under the contract.

10C Effect of other disclosure laws

This Act does not change the effect of any other Territory law that deals with an obligation either to disclose or not to disclose information.

10D Regulation-making power

The Executive may make regulations for this Act.".

Amendments—

Schedule, page 6—

Line 1, heading, omit the heading, substitute the following heading:

"**SCHEDULE** (See s 9)

MODEL CONFIDENTIALITY CLAUSE"

Line 23, at the end of clause N insert the following new subclauses:

"N.3 The *Public Access to Government Contracts Act 2000* applies to this contract.

N.4 The following grounds mentioned in subsection 10 (1) of the *Public Access to Government Contracts Act 2000* apply to clause M and this clause: [list of relevant grounds in subsection 10 (1)].".

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

Bill, as amended, agreed to.

JUSTICE AND COMMUNITY SAFETY AMENDMENT BILL 2000 (NO 2)

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (11:03): I move:

That this bill be agreed to in principle.

This is the fifth bill in a series of bills dealing with legislation within the justice and community safety portfolio. The bill makes a number of substantive as well as technical amendments to portfolio legislation. In the latter regard, it corrects an error in the Crimes (Forensic Procedures) Act 2000 and simplifies a number of other acts.

An amendment to the Crown Proceedings Act 1992 will remove a competitive advantage enjoyed by territory authorities when carrying on business. Presently many such authorities avoid paying court fees and charges because of the generous framing of section 12 of the act.

An amendment to the Partnership Act 1963 removes an anomaly that may discourage ACT partners from accepting directorships in corporations. The amendment makes it clear that when partners give consent to one of their number to act as a director of a corporation the partners do not ordinarily intend to grant the partners' authority for every act or omission of that partner as a director. Rather the partners are only consenting to the director spending part of what would be professional time as a director.

Of itself, partners' consent to a partner accepting directorship in a corporation does not make the firm liable for a commercial judgment exercised by that partner in his/her capacity as corporate director. The amendment operates only as a presumption against liability.

Members will note that the amendment extends to activities in relation to both Corporations Law corporations and bodies corporate under an ACT law. This will have the beneficial effect of removing from ACT partners a disincentive to accepting positions on government statutory authorities.

Mr Speaker, as with previous portfolio bill amendments, the government is confident that these amendments will lead to more accessible and up-to-date legislation. I therefore commend the bill to the house.

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

SALE OF MOTOR VEHICLES AMENDMENT BILL 2000

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (11:06): Mr Speaker, I move:

> That this bill be agreed to in principle.

This bill accords with the government's objective of streamlining legislation by collapsing the existing Registration of Interests in Goods Act 1990 into the Sale of Motor Vehicles Act 1977. The bill amends the Sale of Motor Vehicles Act 1977 to include a new part 4A dealing with registration of interests in motor vehicles.

It may be recalled that the Registration of Interests in Goods Act 1990 was formulated with much flexibility in order to accommodate many goods that may be prescribed in the future. However, we have seen that, for the past 10 years the law has operated in the territory, motor vehicles have remained the only goods prescribed. It appears unlikely

that other forms of goods will be prescribed under the act. For this reason, the law is now being simplified by explicitly referring to motor vehicles.

The bill improves the existing legislation by including a definition of "notice of a registrable interest in a motor vehicle". Under the existing scheme, registration of a security interest has the effect of placing a prospective purchaser on constructive notice, and the failure to search the register maintained under the scheme will evidence lack of good faith. However, this does not deal with a situation where a purchaser has actual knowledge, or should have such knowledge, of the fact that there is a registrable interest, whether or not it is registered. This bill, in effect, ensures that notice encompasses constructive notice, actual knowledge of an interest, whether registered or not, or wilful ignorance.

Another improvement effected by the bill is the provision of an exemption in circumstances when a purchaser does not acquire a motor vehicle free of the registrable interest. The bill addresses the situation where there is a chain transaction and the eventual purchaser was acting in bad faith.

Mr Speaker, I commend the bill to the Assembly.

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

CRIMES AMENDMENT BILL 2000 (NO 3)

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

Title read by Clerk.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (11.09): I move:

> That this bill be agreed to in principle.

The purpose of the bill is to create offences relating to sexual servitude and deceptive recruiting for sexual services. In 1997 the Standing Committee of Attorneys-General requested that the Model Criminal Code Officers Committee examine a Commonwealth proposal to develop laws relating to sex slavery. The MCCOC report, which was released in November 1998 after a widespread public consultation process, proposed the enactment and model legislation covering slavery, sexual servitude and deceptive recruiting for sexual services.

The model provisions were developed in response to the international trade in people for the purposes of sexual exploitation. The AFP reports that Australia is a destination for this type of trade and, sadly, indications are that the problem is increasing.

Essentially, the trade involves recruiting people from one country and relocating them to another country to work as sex slaves in servile conditions for little, if any, reward. Workers are often placed into heavy security and their movements are strictly controlled.

In many cases the workers are placed under onerous sponsorship debts to their employers which they must repay in full before retaining any earnings. Intimidation, threats and use of force are apparently commonplace.

In many cases recruits are aware that they will be employed as sex workers, but often they are unaware of the conditions under which they will be employed. In other cases workers are deceived into believing that they will be engaged in other work, only to be forced into sex work when they arrive in the new country.

The model provisions attempt to address this growing problem by targeting the traffickers, not the workers. The Commonwealth enacted legislation based on the model provisions last year. The Commonwealth act applies where the conduct has an international element—for example, where a person recruits someone from outside Australia for sexual servitude inside Australia.

This bill will form part of a package of complementary state and territory laws that will operate where the conduct relating to sexual servitude or deceptive recruiting for sexual services takes place within Australia. South Australia has already passed legislation based on the model provisions. It is understood that the other states and the Northern Territory will be following suit.

The bill makes it an offence to cause someone to enter into, or remain in, sexual servitude. It will also be an offence to conduct a business that involves the sexual servitude of others. These provisions target people who, by the use of force or threat, assert a degree of dominance over a worker that effectively denies the worker the freedom to stop providing sexual services or to leave the place where the services are being provided. "Sexual services" is not restricted to prostitution and includes other sex work such as erotic dancing and pornography.

The question of whether a person was in sexual servitude will be a question of fact to be determined on a case-by-case basis according to a reasonable adult person test. Mr Speaker, the maximum penalty for sexual servitude offences is 15 years imprisonment, or 19 years if it is an aggravated offence, that is, if it is committed against a person under the age of 18. These penalties reflect the serious and abhorrent nature of the crime.

The bill also makes it an offence to deceive another person about the fact that they are being recruited for sex work—for example, where a potential recruit is told that she will be employed as a waitress when the intention is that she be employed as a prostitute. It is not necessary that the deception involve an element of sexual servitude. The deceptive recruiting offence has a maximum penalty of seven years, or nine years for an aggravated offence.

The bill also makes a number of minor amendments to the Crimes Act, such as removal of defunct provisions, alteration of section headings and the relocation of definitions to a dictionary at the end of the act. I commend the bill to the Assembly.

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

ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2000

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

Title read by Clerk.

MR SMYTH (Minister for Urban Services) (11.13): I move:

> That this bill be agreed to in principle.

Mr Speaker, this bill proposes that the police and the courts may impound vehicles used in road rage offences. Road rage is a serious driving offence that is becoming far too prevalent in the ACT. There have been several cases recently that have resulted in drivers being seriously injured by other drivers who have purposely interfered with and assaulted them.

The knowledge that the vehicle may be seized following an alleged road rage offence will provide a very clear message and deterrent to people who menace others on the road. The immediate loss of the vehicle, even if only for a short time, can often have a greater impact on a driver's behaviour than the thought that other penalties may be imposed at a later date.

The road transport legislation already provides that vehicles used in burnout or racing offences may be impounded by the police or the courts. The bill proposes that police officers may seize a vehicle where they have witnessed an incident of menacing behaviour. Vehicles may also be impounded where the courts so order, following application from the police.

The existing provisions for the impounding of vehicles associated with burnout or racing offences include the procedures for notifying the registered operator of the seizure, the storage, the safe keeping and the release of such vehicles. This bill specifies that these provisions also apply to seizures associated with road rage offences.

The option of seizing a vehicle gives the police and the courts an additional way of preventing a driver from being involved in further incidents of road rage.

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

GENERAL PURPOSE STANDING COMMITTEES
Alteration to Resolution of Appointment

MR MOORE (Minister for Health, Housing and Community Care) (11.15): Mr Speaker, I move:

> That the resolution of the Assembly of 28 April 1998, as amended on 25 November 1999, which appointed the General Purpose Standing Committees for this Assembly, be amended by:

(1) inserting after "health services, hospitals" in paragraph (1) (b) the following words: "housing and housing assistance"; and
(2) omitting from paragraph (1) (d) the following words "housing and housing assistance".

Mr Speaker, this motion amends the purpose of the standing committee on health services that Mr Wood chairs and includes housing in that responsibility to bring it more in line with the administrative orders. Mr Speaker, it is clear that after Mrs Carnell leaves, this being her last day in the Assembly, there will be further changes to the administrative orders, but we felt that it was appropriate in this case to make sure that we proceed now with this change. My understanding is that Mr Wood is happy with that. We flag now that there are likely to be proposals for further changes, but we will consult widely on those.

MR WOOD (11.17): I find the amendment interesting. The committee, as I understand it, has no difficulty with it. It will add to our load, but all committees have a heavy load. Housing has been a matter of great interest to me from the time I was minister for planning and dealing with housing issues in the ACT, so I look forward to considering the issues that may well arise in this area.

Question resolved in the affirmative.

EDUCATION, COMMUNITY SERVICES AND RECREATION— STANDING COMMITTEE
Proposed Reference

MR STEFANIAK (Minister for Education and Minister Assisting the Attorney-General) (11:18): Mr Speaker, I propose today to refer an inquiry on the impact of the current composition of the ACT teaching workforce on government schools to the Standing Committee on Education, Community Services and Recreation. The proposal has been on the notice paper for about six months. I appreciate that the committee has had other work to do, but I think that this reference is very important, so I am now moving it. I move:

That the Standing Committee on Education, Community Services and Recreation inquire into and report by the last sitting day in May 2001 on the impact of the current composition of the ACT teaching workforce on Government schools with particular reference to:
(1) the current composition of the ACT teaching workforce in ACT Government schools and preschools;
(2) the implications for the future education of students in Government schools; and
(3) strategies to assist in addressing the implications identified.

There is an amendment in there. Members might recall that the old notice paper said that the committee was to report by the end of 2000. Obviously, it now being the end of 2000, we are proposing May 2001. I would not be particularly averse to someone extending the date a little if it is reasonable to do so. I would think that such an inquiry would require approximately five months to complete.

It is vital for the ACT education system, as well as for education systems nationally, that we have a diverse, balanced workforce to take us into the future. There are a number of factors to be considered in any relevant discussion of this issue. Firstly, the ACT is a bit different from other states. Overall, we have an older workforce than other states. Queensland has an average age of about 38 or 39 and ours is about 47 or 48. There are other factors which I will come to as well. Over one-half of the teachers in our government schools will reach their expected retirement within the next decade. Indeed, many will reach it within the next five years. The average age of our teachers is higher than those of other states. I have already given the example of Queensland. Most other states are in the low forties.

National projections of teacher supply and demand also indicate that the demand for teachers, especially in some disciplines and in new areas such as vocational education, is going to grow steadily over the next decade. The ACT needs to adopt a strategic approach to ensure that its government schools continue to be staffed by appropriately skilled and qualified teachers in order to maintain and improve on existing high levels of achievement by both staff and students. That is why I think that it is important that the standing committee examine the issue.

The reference I am proposing to the committee is that it inquire into and report by the last sitting day in May 2001 on the impact of the current composition of our teaching workforce on government schools by, firstly, assessing the current composition of the teaching workforce in ACT government schools and pre-schools; secondly, considering the implications for the future education of students in government schools; and, thirdly, recommending to the Assembly and to the government strategies to assist in addressing the implications identified. Mr Speaker, I think that we are going to have a significant crisis if these things are not addressed. I think that it is appropriate for the committee to commence to do so.

For the past six months I have been corresponding with Ms Tucker on the proposed referral of the issue to her committee. From my understanding of it, she does not seem to be terribly keen to have that done. She maintains that the issue is a national one and that an examination of the composition of the teaching workforce at the ACT level, effectively, would be meaningless. I do not think that is an issue. Also, the federal parliament seemingly is reluctant to examine the issue. Its committees have not committed themselves to doing so. I do not think that we can rely on them to do it nationally. Secondly, I do not know whether doing it nationally would assist us anyway. I hope that will be done. I think that it is important for the nation that it be done. But the ACT has some problems which are very different from those in the rest of the country.

Mr Speaker, our teaching workforce is a very small component of the total number of teachers nationally and any findings of an inquiry at a national level, if it were to occur, would be very much skewed by the sheer weight of teaching numbers in the larger states. It is also the case that the age profile of our teachers differs from the ones in other states and territories. Therefore, many of the factors relating to the supply and demand for teachers in the ACT are peculiar to it.

Fifty per cent of the ACT's teachers are over 45 years of age. Most of them are in the old Commonwealth Superannuation Scheme and will receive a financial benefit if they retire before the age of 55. The best age is about 54 years and nine months. For this reason,

a large number of teachers are anticipated to retire within the next 10 years; indeed, a great many in the next five years.

Another difference is that the ACT does not have any schools in geographically remote areas. Therefore, the supply difficulties which are experienced by virtually every other state and territory are not an issue for us. Our geography does not raise problems with persuading teachers to teach in remote areas; we simply do not have to face that problem. Finally, while the ACT experiences areas of shortage similar to those in other states and territories, such as in mathematics, science and information technology, our teaching workforce is unique in its composition and is therefore more responsive to changes in teacher numbers.

I agree that a national examination of the matter would be helpful, but I am very much of the view that an inquiry by the standing committee would greatly assist in identifying issues relating specifically to the ACT teaching workforce and providing recommendations for addressing some of those issues at the ACT level. The government is not the font of all knowledge. Even though I have disagreed with this committee on a number of issues, I have always found some most useful material in its reports and some excellent recommendations in certain areas on which the government has acted but would not necessarily have do so otherwise.

The department is aware of the supply and demand issues in the ACT and is already implementing workforce planning strategies to address them, including recruitment strategies and things such as the teacher renewal program. The committee's findings would be valuable in assisting the department's workforce planning strategy. Mr Speaker, an examination of the matter from an ACT perspective is necessary, particularly a look at issues around the demographic profile of the ACT teaching workforce and the impact of this leadership capacity.

There were some pretty pertinent comments in the *Canberra Times* in terms of what committees of this Assembly should and should not do. The education committee has had a number of self-referrals, which is fine. I do not think the government has been referring to it as much as it has been referring to some other committees. We have been mindful of the work of the committee.

This motion has been sitting on the notice paper for six months. I have amended the reporting date. I am amenable to the committee taking a little longer then May 2001 to complete the inquiry, but I do stress to members of this Assembly that this inquiry is about a crucially important issue for the government education system. Teachers, obviously, are absolutely vital to any system and inquiries such as this would be greatly beneficial to our students ultimately and to ACT education. I commend the motion to members of the Assembly. As I said, I would be amenable to the committee taking longer than May 2001.

MR KAINE (11.25): I must admit that I was a little curious when I saw this motion on the notice paper. I was curious because I thought that the sort of question that the minister was seeking to refer to the committee was the very sort of question that his own department should be answering. In fact, it presumes that there is some knowledge of these matters in the department already. If there is not, his department has been grossly derelict in its duties.

The very first term of reference is with particular reference to the current composition of the ACT teaching force. Does the minister know the current composition of his teaching force? I suspect that he does. What, then, does he expect the committee to tell him?

I was a little curious to see the motion on the notice paper in the first place because I do believe that there are matters that are correctly within the province of the committees of this Assembly and there are matters that are correctly within the province of the government, and this is one of the latter. If the minister wants an inquiry into his own teaching force and its ability to teach into the future, he should be instituting the inquiry, not asking an Assembly committee to do it, particularly when I understand that the chair of the committee has already indicated that the committee is fully employed and probably could not meet and undertake the inquiry in the terms that the minister is putting forward. What, then, is the point of imposing such an inquiry on a committee that cannot meet the requirements? Mr Speaker, I do not know that I can support the minister in this motion.

The minister made some reference to a pertinent comment in the media recently about what committees are here to do. I thought that it was a grossly impertinent comment, to be frank with you, for anybody, whether in this place or outside, to say that committees should take on any inquiry that the government sees fit to impose on them, whether an inquiry into disability services or an inquiry into teacher services, and when the Assembly's response is to say that it is a job for the government itself to undertake, the committees are criticised because they are not doing what they are being paid to do. I think that that was a grossly impertinent comment.

One of the strengths of this place, which everybody has recognised for the last 10 years, is the strength of the committee system in this place. Before that, nobody has had the arrogance to say that the committees are not doing what they are paid to do. With odd exceptions, the committees are very heavily laden and they respond to the job that they are appointed to do. Whoever made the impertinent remark that they should be earning the money that they are paid for being there would know full well that the only people on committees who get paid more are the chairs. The rest of us do not get any money to sit on committees. I put in many hours of work on committees, and have done for virtually all of the last 10 years, and to be told that I am not earning the money that I am paid to sit on committees is a gross insult to me and I do not accept it, Mr Speaker.

I put this inquiry in the same category as the inquiry into disability services. It seemed to be the opinion of this government that a committee of the Assembly should undertake that inquiry. It was the view of the Assembly that it should not do so, and there were some very good reasons for that. The government still avoided the issue by appointing somebody other than the person recommended by the Assembly, so that they are not even prepared to follow the instructions or directions that the Assembly gives them. They do not seem to understand the fact that they are a minority government and that when the majority of members of this place give them a direction it is because we mean it. We are not just playing games here.

We have already had one set-to on whether this sort of reference should occur. I am very much afraid that we may well be getting into another one, because I think that this inquiry is in the same category as the inquiry into disability services. It is an inquiry that

the government itself ought to be undertaking. It ought not to be imposing this sort of a workload on a committee of this place. Even if the committees were not already overworked, the government ought not to be imposing it because it is inappropriate that a committee of this place look into a matter of this magnitude, particularly with the national and other ramifications.

What would be the outcome if the committee took on this inquiry that the minister thinks it should take on and brought down a comprehensive report which impacts upon things that are outside the jurisdiction of this place and in the jurisdiction of the Commonwealth? What would be the effect of it? Absolutely none. But the minister would have wasted the resources of the committee for months in undertaking such an inquiry.

I think that the government has to seriously consider where its responsibilities begin and end before it starts to impose on the committees of this assembly a workload of this kind, both in terms of its nature and its magnitude. I believe that it is inappropriate that the minister should be seeking to impose this inquiry on a committee, particularly when the chair of the committee has already indicated to him the difficulties that such an inquiry would create. The minister chooses to ignore that and go ahead in an arrogant fashion anyway.

Mr Speaker, I do not support this motion. Frankly, I think that the minister should withdraw it and not put us through the process of having to debate it, but we will waste a lot of our time today debating it because the minister and the executive cannot determine the difference between what is their responsibility and what is our responsibility. It is about time they woke up to what their responsibility is and where the boundaries lie. If they do not understand, maybe they should be talking to somebody who can explain it to them.

I do not believe that this is a matter that ought to be foisted upon a committee in this place. I urge the members of this Assembly to vote against this motion and put the responsibility right back where it belongs—in the lap of the minister. He should be coming to us with the outcome of his inquiries for our consideration, not the other way round. I think I have said enough, Mr Speaker.

MS TUCKER (11.32): The last comments of Mr Kaine were interesting. He suggested that the government should bring its own analysis of this situation to the Assembly for us to look at. In fact, I recall that we were told that the government would be doing that. I recall that the government said that it had developed a strategy when this issue was raised some time ago in general discussion in some committee forum, but I cannot recall the exact time.

When the committee received the request from the minister to do the work it was obvious to me that there was no strategy at all. The committee considered that request and decided that it was appropriate for the government to do that work. It was not a priority for our committee. We have lots of demands on us. There are other inquiries which we have been asked to do and which I do not believe we will be able to do in the time left anyway.

Obviously, the committee has a right to prioritise and to make decisions as a committee about what is the best way to spend the time and resources of the committee. We are interested in the view of the community about what should be our priorities as well.

After considering these issues, the committee wrote back to Minister Stefaniak saying that, unfortunately, we did not feel that it was something we could take on at that time. We believed that it was a national issue, because the teaching workforce is quite mobile, and an issue of national concern. That has been acknowledged by members of the federal parliament as well. We have had a series of letters on the subject. I do not have them with me today because I did not get to have the time, but Mr Berry can talk about the correspondence that has occurred between the committee and the chairs of the federal committees that looks at those issues. The committee took the request seriously before making its decision. As I said, it entered into correspondence with federal parliamentarians. After considering all the issues, we have said no to the inquiry.

I agree with Mr Kaine that this motion is another example of the arrogance of this government. When committees choose to take on inquiries and make recommendations, we often see them being ignored by this government—not always, but often. When we have a majority of the Assembly expressing its will to this government, the government ignores it. The government is now trying forcibly to impose on a committee a particular body of work. It does not matter that the committee has looked at such a request and said no. This government is not interested in that. This government does not care what the committee wants to do. This government says, "Do it. We will have a numbers game here. We will force you if we can." How that is in the interest of actually producing from the committee system work that has the support and enthusiasm of the committee involved is beyond me. It is really just about this government's arrogance.

Despite the fact that the committee has said no to the proposal, the government says that it knows better and will make a vote on this proposal occur on the floor of the Assembly. The government has the right to do that, but I do think it is being disrespectful to the committee and I am hoping that there will be support for not allowing the government to do this to committees, because every member of this place who is on a committee knows that committees do not want inquiries forced upon them and knows that it would not be a useful process for committees to have to engage in inquiries that they did not want to take on. That would be a silly process, so I am hoping to get support from the majority of members today to non-acceptance of this quite arrogant approach.

MR MOORE (Minister for Health, Housing and Community Care) (11.37): Mr Speaker, I have to say that I am somewhat gobsmacked at the notion that the government is incredibly arrogant when it seeks to get a majority view in the Assembly on requiring a committee to do some work that the government thinks is important.

Mr Kaine, in particular, spoke about the government imposing its will in disability services. That is not what the government is doing. The government is doing exactly what Mr Rugendyke, with Ms Tucker's backing, wants with regard to disability services: it is seeking to get a majority view of the Assembly that something needs to be done by a particular source. That is exactly what you have just done; so, everything that you have just accused the government of doing, you have just done yourselves.

That is the first thing. The second thing is that the government cannot impose its will on the Assembly. There are seven members in government and there are another 10 members who are not in government; so that is possible. But we can do what Mr Stefaniak has done. He has brought this motion to the Assembly and sought to get the Assembly's support for something that he thinks is very important.

Mr Kaine had a spurious argument about how the government should do their own analysis. Of course they will. The first thing that happens when a committee is looking into something like this is that the government presents to the committee the government's view on what it thinks should be the case. Mr Stefaniak and I have had quite a number of discussions on this subject and we disagree on some of the issues, so Mr Stefaniak has said, "Let us ask the committee for its view on whether we should proceed down a particular path after we have put the government's position to it." That is how the system always operates. It is a perfectly reasonable and sensible approach by the government to seek to consult, otherwise the government will get bashed over the head if it has a view that somebody does not like.

When we use the committee process to express a view on going into new territory we have all members looking at it and trying to understand what it is that the government is trying to achieve without going into the raw politics of the proposal. It is not a case of there being no consultation. The government is saying, "We want to consult on something. We have a view on it, but there are some questions about it and we want to get the view of the committee on it. We want the committee to try to give us some guidance as to how we operate." I notice that Ms Tucker has circulated an amendment to a motion about housing which is not on the program today but which she also talked about in a newspaper. The government has put up a policy on that and there is already a political aspect to it.

I turn to the final thing I would like to say. I am pleased that Mr Kaine is here to hear it. Mr Kaine described the government as arrogant in dealing with these issues. I would like to remind Mr Kaine that the Assembly gave the committee that he chaired an inquiry into taxis. I remember it because I put the motion to the Assembly, got its support and asked Mr Kaine to look at that. Mr Kaine's response was simply to ignore it, never to do the inquiry, in spite of the fact that the Assembly had charged the committee with that responsibility. I think there is a little bit of the kettle calling the pot black here.

When we look at each of these issues we ought to try to understand what is trying to be achieved. I accept that. I accept that he had a different view, and that is the way he handled it. At the time, I did not go along to Mr Kaine and say, and I could have, "Come on, the Assembly has asked you to do this. Why aren't you doing it?" I let it ride because I knew that he had other reasons and he had prioritised. The point I am trying to make is that when you are standing in this place and saying that somebody else is arrogant, is ignoring something or whatever, you need to think about how we operate in this place and what the government is trying to achieve. The government is asking whether a majority of the members of the Assembly believe that it is appropriate and in order for the committee to look at this issue and try to provide us with the appropriate consultation on that. That is what it is about. We are seeking the support of a majority of members for this proposal because Mr Stefaniak thinks that it may be a way of improving the delivery of education services.

MR BERRY (11.42): Mr Speaker, this motion is just an exercise about the government trying to require a committee to do the government's work. This work is a reasonable requirement of the government and there is plenty of information upon which to base such work within the government if the government is so concerned about it. It seems to me that the minister is so stubbornly rusted on to his view that he intends to waste the time of this Assembly on a motion requiring the committee to do the government's work.

The most annoying part of the government's approach in relation to this matter is that the minister knows that there has been a response from the Senate's Employment, Workplace Relations, Small Business and Education References Committee and he knows that there has been a response from the House of Representatives Standing Committee on Employment, Education and Training. He should know that teacher supply and demand is an issue which is monitored by the Ministerial Council on Education, Employment, Training and Youth Affairs.

Mr Stefaniak: I am part of it. Table the letters, Wayne.

MR BERRY: Unless you have been asleep at the meetings, you should know that that is what they look at. According to the letter from the Senate committee, the next report of MCEETYA's teacher education taskforce is due for release early next year and the deans of education released recently a report on teacher supply and demand. These are things that the minister would know about through his involvement with the ministerial council and he is trying to flick pass to a committee the responsibility to deal with these issues at a departmental level.

It might be in the government's interest to try to keep our committees busy so that they are not doing things that are troublesome for the government, but the fact of the matter is that the minister knows that activity is going on elsewhere in relation to these matters and he would know, if he was so concerned about it, that normally the department would be doing this sort of work. If the department were to issue a report about the ACT workforce insofar as the education system is concerned, it would then be a matter for this Assembly and committees of this Assembly to take it on, if they desired. But for a committee to do the basic bureaucratic work that you require is just over the top.

Mr Speaker, I want particularly to refer the Assembly to a letter from the Standing Committee on Employment, Education and Training of the House of Representatives, chaired by Dr Brendan Nelson. Dr Nelson wrote to the chair of the ACT Assembly committee on this matter after she had written to him. I will just read to the Assembly his words:

> The Committee agrees that the composition of the national teaching workforce merits investigation and notes that the ACT Government's efforts to manage the age profile of its teaching workforce through voluntary redundancies was examined during our inquiry into mature age workers. We are currently undertaking an inquiry into the education of boys and another aspect of the reference you have suggested, the gender balance of the teaching force, has emerged as an important issue in that inquiry.

> While it has seriously considered your suggestion the Committee has decided that its current commitments do not allow it to seek an additional reference at this time. However, the Committee will reconsider seeking a reference on the issue when it has concluded its current inquiry.

There is still interest in it at the national level. The minister is asking us to do a bit of an inquiry in relation to these matters in the ACT and forget the fact that the national emphasis might still be pursued at some later time. I consider his stubbornness on this issue to be quite astounding. For months he has been pushing this barrow and for months the committee has been trying to tell him that there are other ways of doing it which are more appropriate, but the minister continues to persist doggedly with the line that he has adopted in relation to referring to this Assembly committee work that ought to be conducted by the government.

I can only conclude that the minister's aim is to try to keep the committee busy doing things that he wants it to do rather than allowing the committee to do things that Assembly members want it to do and that he would rather set the priorities for the committees than have the committees set some of their own priorities. Yes, it is an obligation that this house can respond to, but I say to members in relation to this matter that it is clearly something about which there is interest at a national level, about which there will be an inquiry and about which there is already information available that the minister could, if he really wanted to, get some of his departmental officers to deal with or, if he considers it to be so important, hire some sort of consultant or someone else to deal with the issue.

To force it upon a committee in the way that the minister has just smells to me like some sort of ideological mindset, trying to keep the committee busy doing things that the government wants it to do, rather than on matters which are before the committee or might be taken on by the committee in the future. Mr Speaker, Labor will be opposing this silly move by the government.

Mr Moore made reference to the issue of taxis. I can just imagine what happened there: somebody from the taxi company or from the taxi industry said that we should have an inquiry and, as a member of the Legislative Assembly who wants to represent his constituents well, he said, "I will help you out, mate. I will get an inquiry started." Of course, he tried. Therefore, the person who approached him felt happy. But to use that as a reference in this debate is quite inappropriate.

It is clear that the deal here is that the government wants the committee to get busy on something that the government should be doing and it is something in which the minister is involved at one level or another at the appropriate ministerial council. It is an issue in which two areas of the national government have expressed an interest, that is, the relevant Senate committee and the relevant House of Representatives committee. They have said that it is important and they have indicated that they might deal with it later. Why on earth do you want to lock this Assembly into a minor inquiry in the scheme of things, one which looks just at the ACT, when it really would be better to see what the national outcomes were? If the government is so interested in it, why does it not just do so itself?

MR RUGENDYKE (11.50): Mr Speaker, I have listened carefully to this debate, partly because I am not quite sure what is the concern. I had to ask Mr Stefaniak what he meant by the motion and it is apparently about a study of the number of male teachers, female teachers, old teachers, young teachers and things like that that should be able to be pulled out of statistics fairly easily. I do not know that it would be a very heavy inquiry. I do not know why the government needs to rush into it as the federal government may well be looking at it shortly.

On the other hand, I am not quite sure why a minister is unable to refer something to a committee for examination. That happens all the time. I think we all take referrals from ministers at some stage. As Mr Moore said, if there is reluctance on the part of this committee to look at this issue, it can be buried for 12 months without any trouble. In many ways, I am not sure what the fuss is all about.

Mr Kaine: When in doubt, vote no. Obviously, you are in doubt. I can tell by the way that you are talking that you are in doubt.

MR RUGENDYKE: I listened carefully to Mr Kaine's arguments, which had a lot of merit, and I will listen to the closing of the debate.

MR STEFANIAK (Minister for Education and Minister Assisting the Attorney-General) (11:51), in reply: I agree with Mr Rugendyke: I do not know what all the fuss is about. The government has to look at everything. Of course it looks at this issue; it looks at every issue. But that has never stopped a committee from looking at things it wants to look at and it never will. Also, it is never going to stop a government seeking assistance from a committee on important issues, and I do not think anyone can deny that this is an important issue.

Yes, there is a lot being done nationally and maybe—I hope that it happens—a federal committee will take up this issue. I am not going to repeat what I said earlier—it is on the record—about the ACT having unique things that do need addressing. Mr Kaine said that it is something that the government should do and asked why the department cannot investigate it. Why can the department not investigate everything; why on earth should committees worry about that? Do you want just the department to investigate everything? Fair enough. Are you saying, "The department should be able to do that, so we will not comment on it as it must know what it is doing"? That is nonsense. Quite rightly, committees have often taken on self-referrals because they do not like the way the department is doing something. That might well be the case here, too.

Mr Speaker, I do not think that I can be more reasonable. I have been very flexible with the time. I know that the committees have a heavy work load. I would be quite happy if people wanted to extend the reporting date. If the committee takes it on and then says that it needs more time as it has more pressing matters, fine. I think that the composition of our teaching workforce is a very important issue for the ACT. Anything the committee can do in terms of what we should be doing in the future would be of help to us. Of course we are looking at that. We have done things that the committee has not liked, such as introduced the teacher renewal scheme, which a couple of members bagged but which is actually very popular.

I think it is ludicrous to say that this inquiry is something that the government should do. You could say that about anything that the committees do. Obviously, we have committees because Assembly members might not be terribly happy with exactly everything the government or the departments actually do. If people feel that way, well why on earth do they criticise the government when it delivers its strategies?

As Mr Moore says, the government would have a significant input to this inquiry. We do have a number of ideas, but we want to see what everyone else thinks. It is an issue of crucial importance. To say that it is something just the government should do is ludicrous. Committees of this place have taken on for themselves references of a lot less importance than this one.

It is not as though the government refers a lot to this committee. The last referral to it was back in 1999 and that was on pre-school guidelines, which the committees has reported on. I cannot think of anything that has been referred to this committee by the government since last year. This motion has been on the notice paper for a while. I have deliberately not put it on for Assembly business for some sitting days now because I know that the committee has been doing other things, but I do want members of the committee to look at this very important issue.

I am flexible about the time taken, but I think it is crucially important and I remind members that it is now December 2000 and the government has not referred anything this year to the education committee. We have not referred a great deal of stuff to it. It has self-referred a fair bit. That is fine; that is the committee's prerogative. But I think it is ridiculous if a government cannot refer something that it regards as being very important and in the interests of out education system.

I would ask members to vote in favour of this matter going to the committee. I reiterate that I am flexible in terms of the reporting date. I think that the issue is important. The territory is very different nationally. I certainly hope that a federal committee will look at it nationally. There is a lot of work to be done on this issue. It is very important that we address this issue and we have as much input and assistance from as many people as possible. It is an important reference; I do press the point. I thank members for the debate.

Question put:

> That the motion (**Mr Stefaniak's**) be agreed to.

The Assembly voted—

Ayes, 8	Noes, 9
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Kaine
Mr Moore	Mr Osborne
Mr Rugendyke	Mr Quinlan
Mr Smyth	Mr Stanhope
Mr Stefaniak	Ms Tucker
	Mr Wood

Question so resolved in the negative.

ASSEMBLY BUSINESS
Suspension of Standing and Temporary Orders

MS TUCKER (11:59): I move:

> That so much of the standing and temporary orders be suspended as would prevent:
>
> (1) order of the day No 50, Assembly business, relating to the Government's response to the report of the Select Committee on Public Housing, being called on forthwith; and
>
> (2) Ms Tucker again addressing the Assembly.

I do not know whether members will oppose this motion, but I think it is important that we have the opportunity today to continue the debate on the government's response to the report of the Select Committee on Public Housing, because today is the last sitting day for some considerable time. The minister for housing tabled the response only this week. The committee presented its report to this parliament in March 2000. It normally takes the government about three months to respond to a committee report. In this case it took nine months. I would like to know why. We had correspondence from Mr Smyth, when he was minister, to say that we would get a response by August, which we did not get. The response was tabled in this last sitting week of the year. This is such an important issue that we must have the opportunity to deal with the response now.

I am very unhappy with the response. I want to ask the Assembly to address the issues that need raising, and I believe action has to be taken by the Assembly now. We should not have to wait until next year, because by that time the government will have initiated its reforms. They have landed this response on the Assembly at the end of the year. If we do not have the debate now, we will not be able to address the issues before the reforms mentioned in the response are put into place.

MR MOORE (Minister for Health, Housing and Community Care) (12:01): We will be opposing the motion. The only reason I knew that this motion was coming on is that I read something in the paper this morning. Ms Tucker certainly has not spoken to me about it. She circulated the motion maybe an hour ago. This is the second time

Ms Tucker has acted with no consultation whatsoever. She did exactly the same thing with regard to the disability inquiry, ensuring of course that I had no time to prepare a response to the issues she was raising.

I come to the substantive issue. I will try to do the best I can without having the briefings that are appropriate in dealing with these issues. We have a set of processes that we normally stay within. There are times when we need to suspend standing orders. The government itself will be seeking to suspend standing orders a number of times today, but I have spoken to every single grouping within the Assembly to make sure they understand why I want to suspend standing orders and what we want to achieve. That is how the consultation process works, Ms Tucker.

This time, because there is something important to you, you seem to think that you can put the consultation process aside. I ask you to withdraw this motion. It is entirely inappropriate to bring it on without notice and without speaking to me about the issues, particularly when it is such a confronting motion that suggests that we have no sense of understanding of people in poverty. This is an inappropriate way to go about the business of the house. I ask you to withdraw this motion.

MR WOOD (12:03): Mr Speaker, the opposition will be supporting Ms Tucker's motion. Mr Moore says it is inappropriate, notwithstanding that the government is going to suspend standing orders on other issues. I would ask Mr Moore to indicate what else can be done. What alternatives are there? This is the last sitting day of the year. Measures are proposed to come into effect from 1 January next year. If there is a view to be expressed, it has to be expressed today. There is no other time to do it. If the Assembly wants to assert its role here as it has done in recent times on other matters and if we are to say what we think, this is the time—right now—so that the government can take note.

This housing issue has been a vexed question for quite some time. It is now a year and a half since Mr Smyth brought in measures that were fairly contentious in a couple of areas, particularly the one on permanency of tenure, which has caused a deal of discussion.

A committee of this Assembly brought down a unanimous report on these issues. It has been rejected, notwithstanding that the government says it agrees in principle. We need to have our say. We need to push our point of view, and this is the time it needs to be done.

MR KAINE (12:05): I am a bit reluctant to be bringing on at this stage business that is going to take a considerable amount of time when we have a pretty full agenda. But Ms Tucker and Mr Wood raised some very important points. The minister does not want to debate this matter today, because he is not across the issues. He brought down a comprehensive response to a committee report only this week. Did he table a response which he did not understand, the issues contained in which he was not on top of? I find that a little incomprehensible. Having tabled that response, he must know what was in it and he must know what the issues are.

Ms Tucker made the point that the response from the government has been tardy, to say the least. You would have to query why, after such a length of time, the response was tabled in the last sitting week, when the government must have known that there would be issues which the Assembly would want to debate.

I understand that some issues arising from the government's consideration of the report will take effect from 1 January. Yet the Assembly has been given no opportunity to debate those issues at all and, if they are not debated today, will not be given an opportunity until after those matters are put into effect. I think it is entirely unreasonable that the minister would expect us to accept those things at face value. When he tabled his response on Tuesday and Ms Tucker made the comments that she made at the time, it must have been clear to the minister that there was a clear message that Ms Tucker wanted those matters debated. Today is the only day they can be debated.

The minister must have been aware that there would have been a call for this debate. I do not accept that it is a debate that can be deferred. I find it hard to believe that the minister could say that the debate cannot proceed because he has not been briefed and he is not on top of the issues. If that is the case, then I am afraid the department is not in very good hands. I think there is justification for supporting Ms Tucker and having this matter debated today. It cannot be debated effectively at any later time.

MR SMYTH (Minister for Urban Services) (12:08): Mr Speaker, if there is any blame for the delay in the response, that blame would be mine, because I was not happy with the initial work that was done and asked for more work be done. In the interim the portfolio responsibility has been transferred to Mr Moore, and Mr Moore has had a look at the matter and has himself asked for more work to be done.

The government's fundamental position has not shifted. These are reforms that we should have brought about on 1 January this year. Without these reforms, something like $1 million that would be spent on public housing will be forgone. That is a significant amount to help those who are most in need.

Before moving to suspend standing orders to bring forward order of the day No 35, the Public Access to Government Contracts Bill, Mr Moore said to all parties, "We would like to do this in the morning. There has been a misunderstanding. Get ready for it, and we will go through it quickly." That is the way you should do it. That is called consultation. You talk to people.

We got to read about Ms Tucker's motion in the *Canberra Times*. That is Ms Tucker's definition of consultation. She says, "I told them it is in the *Canberra Times"* or "I circulated a motion an hour ago saying I think we should do this now." The government could have adjusted its program had they known about this last night or earlier in the week when the response to the committee report was tabled. We could have reprioritised the daily program today to accommodate this. You bring these things on at the end of Assembly business in the expectation that we will just bump the program.

If it is so important, where was the consultation? If it is so important, where was the notice so that we could get ready? We have tabled our response to the report. I do not have my copy of the report with me, but I am sure I can get one sent down to me. I am across the issues. I am sure Mr Moore is across the issues as well.

There is an appropriate process. As always, the way Ms Tucker is handling this is appalling. It is always thrown at the government that we do not consult appropriately. How about a little bit of consultation from you when you want to do something? You might give us some notice so that we can all be prepared for a reasonable debate. The motion should be opposed.

Question put:

> That the motion (**Ms Tucker's**) be agreed to.

The Assembly having voted—

Mr Rugendyke: Mr Speaker, I have been mistaken in my vote. I ask for another vote.

MR SPEAKER: Standing order 165 states:

> In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, the Assembly shall proceed to another vote.

Is it the wish of the Assembly to proceed to another vote? There being no objection, that course will be followed.

Question put:

> That the motion (**Ms Tucker's**) be agreed to.

The Assembly voted—

Ayes, 10	Noes, 7
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Kaine	Mr Humphries
Mr Osborne	Mr Moore
Mr Quinlan	Mr Smyth
Mr Rugendyke	Mr Stefaniak
Mr Stanhope	
Ms Tucker	
Mr Wood	

Question so resolved in the affirmative.

PUBLIC HOUSING—SELECT COMMITTEE
Report—Government Response

Debate resumed from 5 December 2000, on motion by **Mr Moore**:

That the Assembly takes note of the report.

MR WOOD (12.16): Mr Speaker, in my comments on the suspension of standing orders, I made some reference to the reason for debate on this matter being resumed now. I will cover that only briefly. The government response Mr Moore brought down indicates substantial agreement with the findings of the committee but, as Ms Tucker pointed out the other day, a closer reading of the document shows that the government has really rejected key recommendations from the inquiry. If nothing else, Mr Moore ought to have come forward with an accurate statement of what the government was doing and not try to pull the wool over the eyes of any quick reader.

The key issue is security of tenure, though there are a number of other quite major issues. I realise that security of tenure is a vexed question, as I get coming through my office many people who do not have accommodation but qualify for it and are desperate for it. If there was greater throughput in Housing, I acknowledge that there would be movement for those people perhaps a little earlier than might otherwise be the case.

My consideration has led me to the conclusion that when you offer a person a house it becomes their home, and it is very difficult to throw such a person out after many years.

Mr Moore: We are not throwing anybody out, Bill. It does not say that, and you know it.

MR WOOD: I know those circumstances, Mr Moore. I admire what Housing is doing in encouraging pride of ownership with tenant of the year awards, tenant of the month awards, garden competitions—all those things. To get full benefit from those things, tenants need to know that they are assured of accommodation in the place they have.

In the last month, I have been in probably half a dozen Housing properties where families have been very proud of what they have done. A couple of times, happily not too often, I have been in Housing properties where the tenants have not been so responsible. You can see the pride people take in their homes and in their gardens. The 80-year-old lady I visited on Monday last week still maintains a wonderful garden, and the inside of the house reflects the same pride. Ministers for housing should be very proud of what their tenants can do, as I am sure they are. But that lady needs to know that she has security of tenure.

Not a vast number of people would cause problems over time. In those circumstances the policy the government is pursuing, although understandable, is not exactly the right way to go. I would like to see them give a little more consideration to that stand-out issue, but also to quite a number of other important issues.

MS TUCKER (12.20): Mr Speaker, I will be moving an amendment because I believe the government response to the report of the Select Committee on Public Housing was unacceptable. This government has made a joke of the committee process. This is offensive not only to the parliament but also to the community, who took the trouble to

put in submissions, research those submissions and give oral presentations and who had faith enough in the system to do so.

We received 45 submissions. We heard 44 oral submissions. One of the people who made a submission was in tears last week, tears of frustration and disbelief, after having read the government response.

Mr Moore: Oh.

MS TUCKER: Mr Moore interjects, "Oh." He likes to mock the passion in the community. Mr Moore is so concerned about his own political situation that he is not prepared to acknowledge this total commitment from many people in the community on this issue. He does not seem to understand how incredibly offensive that is.

MR SPEAKER: Ms Tucker, would you please mind continuing with your speech.

MS TUCKER: I have to respond to that ridiculous interjection.

MR SPEAKER: I do not think you do. However, just continue with what you were saying.

MS TUCKER: The government would have done much better to say what they mean, which is, with a few exceptions: "We do not accept or agree with your recommendations. We intend to continue with the agenda we outlined originally in the budget announcement of 1999-2000. We are going to pretend to look like we agree. We do not want to make Mr Hird, who supported the report, feel uncomfortable, so we will play around with the language."

I would like to remind members of the initial process and why we had this select committee. Major changes to policy on public housing were announced in the budget process, with no consultation preceding the announcement. When challenged about this, Mr Smyth blithely responded that consultation was not necessary for budget decisions. The select committee was established in response to this very inadequate and undemocratic process. The government continues its charge to dismantle public housing as we know it.

Mr Speaker, the provision of adequate, stable and affordable housing is recognised as one of the central elements to mitigating poverty amongst people on low incomes. The provision of public housing establishes for many people on low incomes and experiencing disadvantage the key platform from which to address other life concerns such as health matters, furthering education and training, as well as seeking and maintaining employment.

Public housing is a very significant social responsibility of government. It is extremely disturbing to see how little work has gone into this response. As I have said, the response is extremely late, and we would have hoped to have seen some substance in it.

I remind members that the first recommendation, which rejected eliminating security of tenure, was responded to with a statement that the government needed to do a comprehensive assessment of the impact of its proposed changes. That assessment has

not appeared. When we realised that this report was so late, I was hoping at least that meant some work was being done. But there has been no assessment. The recommendation also required that the government bring that assessment to the Assembly for debate.

I have selected critical recommendations for the government to go back and respond to meaningfully. The first and second recommendations relate to security of tenure both for public housing and for community housing. The government claims to have supported them in principle but, as I said, immediately you read past that statement, it is clear that they have maintained their position totally.

The claim is made that the government supports providing security of tenure to those people who are in greatest need of public housing and for the period they need this assistance. That is a radical change to current policy. That is about removing security of tenure. The committee recognised that and was very concerned about the way this change was imposed without any real analysis of the consequences. As I said, that was the reason the first recommendation was accompanied by a requirement that the government undertake a comprehensive assessment of people likely to be affected and that that issue be brought back here for debate.

I also notice that the government claims again that this policy change will not impact on existing tenants. However, on the second page, the response says:

> These reforms include:
>
> 1. Offering leases to new tenants—and existing tenants entering new tenancy agreements—that would be reviewed every three years (or five years for people on fixed incomes).

That is a very clear statement. The minister might like to respond if he thinks it means something other than what everybody else interprets it to mean, which is that anybody who has a new housing arrangement through transport or whatever will be under the new set of criteria. A letter dated 5 December sent out by the new CEO of the department, Bob Hutchison, states:

> These reforms will not affect you unless you transfer to another ACT Housing property.

Anybody who moves—and there are many reasons people would want to move—will be penalised immediately. This is clearly a disincentive for anybody to move. How is this in the interest of tenants who may wish to move for good social capital reasons? How is this in Housing's interest, when they are trying to ensure responsible and efficient use of housing stock? This is a major disincentive. It has been interpreted that way by anyone observing the whole reform agenda, particularly more recent statements which contradict initial statements by the government.

The recent communication contradicts what the committee was told, but even what the committee was told contradicted itself. According to government statements as recorded in the select committee report on page 21, existing tenants will retain existing tenant status in certain circumstances—for example, if ACT Housing requests a transfer because the current dwelling is underutilised. But of course we already know that under

the current regime you cannot request people to leave because they are underutilising a dwelling. It is not possible. That is part of the new so-called reforms, under which they will be able to move people they claim to be underoccupying a dwelling. You have to ask what this means for the efficiency of the general housing sector.

If Mr Hutchison is wrong in his letter or that is a misleading claim and the government is still claiming that some people will be able to retain existing tenant status if they meet certain criteria, then the question has to be asked: who will those lucky people be? Who will those people who do not have to lose their security of tenure be? That will be at the discretion of Housing.

I do not know whether Mr Moore understands the level of anxiety that exists when people believe they may lose their home. This is one of the issues that came through quite clearly in the committee process. People will not be seeking a transfer even if there is a really good reason, even if it is to be with loved ones or to live closer to their community support system. They will not be doing that, because they would much prefer to keep their security of tenure, which they will do as existing tenants. This whole reform process has set up two levels of experience of public tenants.

The first recommendation also made it quite clear that the government needed to support its proposal through some analysis of the impact. Mr Moore is talking to Mr Osborne. He did say that he would listen this. Please, Mr Osborne.

Mr Osborne: He is interrupting me. He is trying to make me not hear what you are saying, so I have asked him to stop.

MS TUCKER: Mr Osborne has asked Mr Moore to stop disturbing him. Good. You have to wonder why it gets to the point where a committee has to ask the government to produce some kind of analysis of, and rationale for, proposed policy changes as significant as this and in such a significant area. Why is it that government does not do the analysis?

Mr Moore: Because you disagree with them.

MS TUCKER: Mr Moore interjects, "Because you disagree with them." *(Extension of time granted.)* If Mr Moore looked at the recommendation, he would realise that the committee was expressing concern about removing security of tenure without producing a proper analysis and argument for doing that. The committee said, "Do the work. Bring it back here. Can we have a full debate in the parliament about your proposed changes?" Mr Moore needs to note that the committee did not say, "We totally reject forever the proposal that you remove security of tenure." The committee said, "We do not think you have produced the arguments. We are asking you to go away and do a comprehensive analysis. Bring that work back to the Assembly so there can be a full debate." We did not say we totally oppose it. We said to go and do the work, and you have not done it.

Underlying the concerns that led the committee to take this position was why the government would be producing these significant changes to the provision of public housing without having done that work. When the community with expertise came and spoke to the committee, they expressed serious concerns about this proposal which the

government could not respond to. The government had not done the analysis nearly well enough to convince people in the sector that this was a good initiative.

This is about economic rationalism. The sad thing about economic rationalism is that it is irrational, because it does not take into account the holistic concerns and consequences of focusing on efficiency measures, reducing and minimising social responsibility and saving money, apparently, at the same time. So we end up with a poorly thought out policy position. The committee asked the government to go back and do the work on and bring it here. That is what they did not do.

I will briefly address the other recommendations mentioned in the motion. The second recommendation was about security of tenure for community housing. The same work needs to be done there.

The third recommendation was on segmentation of the waiting list. As the committee pointed out clearly, evidence from other states shows that you do not get any real accommodation for people who are not in the priority areas. The experience interstate is that only category 1 applicants and possibly category 2 applicants are allocated houses. The current system, with two categories—priority and other—at least has a guaranteed proportion of allocations to the non-priority category. At the moment this is 70:30 in favour of priority.

What is the government talking about here? Is it talking about straight income, giving people who do not have the income a good dose of desperate poverty so they will get a job and get more money? Is that the plan? Or is it the welfare agenda? Is it not likely that placing people in this situation, increasing inequity, will lead to more crime and drug problems, et cetera? What is the point of studying how to alleviate poverty when you will not heed the advice that these changes will contribute to disadvantage and poverty?

The question of rental bonds also was ignored by the government. We had strong evidence given to us, particularly by people from the federal department, about the impact on refugees. The government is saying that because of their new structure people will not need a rental bond loan scheme because they will be put into a house. They will have to be put into a house, because they will be a priority. They will not have any other option, because there is no rental bond loan scheme anymore. That is ridiculous. You are saying, "We will not have the rental bond loan scheme. Instead, we will give the people priority status and push them in at the top of the list." The immigration department were very concerned that refugee families would be seriously disadvantaged by the abolition of the rental bond loan scheme.

They have left it with a $20,000 emergency fund. The committee received evidence that this was an inadequate amount of money to deal with those sorts of issues as well. The emergency relief fund, we believe, was a good idea. That can stay, but it should not replace the rental bond loan scheme. *(Further extension of time granted.)*

In paragraph 3.104 the committee said:

> Until it is demonstrated that there is a significant problem, the committee cannot support the cessation of rental rebates after absences of more than three months.

This recommendation, like others I have already discussed, is based on strong evidence given to us by community groups that this change will have undesirable impacts on people this government claims to be offering welfare to. The committee, in reaching its decision at paragraph 3.104, said:

> … the proposal to cease rent rebates after absences of more than three months may result in a serious diminishing of rights for some public housing tenants.

We asked the government to come back with more work on that, and they have not done that either.

I will finish speaking at this point, but I think I need to formally move the amendment that I have circulated.

MR SPEAKER: You do.

MS TUCKER: I move:

> Omit all words after "Assembly", substitute ", having considered the Government's response to the Report of the Select Committee on the Role of Public Housing –
>
> (1) expresses strong disappointment at the Government's failure to reflect in its response an understanding that the provision of adequate, stable and affordable housing is recognised as one of the central elements to mitigating poverty, and to creating social cohesion; and
>
> (2) requires the government to prepare a revised response to recommendations 1, 2, 3, 7 and 9, to respond to paragraph 3.104, and to take no further action towards implementing the housing reforms to which these recommendations and this paragraph refer until the Assembly has resolved any question moved on the presentation of the revised Government response.".

Debate (on motion by **Mr Moore**) adjourned to a later hour.

ASSEMBLY BUSINESS—PRECEDENCE
Suspension of Standing and Temporary Orders

MR MOORE (Minister for Health, Housing and Community Care) (12.38): So you know that I do things properly, Ms Tucker, and so the previous debate comes back on today, I move:

> That so much of the standing and temporary orders be suspended as would prevent consideration of Assembly business, order of the day No 50 having precedence of Executive notices and orders of the day in the ordinary routine of business until consideration this day has concluded.

Question resolved in the affirmative, with the concurrence of an absolute majority.

Sitting suspended from 12.38 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Proposed New Remand Centre

MR STANHOPE: Mr Speaker, my question is to the Chief Minister. In announcing the government's intention to bring forward construction of a new remand centre, the Chief Minister has announced that funding for the project will be provided through the capital works budget for 2001-2002. Can the Chief Minister tell the Assembly whether this decision means that the government has rejected an option for private financing of the project, or is the government anticipating a consultant's advice that private financing is not a preferred option?

MR HUMPHRIES: I thank the Leader of the Opposition for that question. The government's announcement is that we should have a fast-tracking of the remand centre part of this project. The way in which we propose to do that is to proceed initially with the remand centre component of the project, at this stage at least, as a standard capital works, on-budget type project. The project will appear in the coming year's capital works program. The cost entailed in building for that year will be referred to in the budget. The intention is that that will allow us to commence work in the coming financial year in terms of the physical construction of the building.

The intention is to run on a parallel track the proposal for the ACT prison. At a point where a decision is made about the future nature of the prison, that is, the way in which it should be financed, the way in which it should be built, who should own it and who should operate it, a decision will be made to try to integrate the two components of the proposal. It may mean, in the worst case scenario, that we have a remand centre already partly constructed when a plan for a prison is actually laid down on the table. That would mean that we would then attempt to have the prison plan adapted to the existing work done on the remand centre. That means that the facility, potentially, would be adapted in some way because of the existence of the remand centre in some form, or at least partly existing in some form even if only in the construction phase.

It is still possible, at the end of the day, that the total facility will be partly financed from the private sector. It is still possible that it could be owned ultimately by someone other than the government, and it is possible that it could be operated by someone other than the government. Those options remain open. The compromise which has occurred here is that we have the potential for the public sector to begin work on the remand centre, and the nature of the exercise in the public sector may change or modify the direction of the project in the long term if it is in the hands of the private sector.

MR STANHOPE: I thank the Chief Minister. Can the Chief Minister reassure the Assembly that the government is not compromising the desperately needed replacement of the Belconnen Remand Centre or the whole proposal to build a corrective facility by this apparently piecemeal approach?

MR HUMPHRIES: Mr Speaker, I can assure the Assembly that this approach may entail extra cost, but it will ensure that we have a new remand centre purpose built for use by the territory in the 21st century sooner than otherwise would be the case. It is the classic trade-off between cost and need. We need this facility sooner; therefore we are

going to build it sooner. Mr Speaker, I concede that it is a complication of the process, but it is one which I believe the circumstances demand.

In calling this a piecemeal approach, I remind the opposition leader that his colleagues have called for a different piecemeal approach; namely, the upgrading of the periodic detention centre at Symonston for the purpose of a remand centre in the interim. My view is that it is much better to spend money on what will be the final facility, not on a different facility which clearly is not capable of addressing our needs into the long term. Obviously there will be a change of direction with this decision, but I hope it is one which does meet our needs and does not come at any significantly greater cost than the previous plans.

Microsoft Windows 2000

MR QUINLAN: My question is addressed to the Minister for Business, Tourism and the Arts as the minister responsible for information technology—and this is the very last time I am going to do this.

Ms Carnell: I am not sure.

MR QUINLAN: I will take that on notice. Minister, yesterday in answer to my question you informed the Assembly that the ACT administration had not installed Microsoft Windows 2000 for use by its agencies. Can the minister now inform us whether any version of the system has been installed on a trial basis, with the intention of a full roll-out to follow, and whether the trial might have actually been launched by the minister? Have any funds been expended on the development of the common operating environment—the COE, as they say—or the standard operating environment, SOE, or on hardware upgrades to accommodate the demands of Microsoft Windows 2000?

What has been the overall cost of any experimentation with Microsoft Windows 2000, and which contractor has benefited from that experimentation?

MS CARNELL: I think I will take it on notice. Bloody temps!

Mr Quinlan: That was too good to pass up, wasn't it?

MS CARNELL: Yes, too good to pass up. There is certainly no intention of a roll-out of Microsoft Windows 2000 until a new version comes out. Yes, we do have a common operating environment and we do continually trial, but, as I said yesterday, my advice is that there is no intention of rolling out the first version of Microsoft Windows 2000. There will be a new version, and if that one achieves the outcomes that InTACT and the ACT government want, we will assess that then. But the rest of it I will take on notice.

Gungahlin Development Authority

MR CORBELL: My question is addressed to the Chief Minister and it relates to the release of land at Yerrabi Ponds. Chief Minister, when will the Gungahlin Development Authority release the land at Yerrabi Ponds (thwarted for now), and what process will the authority use to release that land?

MR HUMPHRIES: Mr Speaker, I do not know. I will take the question on notice.

MR CORBELL: Mr Speaker, I have a supplementary question. Chief Minister, yesterday in an answer to a question on this issue you indicated that you believed there was no need for a further review of the tender processes adopted by the GDA in relation to the Yerrabi Ponds release. You indicated that your view would be subject to further legal advice on the issue being obtained by the GDA. Will you make this legal advice available to the Assembly once it has been received by the authority?

MR HUMPHRIES: I did not say that there would be no need for a review. I said there would be no need for an independent review. There may well be a review of some sort internally over the matter, but that is a matter I cannot comment on until I have seen the advice of counsel and considered the views of the GDA. I am happy to make the advice available, provided there are no commercial-in-confidence implications that might prejudice the position of the GDA. Of course, it is quite possible that it will conduct negotiations with tenderers in that process, and I would not wish to place on the table any information which would be of disadvantage to the GDA. However, I will take the question of openness about this as far as I can take it and make the information available if I possibly can.

Legislative Assembly Art Works

MR OSBORNE: My question is also to the Minister for Business, Tourism and the Arts—I think it is my first arts question ever. I also ask this question on behalf of Mr Rugendyke, Mr Hird and every person who inhabits our part of the building. Minister, for some time there has been a collection of what people tell me is art hanging on the walls next to our offices. One of them is titled *An auspicious symbol*. For those members who have not seen it, this piece of art depicts what were once footballs that look like they have been run over by a lawnmower. Also next to the door of my office there is an odd looking tree with ears hanging from it. Minister, we have received a number of complaints from constituents, and the groundswell of complaints has reached a crescendo. My question is this, minister: how do we get them moved?

MS CARNELL: This is a question for the auspicious arts committee of the Legislative Assembly with which, of course, the Speaker is very much involved. If the Speaker would like some advice on this: I have a really great collection of football guernseys that are available for use. I am sure that Mr Osborne has signed one of them so no doubt he would like that outside his office. It is available at a cost to the Assembly and I am very happy to make my other football guernseys available. Mr Speaker, I am sure you would like to take on board the question of taste in respect of the art that the Assembly buys.

MR SPEAKER: Thank you, minister. I do not know whether you have offered to have the guernseys washed before we hang them.

Proposed New Remand Centre

MR HARGREAVES: My question is to the Chief Minister. Can the Chief Minister say whether a fast-tracked remand centre will compromise the consolidated architecture of the new prison. In particular, will the infrastructure for the final prison—for example, kitchens and laundries—be constructed at the same time as you do the remand centre?

Also, when does he envisage that the work on the new remand centre will commence and be completed?

MR HUMPHRIES: I thank Mr Hargreaves for the question. I have indicated already in answer to a question from Mr Stanhope that I think it will compromise the design process to some degree because once you have the remand centre at least partly built in the middle of the facility which is going to be your prison, there have to be some design compromises made. The point is that the remand centre will be built with an eye to the fact that we will have to adapt the prison to it and it to the prison to some degree.

I would expect, for example, that we would not build kitchens or extensive recreational facilities and possibly other facilities that would be shared between the remand centre part of the facility and the prison part of the facility because that would compromise too extensively what the prison itself will require. I would expect, for example, that we would continue to have, as I understand we now have, meals provided on a cook/chill basis into the remand centre from somewhere else, at least for the foreseeable future. A full-scale prison might well be different to that. It might well require its own cooking facilities.

I can only say to the Assembly and to Mr Hargreaves that we will attempt to make the two processes jell. I would hope we would have agreement in this place that it is important that we get a new remand centre quickly.

I am as concerned as anybody else about the escapes from the facility. We all know that the remand centre at Belconnen is way past its use-by date, that it is a mirror image of the old Katingal wing of Long Bay jail in Sydney which was long ago closed down. We need the new facility and I think this is the way to get it in appropriate circumstances. The additional cost is quite manageable, particularly given that it would be much less than the cost of refurbishing an existing facility such as the PDC at Symonston.

MR HARGREAVES: I thank the Chief Minister for that response. My supplementary question also relates to the announcement about the new remand centre. Chief Minister, since your most recent announcement about the final site of the prison has been that Symonston is your preferred site, you have constantly avoided saying that Symonston is the final government choice. Why have you not announced the fact that it is the preferred site but merely allowed it to leak out in the bottom of your press release? Have you advised the lessees of Symonston that you are about to commence building there?

MR HUMPHRIES: The lessees of Symonston are well aware of the proposal. I have met with them on a couple of occasions to talk about the issues and as far as I am aware they will be fully informed about this process. There is a very simple reason why we have not announced that it is the final version of the site. There is a matter that Mr Corbell could tell you about called a preliminary assessment under the land act which we had to conduct. If the preliminary assessment under the land act says that the site is unsuitable we would have to find somewhere else. That is why it is not the final site.

Schools Assessment Reporting

MS TUCKER: My question is to the Minister for Education. The Standing Committee on Education, Community Services and Recreation wrote to the minister in August requesting information on the broad survey conducted by the department on literacy and numeracy reporting, including information on the methodology of the survey and the questions asked by the consultants in the phone survey that was conducted within it. As the department has now announced requirements for schools in reporting school assessment program results, can the minister explain why that information on the survey methodology and telephone survey questions has not been made available to the committee or the public? Will the minister undertake to release that information immediately and, if the survey methodology is found to be flawed, undertake to revisit the proposed reporting practice?

MR STEFANIAK: I thank the member for the question. I am sure the survey methodology is not flawed. Ms Tucker, I thought you had that information. I will chase that up. I would have thought that it had been sent to the committee. I seem to recall that occurring. Leave that one with me.

MS TUCKER: My supplementary question is: what guidelines has the government issued to schools on releasing school assessment program results this year, or can he assure the Assembly that year 2000 results will not be made public?

MR STEFANIAK: None of the results will be made public. The chief executive has already written to schools. Each school has a letter on the release of information. The results are not to be made public. It is exactly as I said it would be. The whole idea was to ensure that the confidentiality of students and the names of schools would be respected. It is merely about providing parents with some additional information, which is exactly what we did. The chief executive wrote to all schools some weeks ago.

International Hotel School

MR BERRY: My question to the Chief Minister is on the International Hotel School. He may have to take it on notice. It relates to the use of students as labour in hotels in the ACT, in particular a major hotel. Would you inform the Assembly whether or not this practice is occurring? As a policy, does the government endorse the supply of free labour from the International Hotel School to major hotels, understanding that some students have worked for eight hours a day, five days a week for up to three months?

MR HUMPHRIES: Obviously, I will take this question on notice, at least in part. I do know that students are used to provide services within the hotel school. I have been to functions where students have been in attendance, acting as waiters, sommeliers and the like. They have shown me around the building and so on.

It seems to me that it is inherent in any idea of a hotel school that students will have a hands-on role in conducting the activities that the people they are training to be are already doing. I think the question you are raising is to what extent this training and acquiring of skills uses the students as unpaid alternatives to paid staff. That is a matter I will take on notice.

Relocation of Streetlight

MR KAINE: My question to the Minister for Urban Services is a follow-up to a question the minister answered on Tuesday about the relocation of a streetlight in Quiros Street, Red Hill. Amongst other things, the minister informed me that neighbours were consulted and their agreement was obtained prior to the streetlight being relocated. Then he told me that the estimated cost of the work was $365,000. When the neighbours were consulted and gave their agreement, was it with the knowledge and the clear understanding that it was going to cost nearly $400,000 of public money to effect the change?

MR SMYTH: I did give that further information to Mr Kaine yesterday. It is correct that the cost is $365,000. I spoke to the head of Actew about this matter yesterday. He said that where somebody thinks their lifestyle is affected by a streetlight it is standard practice for an assessment to be done and, if it is agreed to, to move the light pole.

MR KAINE: That was an interesting response from the minister, but it did not answer my question. In answering my supplementary question, the minister might also answer the original question. I will remind him what it was if he does not remember. My supplementary question is: who would normally approve the removal or relocation of a light post because of light spillage nuisance? In this case was the approval given by that person or by someone, shall we say, at a higher level in the hierarchy?

MR SMYTH: I understand that consultation was carried out. I could not say whether or not the cost of moving such a light was discussed during the consultation. I was not there. I will have to find out for the member who approved the project.

Proposed New Remand Centre

MR WOOD: My question is to Mr Humphries and is about the remand centre. I understand that a community advisory panel was established, comprising knowledgeable citizens, to advise the government on issues around the new correction and remand centre. I understand also that the group completed its report to you only this week. Did you give them the opportunity to comment on your fast-tracked remand centre or did you have the opportunity to consider their report, if you had received it? Indeed, what consultation on the fast-tracked centre did you have with the committee you established to do that with and what was its comment?

MR HUMPHRIES: Mr Speaker, I have not received the report of the panel. I am aware that it is virtually ready. I am told that it is about to arrive on my desk. Given that the most recent escape at the remand centre took place only at the beginning of last week, it would have been improper to have frustrated one or the other process by virtue of the need to have further consultation about that matter.

I realise that consultation is the mantra of this place and that we always should have more consultation rather than less, but the fact is that the government was facing a situation where the facilities in the ACT were demonstrated yet again to be insecure and our obligation to the citizens of this community to make sure that we have secure facilities in which to house our remandees demanded that we take some steps to deal

with the issue of a replacement for the remand centre. As a result of that, the decision was made to bring that forward.

I will certainly discuss the implications of that decision with the community panel, whose work, of course, does not end with this report; it is a continuing exercise. My feeling, having discussed a range of issues with the panel members at various stages, is that they will welcome the decision; that is my guess. In any case, they will be involved in further consultation.

MR WOOD: I have a supplementary question, Mr Speaker. I have heard Mr Humphries and some of his colleagues talk endlessly about how they consult with the community. They do go on about it, and we all acknowledge its importance. My question draws to your attention, minister, the name of the panel you established—community advisory panel. Wouldn't you talk to a community advisory panel? You have ignored them on this part of the issue.

MR HUMPHRIES: Firstly, that is not a question, Mr Speaker. Secondly, that was not the title that we gave to it. It was called the community panel, not the community advisory panel. Thirdly, the panel understands, because I have discussed it with members of the panel in the past, that not every aspect of this process can be a matter for broader debate with that very large group. It is a group of 20 people or so. Not every element of this process can be handled in that way. Obviously, we have a large panel there. We have an extensive process for discussing this major project.

Mr Wood: Not even a phone call to the chair.

MR HUMPHRIES: I am not going to apologise for the process we have used. I have to say that the process we have used here is a more extensive and more careful means of involving the stakeholders than anything that has been done by any previous government in this place on equivalent major projects. Where were the equivalents of community panels or, for that matter, LAPACs or any of the other mechanisms we have put in place in government when the people opposite were in government? You have criticised our commitment to consultation, but our practice of consultation greatly exceeds what we inherited from the former government, so I do not make any apologies for it. We have had a process in place.

Occasionally, there are points where you cannot get the full extent of consultation that you would like, but the process is an infinite improvement on what works in other places.

Mr Wood: You know Jim. You could have given him a call, surely.

MR SPEAKER: Order! Settle down, please, Mr Wood.

MR HUMPHRIES: Ringing the chairman of the panel does not amount to consulting the panel.

Mr Wood: There was not even that. Not even to apologise.

MR SPEAKER: Order!

Mr Wood: He could have apologised to Jim, Mr Speaker.

MR SPEAKER: You will be doing that in a minute if you keep interjecting.

MR HUMPHRIES: It is funny, Mr Speaker, how you can keep improving but you still get criticism about not doing well enough, whereas if you look back to what we inherited in these sorts of areas you will find a chalk and cheese exercise between the two.

Beat Police Program

MR RUGENDYKE: My question is to the police minister, Mr Stefaniak. In the 2000-2001 budget the government announced details of funding to implement a beat police program. The government indicated that the beat police program would commence in January of next year. Could the minister please give the Assembly an update on progress with the implementation of the program on things such as the number of police involved, whether the suburbs to be covered have been chosen and, if so, the location of the officers within those suburbs?

MR STEFANIAK: I thank Mr Rugendyke for the question. I saw something on that a couple of weeks ago. To the best of my recollection, it was due to start at the beginning of the new year—January, I understand. The number of police involved was six. I am sorry, I do not have the information in relation to the exact suburbs, but I can get that for you.

Jobs Creation

MR HIRD: Mr Speaker, given that this is the last sitting day for the minister for business, Mrs Carnell, it is fitting that the last question is directed to her. Can the minister tell the parliament how many jobs have been created in Canberra since this government was first elected in 1995? For Mr Berry's benefit, can the minister tell the parliament how many of those jobs are full time?

MS CARNELL: Thank you very much, Mr Hird, and thank you, Mr Speaker. As members would know, unemployment figures came out today. They showed, but again, that the ACT has the lowest level of unemployment in Australia at 4.4 per cent, down from 4.5 per cent. That means that the ACT, for quite a significant period, has had the lowest unemployment rate in Australia for the last three months. That is lower than the Northern Territory. It is lower than anywhere else.

Mr Speaker, I understand that those opposite are somewhat embarrassed because they have claimed regularly for the last 5½ years that they are there in the interests of the workers. The fact is that there are lots more workers now than there were under Labor. When we came to government there was a 7.1 per cent unemployment rate. That was the legacy that the Labor Party left us—a 7.1 per cent unemployment rate, and a participation rate of 71.9 per cent.

Mr Quinlan: Oh, rubbish! Not on your last day, Kate. This is tacky. This is truly tacky.

MS CARNELL: Yes, that was a good participation rate.

MR SPEAKER: Order! I did not hear the last figure, Mrs Carnell. Would you mind repeating it?

MS CARNELL: I am very happy to. Unemployment, when we came to government, was 7.1 per cent, with a participation rate of 71.9 per cent.

Mr Stanhope: What was it nationally?

MS CARNELL: I will get to that. I am very happy to answer all of those questions at any time.

Mr Berry: The higher the job search allowance, the quicker they find a job?

MR SPEAKER: Order! The minister may be answering the questions quite a lot more than once if I cannot hear because of interjections. Please continue.

MS CARNELL: Mr Speaker, the unemployment rate now is 4.4 per cent and the participation rate has gone up to 73.8 per cent, very close to the highest level ever. The number of jobs is at the highest rate ever in the ACT.

Mr Quinlan: Tell us about the private sector town. Go for it.

MS CARNELL: I will talk about that too. I am very happy to. The number of extra jobs since we came to government, that is the number of people who get a weekly pay packet or a fortnightly pay packet and therefore are better off and have a better life, is 18,900. Mr Speaker, nearly 19,000 more people have jobs than when we came to government. When the Labor Party was in power last there were an extra 7,900 jobs, less than half. Which government does the most for the community, for the people out there, the people who really count in this community, the mums and dads, the workers out there who want a good lifestyle? I have to say that it is this government.

Mr Quinlan: Rubbish! Absolute rubbish!

MS CARNELL: Mr Quinlan made a comment about private sector growth. What state or territory had the highest private sector growth over the last 12 months?

Mr Quinlan: This has all been debunked before. On your last day. Where is your grace? Save $344 million as well. Go on.

MR SPEAKER: I warn you, Mr Quinlan.

MS CARNELL: Which state or territory has the highest private sector growth—not public sector growth but private sector growth? Surprise, surprise—it is the ACT. So we have the highest level of private sector growth.

On job advertisements, we have had more than a 7 per cent increase over the last 12 months. What has happened to the rest of Australia—predominantly now Labor states? A decrease of 22 per cent.

Mr Stanhope: Tell us about Bruce, Kate. How many jobs out at Bruce?

MR SPEAKER: Mr Stanhope, I warn you—for the third day running.

Mr Stanhope: Yes, I have noticed that, Mr Speaker.

MR SPEAKER: Yes, well if you continue barking interjections you will be warned every day, and eventually you will have to leave here briefly.

MS CARNELL: Mr Speaker, job ads are up more than 7 per cent in the ACT, but down 22 per cent in the rest of Australia on average—predominantly Labor states. Growth in the ACT was double the national average over the last 12 months. Motor vehicle registrations were up 7 per cent. As for tourism, well you could not say that tourism was public sector; it is very private sector. What is the scenario? Over the last 12 months the ACT had Australia's highest average room occupancy for hotels, motels and guest houses, and the biggest percentage increase in takings in Australia—not second, but the largest, Mr Speaker.

Retailing is another important part of our private sector. In the ACT, takings are up 12.5 per cent. That is five times the national average—and we are comparing ourselves with Labor states. Our working age population over the last 12 months is up by 5,000 people, so we are not seeing the exodus from the ACT that those opposite continued to talk about.

We regularly speak in this place about ensuring that we are here to make life better for Canberrans—and we are doing that if nearly 19,000 more of those Canberrans have jobs. And guess what, Mr Speaker. They are actually earning more as well. The average weekly earnings in the ACT over the last 12 months have gone up 10 per cent, compared to 6 per cent in the rest of Australia. Average weekly earnings in the ACT are more than $100 higher than for the rest of Australia.

So more Canberrans have jobs, they are earning more on average, and our private sector growth is not second, third or middle, but is actually the highest in this country—in retail, in tourism and in information technology. Our computer services industry has been the fastest growing by miles over the last 12 months.

When we came to government in 1995 and were re-elected in 1998 we said that what we were here for was to diversify our business base, to create jobs and to improve the lifestyle in this city. I think the statistics say it all. More people have jobs, they earn more, and we are growing faster in retail, tourism and information technology—in fact, in exactly the industries that we set out to increase. I think they are pretty impressive statistics, Mr Speaker. They fly in the face of Mr Quinlan's comments that it is all public sector. Obviously, it is not.

To finish, if Mr Quinlan continues down that line, I am looking forward to the media release that says, "Thank you, Mr Howard, for saving Canberra."

MR HIRD: Mr Speaker, I would like to ask a supplementary question. My question is simply: thank you, Kate Carnell.

Mr Humphries: Mr Speaker, I ask that further questions be placed on the notice paper.

Relocation of Clients from Hennessy House

MR MOORE: Mr Speaker, I have an answer to a question I took on notice from Ms Tucker on Tuesday. She asked me how many consultancies have been conducted with people moving from Hennessy House, as a group and as individuals. All Hennessy House clients and relatives have been consulted with regard to the impending changes in their accommodation. A letter was forwarded to all clients of Hennessy House and their relatives in June advising them of the impending accommodation changes.

At a meeting held to discuss the changes, attendees were advised of the necessity for people who did not meet the criteria to move to appropriate accommodation. Unfortunately, this meeting was not well attended and ACT Mental Health Services subsequently made arrangements for a project officer, team leader and regional coordinator to be made available to discuss any concerns related to the intended changes.

In addition, the villas at Hennessy House have weekly meetings where residents can raise issues of concern with staff. Staff have maintained this issue as a high priority at the meetings. Individual case managers at Hennessy House have also worked through the issues of relocation with individual clients. The office of the Community Advocate was informed of the impending accommodation changes in August this year.

In her supplementary question, Ms Tucker said that some clients who require 24-hour care are to be moved to Macquarie Hotel, even though there is a fear of this hotel amongst the clients. Mental Health Services is facilitating the relocation of clients to appropriate locations. Those clients who have agreed to move to Macquarie Hotel are doing so as an interim measure. One will be returning to his parents in the new year, and another is seeking accommodation in the general community. All clients who require 24-hour care are being assisted to move to appropriate accommodation which ensures that 24-hour care will continue. No client requiring 24-hour care is being moved into the community.

Smash Repair Industry

MR HUMPHRIES: On Tuesday Mr Quinlan asked me about the situation with the NRMA being in competition with motor vehicle repairers in the ACT. I do not yet have full information about the situation, but I can indicate that the scheme the NRMA is now implementing in the ACT has been discussed with representatives of the Australian Competition and Consumer Commission. They were approached by the NRMA in September this year because they anticipated that there would be some complaint by smash repairers. The ACCC is maintaining a watching brief on the issue but at this stage does not believe that there are any breaches of the Trade Practices Act. The scheme, however, is being further examined by the ACCC on the basis of incoming complaints. I will take further cognisance of the issues that Mr Quinlan raised.

Mr Quinlan also asked about the NRMA holding a monopoly on compulsory third-party insurance in the ACT. In fact, my advice is that the NRMA does not have a monopoly on compulsory third-party insurance; that it is only the fact that there are no other competitors in the marketplace in the ACT that gives them a de facto monopoly. There

were other insurers in the ACT marketplace until 1979, but they withdrew because they regarded it as being unprofitable, probably because of the size of the marketplace.

I understand that the former Labor government initiated a review of the scheme in 1993. That was in turn followed by a draft exposure bill tabled by this government in the Assembly to deal with the issues that that earlier review had given rise to. There was, however, a breakdown of agreement between the various stakeholders on the direction of the proposed legislation. In particular, the Insurance Council indicated that other third-party insurers would not be prepared to operate in the ACT unless the ACT scheme substantially mirrored the New South Wales scheme. This would have included restrictions on common law rights, including compensation for road accident victims with less severe injuries.

There is clearly a major issue about what changes to the ACT's insurance environment need to occur in order to encourage other players to take advantage of the compulsory third-party market in the ACT. As I have indicated, there is no restriction preventing other players at the moment.

Bruce Stadium Redevelopment

MR HUMPHRIES: Mr Stanhope asked me yesterday about the sensitivity matrix and comprehensive comparative data in relation to the competing bids of CRI and Lend Lease. As Mr Stanhope knows, Mr Lilley, the then Under Treasurer, indicated in a response during the audit on the Bruce Stadium that there was a sensitivity matrix and comparative data and that subsequently, when a request was made for that information and a search was conducted, the information was not to be found on any of the files.

My advice is that there has been a detailed search of the files. It has not located any documents. In the circumstances I am unable to say from my own state of knowledge whether the documents existed or they did not. All I can say, Mr Speaker, is that the former Under Treasurer indicated that he believed that there were such documents. Whether he was making that statement on the basis of advice or because he actually seen them I cannot say.

Fern Hill Development

MR SMYTH: Mr Speaker, I have additional information for Ms Tucker about a question I took on notice yesterday. The question was about the work of the Wildlife Research and Monitoring Group in assisting the Fern Hill Park joint venture. Factual advice was provided to Enviro Links Design, Yarralumla, comprising a description of vegetation communities, including lists of species, and a problem weed species; a description of animals likely to be found, with comments on habitat issues such as the importance of hollow trees; specific advice in relation to the threatened striped legless lizard, which has been surveyed for in the area, with no individuals recorded; and a brief statement as to the likely impacts of the proposed development on the vegetation and animals of the area.

Wildlife Research and Monitoring did not play any advocacy role in preparing the preliminary assessment. Wildlife Research and Monitoring is the only organisation with specific information on the many sites proposed for developed. This is gathered as part

of the government's program of land release and alerts agencies to potential ecological issues.

Wildlife Research and Monitoring recovers the costs of providing information to external clients when the information is normally available to the public. In this case a charge was made of three hours work at $90 an hour, a total of $270. Wildlife Research and Monitoring is regularly asked to attend site meetings, along with other government agencies, in order to provide advice and information, when it is available, on development proposals.

Schools Assessment Reporting

MR STEFANIAK: Further to Ms Tucker's question, I recall signing a letter to all members, but I am also advised that every member of the Assembly received a copy of the Roy Morgan Research report, which included questions, answers and methodology. I am advised that my DLO, Sara Lynch, hand-delivered copies to each MLA's office. If for some reason something went wrong there, I am happy to get you an extra copy, Ms Tucker.

Smash Repair Industry

MR STEFANIAK: Mr Humphries has just replied to a question Mr Quinlan asked. I think Mr Quinlan went to a meeting of traders. Perhaps the trader who contacted him also contacted me and made some additional allegations. Tony Brown from Fair Trading is, I understand, following those up as a result of the concerns expressed to me.

MEMBERS—WARNINGS BY MR SPEAKER

Mr Stanhope: I take point of order, Mr Speaker. I would be grateful if you could give me some explanation of the criteria you are using for naming members. I notice that you remembered with some alacrity that you had named me three times this week. I wonder whether you could remember which other members you have named and whether or not you could give me some explanation of why it is that I in particular come to your attention. Why is it that my conduct attracts this particular attention from you but the conduct of some other members perhaps does not? It would be useful for us to know what criteria you are applying so that we can be assured that there is no suggestion that you are being less than objective, Mr Speaker.

MR SPEAKER: First of all, we had better get the nomenclature right. I have warned you, Mr Stanhope. I have not named you. If I had, you would not be here. The reason you are warned is that you continually interject when ministers are trying to answer questions. I do not warn you at the first interjection. I have normally called you to order. Over the last three days—and I am pleased that you have noticed it—I have warned you because of constant interjections. I can assure you if in the new millennium your interjections continue I shall continue to do so.

Mr Stanhope: But will you apply these rules objectively, Mr Speaker?

MR SPEAKER: Yes, I shall.

Mr Stanhope: Or are you rather one-eyed in the way you apply the rules, Mr Speaker?

MR SPEAKER: Be very careful. I am not one-eyed on this matter and I do not think anybody else here would make that suggestion.

Mr Stanhope: Can you name somebody on the other side you have warned lately, Mr Speaker, particularly the political genius over there?

MR SPEAKER: The fact is that you are a constant offender in interjecting. As it so happens, today Mr Quinlan was also warned, but never mind. The fact is that I will not tolerate that sort of interjection during question time. Members ask questions and are entitled to get answers. They are entitled to hear the answers.

Mr Berry: No, they are not entitled to get an answer.

MR SPEAKER: They do get an answer, Mr Berry. Whether it is the answer they want, I am afraid, is beyond the control of the chair, but I can assure you that I will maintain even-handedness, and I will maintain it rigorously.

AUTHORITY TO BROADCAST PROCEEDINGS
Papers

Mr Speaker presented the following papers:

> Legislative Assembly (Broadcasting of Proceedings) Act, pursuant to section 8—Authorities to broadcast proceedings concerning:
>
> A statement to the Assembly by Ms Carnell, today, 7 December 2000, dated 7 December 2000.
>
> A public hearing by the Standing Committee on Justice and Community Safety on 11 December 2000 in relation to its inquiry into the Freedom of Information (Amendment) Bill 1998, dated 5 December 2000.

FINANCE AND PUBLIC ADMINISTRATION—STANDING COMMITTEE
Report No 8—Government Response

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (3.22): I have to say, Mr Speaker, that you are a veritable pussycat compared with your predecessor in the application of standing orders. Mr Stanhope should have been present during Speaker McRae's days to know what bias was all about.

Mr Speaker, for the information of members, I present the following paper:

> Finance and Public Administration – Standing Committee (incorporating the Public Accounts Committee)—Finance Committee Report No 8—Final Report on proposed ACTEW/AGL partnership arrangement *(presented 30 August 2000)*—Government response, dated December 2000.

I move:

> That the Assembly takes note of the paper.

Mr Speaker, the government welcomes the committee's finding that Actew and its advisers acquitted themselves professionally and effectively in partnership negotiations and achieved an overall outcome which is equitable to the ACT. The committee's report concluded:

> Assuming that the final reports of the Probity Auditor and the Independent Valuer are favourable, the challenge now passes to the ACT Government to ensure that it establishes governance working arrangements which protect ACT interests in what will hopefully be a flourishing business.

Of course, Mr Speaker, it is now on public record that the final reports of both the probity auditor and the independent valuer were indeed most favourable. The probity auditor, Mr Stephen Marks, concluded in his report:

- The ACTEW Board and shareholders and the standing committee were fully informed of the progress of the negotiations;
- Probity standards were met for the selection of all advisers;
- The process has at all times been carried out professionally by all those involved;
- All parties representing ACTEW have acted fairly and equitably and in the interests of ACTEW and its shareholders in accordance with the law and the resolutions of the Assembly; and
- An appropriate process has been followed to ensure the shareholders can make an informed decision on whether to proceed with the final agreement negotiated between the parties.

Both Actew and AGL engaged financial advisers to assist in the calculation of the valuation of assets. As an additional check the government appointed KPMG Corporate Finance to independently review the methodology and resulting valuation. The KPMG review considered that AGL should make an equalisation payment of between $104.2 million and $112.5 million in order to acquire an equal share in the joint venture.

This assessment compares more then favourably with the initial equalisation payment of $119 million paid by AGL to Actew on 3 October 2000. Furthermore, as AGL has assumed $6 million of Actew's employee leave liability and Actew's service costs will also be reduced by $3.8 million, then effectively the total value of the equalisation payment is $128.8 million. I can also add that now the Independent Competition and Regulatory Commission has determined AGL's regulatory asset value as at 1 July 2000 Actew can look forward to an additional equalisation payment of $38 million from AGL.

The chairman of Actew stated in his letter to the voting shareholders on 11 August 2000:

> The board is, in particular, satisfied with the level of equalisation payment and believes that the joint venture package as a whole represents an extremely pleasing outcome for ACTEW and for the ACT community.

The independent review undertaken by KPMG confirms the view of the standing committee that Actew and its advisers were successful in achieving "an overall outcome which is equitable to the ACT".

The government is confident that it has already put in place sound and effective corporate governance arrangements that were closely reviewed at an early stage of the partnership negotiations. I note the standing committee received advice about corporate governance measures during their deliberations, and their report does not contain any specific recommendations.

The government's corporate governance arrangements applying to the joint venture partnership are briefly outlined as follows.

- The territory's interests are specifically protected by the ACTEW/AGL Partnership Facilitation Act 2000. The act ensures Actew cannot reduce its share of the partnership below 50 per cent without the prior approval of the Assembly.
- The facilitation act also ensures that only Actew fully owned subsidiaries can represent the interests of Actew in the partnership. As such the subsidiaries remain subject to the full range of controls applied by the Territory Owned Corporations Act 1990, including requirements relating to statements of corporate intent, appointment of directors and borrowings. And of course the directors remain bound by Corporations Law to ensure that they act in the best interests of Actew.
- In keeping with the facilitation act, under the partnership agreement:
  - both parties are assured of equal representation and voting rights within the partnership board;
  - Actew's approval must be given before AGL can dispose of any beneficial interest in partnership assets to an unrelated third party;
  - the accounts and records of the partnership will be jointly audited by the Auditor-General and a qualified auditor appointed by AGL.
- Finally, the joint venture will still be subject to the full extent of utility regulatory controls in the form of operating licences, pricing regulation, performance standards and penalty provisions. The utilities legislation passed last week has impacted in this context.

Clearly, the government has ensured that Actew's pre-existing corporate governance arrangements will be maintained and reinforced through the ACTEW/AGL Partnership Facilitation Act 2000.

Although the standing committee did not make any specific recommendations, I would like to take this opportunity to respond to several comments contained in the report. The committee expressed disappointment that it did not receive the final reports of the independent valuation and probity audit before the deal was finalised. However, both reports were tabled in the Assembly on 29 August this year, the day after the government received them, and the partnership was finalised on 3 October 2000. I also note that it was part of the contractual agreement KPMG and Stephen Marks had with the government that they appear before the standing committee if called upon to do so.

The committee's report also comments that "the establishment of a joint venture would make it difficult for the ACT government to ever realise a full control premium in any future sale" of Actew. The committee acknowledged that these constraints may be a necessary cost of achieving the promised partnership benefits. The government agrees that this is a matter of stating the obvious. As noted in the KPMG report:

> The ACT Legislative Assembly has previously prevented the government from selling ACTEW and this constraint may have reduced the ACT's ability to maximise the value of ACTEW.

Mr Speaker, as the joint venture is a fifty-fifty partnership, it is not appropriate to include a premium for the control of either Actew's or AGL's contributions to the partnership. According to the terms of the partnership, Actew assumes a 50 per cent interest in the gas business and AGL assumes a 50 per cent interest in the electricity business. Both parties share the convergence benefits that are created.

If the partnership is ever dissolved, then each party takes back their respective contribution and the synergies are lost. Obviously Actew may need to make a payment to AGL to reverse the original equalisation payment. Actew would then retain 100 per cent interest in the electricity business. Both Actew and AGL recognise that dissolving the partnership may well result in a loss of value. This provides a strong motivation to both parties to ensure the partnership remains successful.

Finally, Mr Speaker, the standing committee's report stated:

> The Committee anticipates advice to the Assembly in due course from the ACT Government on its future plans for ACTEW's capital structure and borrowings and any resultant further capital repayments it may decide to pursue from ACTEW.

I can say that this will happen as a matter of course. Under section 25 of the Territory Owned Corporations Act, Actew must seek my approval as Treasurer to borrow moneys. Before issuing such approvals, I would require assurances that the boards of Actew and its subsidiaries have also given detailed consideration to the level of proposed borrowings. Any such borrowings would then be clearly identified in Actew's statement of corporate intent, Actew's annual report and the government's own budget papers, all of which are required to be tabled in the Assembly. I should also add that I am not aware of any immediate plans for Actew to undertake further borrowings, and I would expect it would be premature at such an early stage, with the partnership having only been completed on 3 October 2000.

Mr Speaker, this government has worked long and hard, together with Actew and its many advisers, to ensure Actew is strategically positioned to compete effectively in the national electricity market. As such, I would like to thank the members of the Standing Committee on Finance and Public Administration for the constructive manner in which they conducted their review.

MR SPEAKER: I would like to acknowledge the presence in the gallery of the Hon Tim Fischer MP, former Leader of the National Party. Welcome to the ACT Assembly.

Members: Hear, hear!

MR QUINLAN (3.32): I reiterate the committee's conclusion that the officers involved in this particular exercise had carried out their work very professionally. within the framework of the decision that they had to work with.

A number of years ago I managed the project that set up Actew out of the ACT Electricity Authority and the ACT Water Administration. Given the number of lawyers, consultants and bankers I met in relation to that project, it is fairly clear that times have changed in terms of how we handle a project like this. It involved a very substantial amount of professional support.

We have a $119 million equalisation payment, with $32 million in capital, a total of $151 million, for half of our electricity supply system. Overall, we got a bum deal because of the way we went about it. It has been my contention—and I would like to make it a matter of record before this year closes—that option 1 presented by AGL, under which we could have worked with them in the purchase and supply of energy without necessarily ceding control over our assets, seemed to be the far more preferable option. But given that the government had been defeated in its bid to sell off Actew—which, as the house has been reminded, was not on their agenda anyway—there seemed to be a fairly bloody-minded approach to sell something because this fell into the realm of win/lose. We got less than an optimum price for a very highly prized asset in the ACT.

We were informed during the process that if it did not work out we could always back out of the deal and the assets could revert to the ACT. By the time the day the deal was to be finally signed and sealed arrived, it was clear to all that this was not going to be a deal that could be backed out of. I do not think you can go into a partnership with a firm the size of AGL and say, "We are in a partnership with you, but we may change our mind and back out tomorrow." They are not interested in a deal like that. You have to know what you are doing. The assurances that at some future time we would be able to back out of this deal and effectively unscramble the egg were just so many high promises made in order to progress this deal and, I guess, maintain support of non-government members within the place. That is a bit of a shame.

I congratulate the people who worked on this deal. They did a very creditable job within the framework that was set. It is still to my mind an inevitability that there will be considerable pressure for the sale of the other half of Actew. There is also likely to be considerable pressure for a capital restructure which is closer to AGL, which is much more highly geared than the Actew that we own. We were fairly conservative in the operation of Actew over many years, and financially it was probably one of the strongest electricity supply organisations in Australia, with one of the most modern systems—a function of Canberra's fairly rapid growth over recent years. It therefore was a prize acquisition.

AGL have done very well out of this deal. I observe from the last annual report of Actew that they could pay $66 million in dividends in one year, which if you own half of it would be $33 million in one year. But we sold it out for $150 million all up. It does not seem to me to be a very good deal. Whether it be the Bruce Stadium, whether it be CanDeliver, whether it be InTACT, whatever business the government have put their hands on directly has turned sour. It is no wonder that they have a philosophy of outsourcing and selling off. It does not look to me that they are capable of very much at all. It is a great shame that an asset like Actew, which could have been preserved through the first option offered by AGL, was flogged off, I think through sheer bloody-mindedness.

Question resolved in the affirmative.

CONSOLIDATED ANNUAL FINANCIAL STATEMENTS FOR 1999-2000
Paper and Statement by Minister

MR SMYTH (Minister for Urban Services): Mr Speaker, on behalf of the Treasurer, for the information of the members and pursuant to section 25 of the Financial Management Act 1996, I present the following paper:

> Financial Management Act, pursuant to section 25 – Consolidated Annual Financial Statements for the 1999-2000 financial year.

I ask for leave to make a short statement.

Leave granted.

MR SMYTH: I am very pleased on behalf of the Treasurer to present to the Assembly of the ACT consolidated financial statements for the year ending 30 June 2000. The statements have been audited by the Auditor-General, who has given an unqualified opinion. The statements are also in full compliance with the reporting and tabling deadlines set by the Financial Management Act 1996.

In accordance with generally accepted accounting principles, the territory's consolidated operating result for 1999-2000 includes all departments, statutory authorities and corporations owned by the ACT, as well as entities controlled by the ACT government. To accurately reflect the financial performance of the territory as a whole, internal transactions and balances between ACT agencies are eliminated so that only external trading of the territory entity remains.

For the first time since self-government the territory has returned an accrual operating surplus. The territory's surplus for 1999-2000 is $78 million, which is an improvement of $209 million on the operating loss of $131 million in 1998-99. It is also a substantial improvement from the budgeted operating loss for 1999-2000 of $64 million.

This result reflects the government's commitment to improving the territory's financial position, with the goal of achieving operating surpluses being met five years ahead of schedule. It is the result of constrained expenditure growth, combined with improved revenues from growth in the revenue base for taxes, fees and fines, and growth in the revenue earned from market gains on financial assets. The operating result for each sector presents a similar picture. After abnormal items, the general government sector has an operating surplus of $81 million, an enormous improvement from the 1998-99 loss of $162 million, and outperforming the budget estimate of a $64 million loss.

The public trading enterprise sector has recorded an operating profit of $33 million, identical to last year's result and $16 million below the budgeted result after removing the effect of income tax, which is not included in the actual operating results.

Despite the strong performance in 1999-2000, results of this magnitude cannot be assumed to flow into future years. The results for this year were achieved due to a mixture of a buoyant ACT economy, strong financial management and a pull forward

of revenues ahead of the GST. The territory has maintained its net asset position above budget expectations. Total net assets held at the end of 1999-2000 were $7.04 billion, which is $343 million stronger than the budgeted position and represents a $196 million increase on 1998-99. The strong balance sheet of the territory, combined with a strong surplus, means that the Treasurer and I and the government expect that the territory's credit risk rating will remain at AAA, the highest available in this country.

Mr Speaker, having achieved the territory's first surplus, this government has an ongoing commitment to ensuring that the surplus of the territory is maintained. We will continue to deliver on this commitment in order to ensure that the territory is well placed to deliver the high-quality social outcomes that the people of Canberra deserve. The financial management plans and structures that have been put in place are clearly delivering on this commitment.

MR QUINLAN: Mr Speaker, I seek leave to make a statement on the same matter.

Leave granted.

MR QUINLAN: I want to make a few comments in light of this paper and some of the things that Mrs Carnell said in answer to Mr Hird's question earlier today. Since self-government the territory has gradually improved its situation. If you look at the stream of numbers, there is no great evidence that expenditures have been held down, but certainly successive governments have gradually jacked up the taxation base. It is not a straight linear improvement, because the territory, like the national economy, has been through some tough times. The territory has also been through some good times, as the national economy has, and is going through some good times right now.

A lot was made earlier about unemployment figures. I was a bit saddened to hear the spin coming on Mrs Carnell's last day. It is a fact that the ACT's unemployment level has always been better than the national average. That goes back many years to well before self-government. It is a function of the fact that the ACT population is generally better educated than that of the rest of Australia and, when the work is not here, tends to be a bit more mobile and obviously a bit more flexible.

There has been debate in this place about how much of the economy is private sector driven and how much is government driven. Yet the briefing that the Treasurer gave to the select committee on budget parameters this year for the first time said, "What we were putting out before was all propaganda, and in fact the great driver of the ACT economy is Commonwealth expenditure." That is black and white in the Treasurer's briefing to the select committee. That is the first step towards getting a little bit closer to reality in what we say.

Any member can look at the state final demand figures and see the level of government-driven expenditure versus private expenditure. Sure, there has been some government outsourcing, but the fountainhead of the resources and the fountainhead of the money that goes into the economy is still the Commonwealth government. The ratio from the private sector has worsened in recent times, because the improvement in the ACT economy at the moment is due to a substantial increase in Commonwealth expenditures. That is a matter of ABS figures. It is unfortunate that every time we hear this government speak we have to take it with a grain of salt.

Speaking of grains of salt, I would counsel members to look at the level of the surplus very carefully and take it with a grain of salt. A large slice of this surplus is a paper profit on paper investments held against the superannuation liability. When I have asked about this, I have been informed that it is something in the order of $33 million. That $33 million, at least in part, is a function of us having offshore investments which have appreciated in Australian dollars as the Australian dollar has depreciated. In the last three or four days we have seen the Australian dollar recover, so I imagine that we have blown tens of millions of dollars, if that is the only explanation.

I counsel the government in its financial reporting from this point on to work towards separating the measurement of their operating performance from these particular vagaries. That $33 million could be hanging over a future Treasurer's head and should there be, as we say in the trade, a market adjustment, there could be an equal or even larger reversal of that amount. If we keep dropping it to the bottom line and making very short-term political capital out of it, then there is a danger that in future we are going to get bad numbers on paper when the economy is still going well.

Mr Acting Treasurer, it frightens me. Nevertheless, if you are going to put on trainer wheels and speak for the Treasurer then I think—

Mr Smyth: We all have to start somewhere.

MR QUINLAN: I was very impressed with the way you handled it. We need to take a good hard look at how we report, and how we report the real operating surplus or deficit versus the end figure. Accounting standards limit us. Accounting standards have been screwed up, quite frankly, in recent years in reaction to the 1980s. They may normalise, but pure accrual accounting applied to the books of the ACT, although it sounds nice, has some danger. It is not the perfect answer. We need to look at our cash position, along with our declared profit position, and we need to look at our pure operating performance versus the bottom line that falls out.

Hopefully, the select committee will be making recommendations along those lines, and I hope the government takes notice of them. I hope that we can avoid fanfaring a $70 million surplus when half of it at least can be illusory.

2000–2001 CAPITAL WORKS PROGRAM—SEPTEMBER QUARTER PROGRESS REPORT
Paper and Statement by Minister

MR SMYTH (Minister for Urban Services): For the information of members, I present the following paper:

2000–2001 capital works program—Progress report—September quarter.

I ask for leave to make a short statement.

Leave granted.

MR SMYTH: I present the September quarterly report for the 2000–2001 capital works program. This is the first quarter progress report for the current financial year's program. The September quarterly capital works report provides detailed information on the progress of expenditure in the current capital works program, with particular focus on individual projects.

During 2000–2001, reform and improvement to the capital works program has continued. A greater emphasis has been placed on the forward planning and feasibility investigations within the program. It is the government's intention to focus on those major construction projects that have been through clear feasibility and forward planning phases.

Also introduced as part of the 2000 budget was the supplementary program for use when projects are delayed. The program will ensure that the government's budgetary commitments to invest in assets are achieved and, should any projects experience unforeseen delays, priority projects from future years can be advanced to utilise unspent funds.

This report incorporates quarterly and full-year expenditure information on all projects, including the 2000–2001 capital works program. It also identifies all significant variations to the 2000–2001 program, and presents all information at the project level according to departmental responsibility. The report identifies the deferred and unspent financing from previous years at individual project level. This information was previously not included in the report.

Territory departments incurred expenditure on capital works of $9.1 million in the September quarter. This figure represents 11.2 per cent of the original budget-funded capital works project, and 8.6 per cent of the funds available for expenditure, including carry-over funds from the previous year.

The Department of Health and Community Care was the largest contributor to the capital works program, with expenditure in the first quarter of $4.645 million. Major projects contributing to this expenditure included the stage 2 refurbishment works at Calvary Hospital, which cost $1.2 million, the refurbishment of the pathology buildings at $900,000, and the psychiatric building at $800,000 at the Canberra Hospital, and as well as expenditure on the ACT Hospice at some $687,000.

Other major projects with significant expenditure in the first quarter included the Gungahlin Drive duplication project for $582,000, the Braddon/Ainslie stormwater augmentation project at $528,000, and the Manuka Oval refurbishment at $876,000.

During the first quarter, a number of projects progressed to final stages of completion. The Civic shopfront relocation and refurbishment project and the replacement of the main operating theatre lights at Calvary Hospital were completed. Works at the Tidbinbilla Visitor Centre are now 94 per cent complete. The Gundaroo Drive extension project from Rolfe Avenue to Gungahlin Drive is now 90 per cent complete, and the carpeting of the Budawang building at EPIC is now 98 per cent complete.

I commend the 2000–2001 capital works program first quarter report to the Assembly.

MR SPEAKER: Thank you. Mr Berry, you seek leave to speak on the matter?

MR BERRY: Yes, I will just speak on the matter. I ask for leave to speak.

Leave granted.

MR BERRY: I went through all of these as quick as a flash, to try to find something that might be of relevance to this debate, and glaring in my face was the Belconnen pool. It stands out. It looks as though it has little neon lights around it, blinking, like those ones you put on your Christmas trees. The project value was $8.2 million. How much has been spent? $170,000 and no hole in the ground yet, except for those puddle holes that were created by the sod turnings. The little tadpoles are out there still enjoying those.

This is a signal that more needs to be done. I know the minister has said the people of Belconnen are unlikely to be swimming in their pool by the next election, but if this government fails to deliver that promise this minister will not get a chance to open it, because I am sure that the—

Mr Wood: He will not anyway.

MR BERRY: Well, he will not get a chance to swim in it as a member of this Assembly, because I can tell you the people of Belconnen are going to be pretty sour about this particular promise, given the number of times it has been made. This promise has been made more times than some people have had hot breakfasts, and still we have not seen a hole in the ground that is capable of holding a reasonable amount of water to swim in.

$170,000. I do not know where it has gone. Perhaps it went on buying chrome-plated spades and getting the tractor down there for the last big stunt where there was some soil thrown around. There is still nothing down there that looks like a swimming pool.

I just ask members that, if they happen to be driving down that way where the pool is supposed to go, and they see some poor soul wandering around looking for the swimming pool, they should just duck over and put that person out of his or her misery, and say, "It has not been built yet. You will have to go into town."

PRESENTATION OF PAPERS

Mr Smyth presented the following papers:

> Territory Owned Corporation Act, pursuant to sections 9 and 16—Statement concerning changes to ACTEW Corporation Limited and its subsidiary companies.
> Ministerial Travel Report for the period 1 July to 30 September 2000.

PLANNING AND URBAN SERVICES—STANDING COMMITTEE
Report No 56—Government Response

MR SMYTH (Minister for Urban Services) (3.55): For the information of members I present the following paper:

> Planning and Urban Services—Standing Committee—Report No 56—Motor Traffic (Amendment) Bill (No 3) 1998 *(presented 7 September 2000)*—Government response, dated December 2000.

I move:

> That the Assembly takes note of the paper.

I now table the government's response to report No 56 of the Standing Committee on Planning and Urban Services. This dealt with the private members bill presented by Ms Tucker, regarding the establishment of a permanent default 50-kilometre per hour speed limit for all areas of the ACT.

Mr Speaker, the committee made six recommendations that are addressed in detail by the government's response. Addressing the committee's recommendation to implement the trial on local and feeder streets, it is proposed that all residential roads, as defined by the Territory Plan, will be subject to the trial. Signs will be erected at each residential suburb entry point indicating that the 50-kilometre per hour speed limit applies. Additionally, there will be signs erected at border entry points into the ACT informing motorists of the 50-kilometre per hour speed limit.

Roads that are within residential suburbs, and are classified as major roads on the Territory Plan, will continue to have 60 kilometre per hour speed limits. The new 60-kilometre per hour signs will be installed on these roads at regular intervals. Speed limits on subarterial, arterial and parkway roads, as well as in the parliamentary triangle, industrial, and commercial zones, will be unaffected by the trial.

Rather than refer any community objections on particular speed limits back to the committee for examination and report, the government considers that the Department of Urban Services should continue to manage all speed limit reviews.

An extensive public education program will be conducted on the trial, including a letterbox drop to every ACT household, as well as radio and print media advertisements. A comprehensive evaluation of the trial will be conducted, with before and after comparisons of the number and severity of crashes, the speed behaviour of motorists and community attitudes. My department has begun the implementation planning process and it is estimated that the trial will cost $575,000 over three years.

The introduction of reduced speed limits in New South Wales has revealed significant road safety benefits in terms of reduced speeds and fewer crashes in the 50-kilometre per hour areas. The purpose of this trial is to establish, within the framework of the unique road hierarchy in the ACT, whether similar results will be achieved, and whether there will be an increase in residential amenity, a reduction in speeding and generally safer roads across the ACT.

The government has been cautious in its approach on this matter. The results of the trial will provide guidance on a decision to permanently introduce 50-kilometre per hour limits.

MR CORBELL (3.59): I certainly welcome the government's response on this important issue and it is encouraging to see that the government has accepted that it is certainly worthwhile establishing a default 50-kilometre per hour speed limit for the ACT. I must say this is in marked contrast to previous comments from the minister and other members of the government that they did not believe this proposal was warranted. However, I welcome their willingness to adopt an open mind on this matter and their preparedness to implement the measure.

I also welcome the fact that agreement has been reached that the trial will take place across the ACT and will not be confined to particular elements of the territory—particular suburbs, for example—and that roads will be classified in accordance with the road hierarchy criteria that are currently in place on the Territory Plan.

It is interesting to note, also, that the government is prepared to erect signs at all entrances to the territory, on our borders, informing motorists that the default speed limit will be 50 kilometres per hour unless otherwise signposted. I am also pleased to see that the government is prepared to spend the money to undertake an extensive public education program.

All of these measures, I believe, will result in a significant improvement in road safety, particularly in residential areas, for pedestrians and for others who use our local neighbourhood streets. I look forward to the implementation of this measure, and I look forward to the process that is to be undertaken.

I would have to say that one thing that is very important here, Mr Speaker, is that the government adequately funds the process of community education to make sure that people are fully aware of the new speed limit. It is important that residents are fully informed of the rationale and also the process for implementing a 50-kilometre per hour speed limit. The Labor Party will certainly be watching carefully to see whether the $575,000 allocated over three years is adequate to properly inform the Canberra community on this important road safety reform.

Question resolved in the affirmative.

AIR POLLUTION—WOOD HEATING
Government Report

MR SMYTH (Minister for Urban Services) (4.01): For the information of members, I present the following paper:

> Air Pollution—Wood heating—The government's report to the ACT Legislative Assembly on its response to a motion relating to air pollution caused by wood heating.

I move:

That the Assembly takes note of the paper.

I am pleased to report today on action the government has taken in response to the Assembly's motion of 30 August 2000 on air pollution caused by wood heating.

First, the government has been called on to review the ACT's existing air pollution monitoring system to ensure that it is adequate for the detection of concentrations of particles down to 2.5 micrometres in diameter, or $PM_{2.5}$, across Canberra on a continuous basis. The ACT monitors air quality as agreed under the ambient air quality national environment protection measure, except for sulfur dioxide, as there is no significant emission source for this pollutant in the ACT. In the absence of the Australian standard for continuous monitoring of $PM_{2.5}$, the government will continue to participate in the national process to develop improvements in ambient air quality monitoring.

Second, the government has been called on to initiate an air pollution warning system to request households with wood heating to use alternate forms of heating where practicable on days of high air pollution. This is similar to the Don't Light Tonight program run by the New South Wales Environment Protection Authority. Owing to climatic and topographic differences, alternate criteria for issuing warnings in the ACT are being developed. The government response proposes to implement an air pollution warning system based on the expectation that overnight inversion layers can be forecast by the Bureau of Meteorology. The inversion layer is the key factor in limiting smoke dispersal.

Third, Mr Deputy Speaker, the government has been called on to investigate measures that the ACT could adopt to assist low-income households relying on wood heating to install less polluting heating systems. A concern with this proposal is that the conversion of firewood heaters to less polluting heating systems has social justice implications for those low-income households, who may face a higher recurrent cost for using natural gas or electricity following conversion.

The government has in place several initiatives aimed at reducing household space-heating requirements. These include the public housing retro fit program, which will improve the energy efficiency of a proportion of ACT Housing's detached housing stock, and the Energy Advisory Service. These initiatives have the potential to reduce the amount of firewood used in the ACT.

As well, the ACT firewood strategy will continue to be promoted. Elements of this strategy include community education on best practice firewood selection and operation of firewood heaters. I propose that the government investigate a scheme to assist low-income households to convert from firewood heaters to less polluting heating systems. In parallel, the government will continue to promote energy efficiency, best practice firewood selection and efficient heater operation.

The Assembly also passed legislation to regulate the commercial sale of firewood and to license firewood vendors. Work is under way to develop the operational details of this legislation so it can be in place well before the next winter. Definitional issues are also being resolved in consultation with the Government Solicitor's Office. The point in the

supply chain where regulation would be the most effective is being identified. Enforcement, prosecution and cross-border compliance issues are also being investigated.

Debate (on motion by **Ms Tucker**) adjourned to the next sitting.

WORKERS COMPENSATION LEGISLATION—EXPOSURE DRAFTS
Papers and Statement by Minister

MR SMYTH (Minister for Urban Services): The best one for last, Mr Deputy Speaker. For the information of members, I present the following papers:

> Workers Compensation Legislation—Exposure drafts—
> Workers Compensation Amendment Bill 2000;
> Workers Compensation Amendment Bill 2000—Explanatory memorandum;
> Workers Compensation Regulations 2000;
> Workers Compensation Regulations 2000—Memorandum.

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

Leave granted.

MR SMYTH: I present to the Assembly the exposure draft of the Workers Compensation Amendment Bill 2000 and the exposure draft of the associated Workers Compensation Regulations 2000.

This draft legislation is the culmination of the work of many people and several committees over the past two years. It represents a landmark for the ACT. For the first time since self-government, it is proposed that the legislative framework governing the compensation arrangements for private sector workers be thoroughly overhauled. The existing legislation, originally drafted in 1951, is now both archaic and anachronistic, and treats unfairly both workers and employers.

The government deliberately set upon a course to review the operation of workers compensation in the territory several years ago. We did this by asking the ACT Occupational Health and Safety Council to undertake a wide-ranging review of the arrangements. The government asked the council to provide advice to it on the changes needed to provide a modern and cost-effective set of workers compensation arrangements.

The council established a committee with representatives of all the relevant stakeholders on it. I wish to place on the record my thanks to the members of the council and the Workers Compensation Monitoring Committee it formed to undertake the review. The committee delivered its report to me earlier this year. The package of draft legislation that I present today incorporates the vast majority of the recommendations of the committee.

It is clear to anyone who has an interest in this area that every jurisdiction in Australia, and around the world, constantly grapples with the competing objectives of workers compensation arrangements. On one hand, the arrangements must ensure that injured

workers are treated properly, supported and remunerated while, on the other hand, the cost of the schemes must be kept reasonable and affordable for business. This is a difficult balance to strike but, with this exposure bill and regulations, we are confident that we are going a long way towards achieving the balance.

In the ACT, we have a compulsory scheme serviced by a panel of approved private sector insurers. Unlike some jurisdictions, such as New South Wales and Victoria, our scheme is fully funded. We do not have the problem of eradicating a deficit in the scheme. This strength must not be lost. Nevertheless, we do have a host of areas where we must do better, and I will highlight today just a few of the areas where the government's proposed arrangements will enhance the workers compensation framework of the territory.

The current framework fits perfectly with what the former Chief Justice of the New South Wales Supreme Court, and now Chief Justice of the High Court, Murray Gleeson, described as the "blaming and claiming syndrome". It encourages the finding of fault, the contesting of decisions and resorting to the courts. This is an expensive, divisive and inefficient approach.

The primary emphasis should be on having injured workers treated, rehabilitated and back to work as quickly as possible, but it is not. Too often it is more about injured workers gaining access to pots of gold that are totally illusory. Under these approaches no-one—not the worker, not the insurer nor the employer—benefits. We cannot allow this culture in workers compensation to continue any longer.

This draft bill seeks to change this approach. It would require that employers, insurers, treatment providers and injured workers participate within defined parameters to achieve an effective and durable return to work. All parties, including the injured workers, must take an active and effective role in the process. Failure to do so would meet with severe penalties.

Statutory benefits for workers in the territory injured for periods greater than 26 weeks are the lowest in the country. The low level of benefits injured workers receive is pushing some workers into poverty. This is clearly an unacceptable situation. The draft bill proposes a way to rectify this injustice. However, the proposed approach also ensures that there remains an appropriate and adequate fiscal incentive for injured workers to return to work.

There are also plenty of benefits in the draft bill for employers. Insurance companies will be able to offer employers innovative insurance policies, subject to minimum requirements, rather than the mandatory, inflexible arrangements that currently prevail.

Insurers will be able to offer new and integrated insurance products, which will allow employers and their insurers to maximise benefits. Employers will also benefit from proposals to support the faster return to work of injured staff through mandatory intervention processes. We know that continued contact with the workplace and an early, but durable, return to work, both reduce the cost of workers compensation and provide both the worker and the employer with better social and productivity outcomes.

Under the proposed reforms, insurers in the future will be required to take a more proactive role in the treatment, rehabilitation and return to work of an injured worker. They will also have to demonstrate that they have effective cost-containment measures in place in relation to medical, rehabilitation and legal services if they are to maintain their approval to operate in the ACT. All of these measures should lead to better outcomes for injured workers and contribute to minimising premium costs.

Mr Deputy Speaker, the Assembly Select Committee on the Workers' Compensation System in the ACT reported earlier this year and in August I tabled the government's response to that report. I encourage members to examine closely the government's draft bill and the compliance model that it will bring to workers compensation. We believe that it is a comprehensive approach to compliance under the act.

Some in the community, who clearly expressed their views in the Workers Compensation Monitoring Committee report, believe that the best way to reduce the cost of workers compensation premiums is to limit plaintiff access to common law settlements. The government has given this issue extensive consideration and has resolved that there is a lack of evidence from other jurisdictions to support this proposition.

Clearly, limiting access to common law remedies does have a cost reduction effect in the short run. However, within a few years of its introduction, the benefits are substantially eroded. The actuarial study conducted for the Workers Compensation Monitoring Committee confirmed this.

The proposed package of reforms to the workers compensation framework of the territory is extensive, socially responsible, and beneficial for all stakeholders. To assist stakeholders and scheme participants in their consideration of this draft legislation, officers from my department will be available to provide preliminary briefings from Monday of next week. I also offer these briefings to any interested members of the Assembly.

Meetings will also be programmed for more detailed discussions with stakeholders, together with the opportunity for written submissions to be provided to the government early in the new year. In the first quarter of 2001 my department will prepare the information received for consideration by government. I anticipate that the government will bring legislation to the Assembly early in the second quarter of 2001 following the conclusion of this process.

Mr Deputy Speaker, I commend the draft bill to members and encourage their support for it.

PRESENTATION OF PAPERS

Mr Moore presented the following papers:

> Hepatitis C—Lookback program and financial assistance scheme report as at 30 September 2000.

Information bulletins—
Calvary Public Hospital—Patient Activity Data—August, September and October 2000.
The Canberra Hospital—Patient Activity Data August, September and October 2000.

Petition—out of order
Athllon Drive Corridor Estate—Mr Corbell (1120 residents).

Mr Stefaniak presented the following paper:

ACT Administration of Justice—Statistical profile for the period January to March 2000.

A.C.T. NURSING WORKFORCE
Paper and Ministerial Statement

MR MOORE (Minister for Health, Housing and Community Care) (4.15): I ask for leave to make a statement on the ACT nursing workforce.

Leave granted.

MR MOORE: Last Monday I was enormously pleased to announce a package of initiatives to strengthen the ACT nursing workforce. The package included an offer of wage increases and other benefits to all public sector nurses of the ACT, backed by a number of sensible workplace reforms.

This government has taken these steps to proactively address this growing demand for the services of this vital profession. We are addressing this issue in a way that will ensure a viable workforce and a sustainable health system across the ACT. This afternoon I will provide you with an overview of the issues surrounding nursing that we face as a nation and a territory. I will explain the main elements in this package of initiatives. I am sure that all members will be very excited about it.

The state of the national nursing workforce: there is a national and international shortage of nurses that is affecting the ability of health systems to respond to the needs of the population. This worsening situation is well recognised by all states and territories in this country. In response, the Australian Health Ministers Advisory Council has commissioned a working group to develop strategies to address the growing shortage of skilled nurses in Australia.

As a nation we are competing to keep skilled nurses in a world market that is struggling to match demand. We are having difficulty attracting and retaining nurses in key speciality areas. Every nursing journal in this country has a number of advertisements enticing nurses to work in the UK and the US. Similarly, the UK is losing nurses to the advertisements in the Australian papers. Demands on the ACT public hospital system are increasing, while recruitment and retention of staff is becoming harder.

Bedside nurses are the backbone of the hospital system and both public hospitals have significant numbers of vacant, funded nursing positions. A lack of qualified and experienced nurses adds to the burden of general shortages in specialist areas.

A few notes on Canberra's public nursing employers illustrate the problem. At the Canberra Hospital there is a shortage of qualified nurses in the intensive care unit, in mental health services, and in the oncology and paediatric wards.

Calvary Hospital needs qualified staff in intensive care, mental health, operating theatres, the emergency department, and oncology. ACT Community Care needs nurses who are qualified in gerontology, oncology/palliative care, paediatrics and alcohol and drug services. These are real positions that are going unfilled, despite available funds, because of the state of the national nursing labour market.

ACT wages and conditions: when the last round of ACT public sector nursing enterprise agreements was being negotiated, during 1999, the ACT could boast national leadership in nursing wages and conditions. We also continue to give our nurses the highest superannuation benefits in the nation. The wage rises in that round of negotiations were enhanced by the employers, who were able to assist nurses significantly by opening up salary sacrificing options previously available only to the management and medical staff.

At that time, the ACT financial situation was still in a state of operating loss and this put pressure on our entire public sector to contain costs. Additionally, the Canberra Hospital, our largest nursing employer, was suffering acute financial difficulties at that time. Happily, with effective management and support from this government, this situation has been stabilised.

These factors resulted in the current health service provider enterprise agreements offering agreed outcomes in the three provider organisations, with the highest wage increase being 2.6 per cent over two years. ACT Community Care, the Canberra Hospital and Calvary Hospital each have separate certified agreements with nursing staff that vary in their details and in the expiration dates.

Strengthening the nursing workforce initiative: the government has decided to financially support an employer offer of variations to the 1999 agreements. There are four main benefits for staff included in this offer: a wage outcome of 11.7 per cent across the system, with additional pay points for registered nurses levels 1 and 3; the extension of a scholarship scheme for both re-entry and advanced nursing specialty courses; an increase in nightshift penalties; and a bonus for qualified nurses who work in an area of particular need for 12 months.

I will give you an outline of the details of each element.

There are two aspects to this wages offer: a common wage outcome increase of 11.7 per cent over the next 18 months or more, depending on the date of the expiration of the EBA for each agency, and an extension of the salary ranges for registered nurses 1 and registered nurses 3.

The rationale for offering an increase in wages now is that, as a pay rise takes effect in other parts of Australia, particularly in New South Wales, 16 per cent over 4.5 years, and Victoria, 12.5 per cent over 2.5 years, ACT wages will increasingly lose the competitive edge they have recently enjoyed. The current ACT nursing agreements delivered wage outcomes ranging from 1.3 per cent over 18 months to 2.6 per cent over two years. These agreements were negotiated prior to the new wage offers being made and accepted in New South Wales and Victoria. In a highly competitive market, the ACT cannot afford to allow a significant wage gap to develop.

Currently each of the three agencies has its own certified agreement and differential wage rate. Although the ACT government strongly prefers the flexibility of agency-based bargaining, this proposal seeks to apply a common wage outcome, in this case based on our desire to assist the entire ACT nursing workforce, not just specific agencies.

The more modest wage rises in the current agreements will be included in the 11.7 per cent common outcome, by absorbing each into the first instalment of wage rises under the new package. These increases will come into effect from the date of agreement to the package. Wage parity with other states is not consistent across all levels of nursing. In the ACT, it is the entry-level registered nurse (level 1) and the middle manager (level 3) who now lag behind and are currently proving difficult to recruit.

Attracting new graduates, and maintaining clinical and leadership role models, are essential to a strong workforce that can keep up with the demands of ever-changing technology. This element aims to address these issues by targeting a change to the classification arrangements for registered nurses 1 and 3. An additional pay point will be added above the existing top increment for both these levels, thereby encouraging the retention of these levels of staff.

Scholarship scheme including a retention bonus in an area of need: several weeks ago, this government funded a range of scholarships for both re-entry and specialist nurse courses. The re-entry scheme has been developed to attract nurses back into the workforce who may have left for reasons such as family commitments, or to pursue other types of work. Refresher courses, such as the one offered by the University of Canberra, are designed to update those nurses who have not worked for five years or more.

The second part of this scholarship scheme is aimed at supporting nurses who undergo postgraduate education in certain specialities of need, and to reward them for working in this area for 12 months. This initiative has attracted a lot of interest and I am pleased to announce an extension of this one-off initiative for three years. As an additional incentive to retain our key nurses, a bonus payment of $1,000 will be provided after 12 months of continued service using the qualifications that are gained through the scholarship scheme.

Increase in night shift penalties: nurses currently receive 15 per cent penalties for night shifts. Recently employers have found it increasingly difficult to keep nurses on night duty. Given the shortage of night-duty nurses, virtually all nurses have to rotate to nights. This may lead to hardship for some in balancing work and other responsibilities, occupational health and safety issues, and it may lead to a poor uptake of permanent and full-time positions.

This initiative offers an increase in the bonus rate paid to nurses who do nightshifts for a month or more from 15 per cent to 22.5 per cent. This will maintain comparability with the increases to night-duty allowance recently awarded in Victoria. Non-permanent night-duty staff will continue to be paid an allowance of 15 per cent.

Establishment of an "area of need" bonus: encouraging nurses to train for, and remain working in, key specialty areas is our most pressing problem. To address this, the government's offer supports the making of bonus payments in areas of need. $1 million has been identified for this purpose. The principles for allocating this pool will be negotiated with the three agencies.

This element would reward those specialty educated nurses who work in that area for 12 months with a bonus. The management of each organisation will determine which specialty areas should be designated as an area of need. It is accepted that the most serious areas of need will change over time, depending on supply and demand of nurses with specialty skills.

The cost of this package of initiatives: this package of initiatives will cost just over $22 million over the next three financial years, with ongoing costs estimated at a little over $11 million per annum. The government intends to present an appropriation bill to the Assembly in February 2001 to finance the package for this financial year, and future budgets will include the necessary funding in ordinary appropriations.

Workplace productivity reforms: the second part of this package is a series of workplace reforms to be achieved under this variation to the enterprise bargaining agreements. Each agency in the health portfolio has specific reforms to be achieved. However, there are three common reforms to be put in place as part of the package.

The first one is no future permanent tenure for level 2 nurses. Level 2 registered nurses attain this level by undergoing a merit selection process. They are intended to be clinical experts and to contribute to their workplace by providing a resource for quality initiatives and junior staff development. These positions are currently tenured. This unfortunately limits career progression for RN1 nurses. If level 2s do not perform to the job description it is industrially difficult, of course, to reduce their level. It is now proposed that, for new employees who win a merit selection to the RN2 level, that these positions will be based on a two-year contract, renewable by performance assessment.

Flexible rostering: the current EBAs restrict allowable shifts to a minimum of eight hours. Flexible rostering will allow additional staff to be allocated to cover times of peak workload, which is often of less than eight hours duration. Flexible rostering will also allow for innovative solutions to assist nurses to balance work and family responsibilities, and to meet operational needs. It could enable trials, such as job sharing or 12-hour shifts, and other combinations of hours that suit the individual and the organisation, without requiring union approval in each and every instance.

This change will be particularly attractive to part-time employees, who make up a large proportion of nurses. I just say as an aside that a number of intensive care unit nurses have said, in chatting to me, that they would prefer to have 12-hour shifts, but that will have to be negotiated in the appropriate way.

Abandoning the fringe benefits taxation legislation trigger: existing agreements provide some guarantee that, if the Commonwealth fringe benefits tax legislation changes result in a significant diminution of the benefit derived from salary packaging, wage arrangements will be reviewed. The type of Commonwealth legislative change which might reopen this issue could include future changes to the hospital's PBI status, or any tightening of the limits on how much salary sacrificing is free of fringe benefits tax.

By this variation, the parties would agree to remove the existing trigger. Since the trigger was included in recognition that the original wage rises were quite modest, we feel that the dramatic wage rise announced in this initiative justified the trigger being abandoned. So they are the general reforms.

Then we have agency-specific reforms. The Canberra Hospital will require the following additional reforms: the adoption of a composite role for level 3 nurses, to clarify leadership roles and ensure a single point of accountability and ward management; the adoption of a more comprehensive and consistent set of guidelines on the provision of home-garaged vehicles, in order to reduce the FBT costs and to ensure vehicles are allocated to meet operational requirements; noting that TCH is planning the introduction of a corporate uniform in 2001, agreement to sensible flexibility to the uniform entitlement during the transition period and to discontinue the current laundry allowance; and dropping current arrangements for potential gain-sharing any benefits from decreased unexplained absences from duty, on the ground that wage rises in this package more than make up for any potential bonus payments under this agreement.

ACT Community Care will negotiate these reforms: establishing a workload-monitoring procedure to ensure that the clinical workload required of ACT Community Care nursing staff is equitably allocated and measured against national benchmarking standards, and to take account of the requirement for training and development; ending the requirement for specified ratios of level 1 to level 2 nurses, so that nursing positions can be classified according to the duties required by each health service; abandoning the budget achievement bonuses currently on offer, on the ground that the wage rises in this package complicate the assessment of this bonus, but also more than make up for abandoning it; adopting a more comprehensive and consistent set of guidelines in the provision of home-garaged vehicles, in order to reduce FBT costs and to ensure vehicles are allocated to meet operational requirements; and adopting a standard set of discipline and grievance rules to bring ACT Community Care into line with the rules in force in the two hospitals.

Finally, the additional reforms at Calvary Public Hospital will be running a wide-ranging review of the nurses' career structure and introducing an element of performance-based wage assessment into the yearly advancement of staff to the next wage level.

Extension of the industrial agreements: we propose that the wages offer will not be backdated, but that the date of effect will be the date the offer is accepted. The government wants the workforce to get the benefits of the earliest possible commencement of this package, and the "no backdating" position is intended as an incentive to avoid any unnecessary delay in delivering this package.

The effect of this variation should be that each agency's nursing certified agreement is extended to its maximum three-year duration. For the Canberra Hospital this means November 2002, for ACT Community Care it means April 2003, and for the Calvary Hospital it means March 2003. This offer does not open negotiations on a new agreement, but is limited in scope to those matters described for the purpose of burying existing agreements.

The process is, in effect, a midterm amendment to the contracts as allowed under the rules of each of those agreements. On Monday, I wrote formally to each chief executive, informing them of the government's support for this package of initiatives and seeking their cooperation in making such an offer and pursuing an early agreement. The offer of this package of initiatives is being made through each employer separately, and will be finalised through their joint union management enterprise bargaining committees. The chief executives have contacted each of their nurse employees, explaining this offer, and the reforms it expects in return, and the process of negotiating through the relevant unions.

I personally briefed the Australian Nurses Federation about this offer prior to releasing it, and have now also met with the Health Services Union of Australia, which also has nurses as members. I am pleased to say that our discussions have been positive.

Most important of all, the employers have gone to great lengths to communicate directly with their staff, and the reaction, by all reports, has been highly positive. I believe that the great majority of staff will find the government has found the right balance between workplace reforms and the wage benefits in the package.

This initiative is, above all, about the confidence of nurses in their work conditions, and these vital staff knowing that they are valued by the community and this government. I was very pleased to report that the government has delivered a significant boost to that confidence. Thank you, Mr Deputy Speaker.

For the information of members, I present the following paper:

> Strengthening the ACT Nursing Workforce—Ministerial statement, 7 December 2000.

I move:

> That the Assembly takes note of the paper.

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

PUBLIC HOUSING—SELECT COMMITTEE
Report—Government Response

Debate resumed.

MR MOORE (Minister for Health, Housing and Community Care) (4.33): I move the following amendment to Ms Tucker's proposed amendment:

Paragraph (1), omit the paragraph.
Paragraph (2), omit all the words following "3.104".

Mr Deputy Speaker, if members support Ms Tucker's amendment without my amendment, they will make it harder for us to look after the very next family which is in need of support. The government's approach to housing assistance and the delivery of public housing services is a responsible approach, taking into account the needs and interests of both tenants and people on the applicant list. As such, the government has taken account of the select committee's recommendations and the submissions made to the committee. The government agrees with most of what the select committee recommended, as is clearly spelt out in the government's response.

Importantly, the government is committed to providing security of tenure to those people in the ACT community who have an ongoing need for public housing assistance. Where public tenants no longer have a need for housing assistance, the ACT community does expect the government to reallocate rental properties to those people who have a need, the people on the applicant list.

The task of government is to allocate the public housing stock in a manner which provides the greatest benefit to the ACT community. That means allocating public housing to the people who are in greatest need. This need to target those people who are more vulnerable, more likely to be subject to forms of housing discrimination, is at the core of the Commonwealth-State Housing Agreement.

Mr Deputy Speaker, I hope that Ms Tucker is not going to distract Mr Osborne, in that she asked me earlier not to distract him and I respected her request. What is good for the goose is good for the gander, Ms Tucker. Perhaps I got it back to front and should have said that what is good for the gander is good for the goose.

It is also reflected in the Commonwealth's homelessness strategy and the ACT's housing task force report, and we are certainly looking forward to the findings of the poverty task force. People who are homeless, people with mental illness, people with disabilities, our youth, indigenous people, people from different cultural and linguistic backgrounds, and single parent families all have greater degrees of difficulty securing affordable housing. They need our support.

The government and this Assembly cannot ignore the priority needs of these people. The government and this Assembly must ensure that public housing resources are used to address the needs of the community's most vulnerable. We cannot continue to allow a situation to exist where we have two classes of people in our community: those people comfortable in public housing forever and those sitting on the applicant list. There ought not be the haves and the have-nots. We must move on and have a public housing system that targets the people in greatest need.

The reality is that the supply of public rental properties will not increase in such a way as to allow the ACT to provide housing to all tenants for the rest of their life and also to allocate rental properties to people on the applicant list. Ms Tucker, that is what I would like to see, too. It is the ideological position that we be able to do that. Let me explain to

you why it is that we are not going to be able to reach that ideological position. I agree with the ideology, but I will explain why and how I move away from the ideology.

The Commonwealth has diverted housing assistance from public housing to rent assistance for private rental accommodation. We therefore have a multiple system of housing assistance across governments and we operate within that system. According to my advice, to have a public housing system that allocates property to all people, current tenants and the applicants on the waiting list—in other words, the ideologically correct position that we would all like to be in—would require the appropriation of another $400 million. That is what would be needed. I will tell you how we got that figure.

I will be a bit more conservative: it would require up to $400 million. That is what would be needed to take 2,200 people and house them under the average cost of housing in the area. The average cost of our properties is $185,000. Take two-thirds of that or three-quarters of it; call it $300 million: the reality is that the ideological position that we would like to be in is not available to us. This level of funding simply could not be sustained. Where would we get it from, Ms Tucker? Would we take it from policing or health? We would have to take it from somewhere. The ACT community would not support that, certainly where some tenants actually do not need our support.

Unlike what some people may suggest, the government does not intend to change the entitlements of existing public tenants to remain in the public housing system forever, unless they move to another property, which is a matter that Ms Tucker's amendment suggests that we review and I am certainly prepared to look at that aspect. New tenants will be aware of the rules from the time they enter public housing. The rules will be more flexible when their eligibility is reassessed in three years time, with a higher income limit of 10 per cent being applied; so there will be some flexibility built into them there. Tenants who need smaller accommodation will be assisted with the costs of relocation.

I would like to summarise, Mr Deputy Speaker. If we did not have a public housing system that targets those people in greatest need of housing, we would have failed the most vulnerable in our community. We certainly would not have failed public tenants, as we will have a system that supports them with affordable housing during those periods that they need the support. We then offer them home ownership by buying their government house, for they will have secured their future education and employment and then be able to move on.

I would hate to have to have a system where the story goes according to the following examples: a public tenant who has accumulated significant assets, has gained a stable position and receives a good wage or salary remains in public housing while a single mother with two children who receives only a Centrelink payment sits on an applicant list waiting for public rental property; a mother with young children who has escaped a home environment of domestic violence waits in a refuge until another public tenant who no longer needs the public housing decides to stay; a public tenant with no dependants continues to live in a three, four or even five-bedroom public rental property while the parents of three or four young children continue to sit on the applicant list, living in smaller accommodation, waiting for a larger home; or an older couple pay 25 per cent of their combined age pension as their rent payment while a tenant who has a resident living with them and who earns a good wage or salary continues to pay 25 per cent of the tenant's income and only 10 per cent of the resident's income as rent.

That is a system of the past. It is a system, I have to say, that we have sought in an ideologically appropriate world to deliver for the full range of people. We are at a position where we have to make a pragmatic decision, and when you make a pragmatic decision you focus on those who are in greatest need of your support. This system has to be focused on the people in greatest need as our priority. It has to be a better and fairer system.

There is no arrogance in our response to this committee's report. When I moved the amendment it was not a case of my saying to Ms Tucker that I was ignoring what she has been saying. I understand very clearly why she is dissatisfied with the response of the government. Instead of just trying to encourage people to vote against her amendment, the amendment that I have moved says, "Yes, we will look at those things that you have asked us to look at, but please do not stop us instituting these reforms which are a pragmatic response to the situation that we are in, because we do not have access to the $300 million or $400 million that would deliver the ideologically ideal position."

There are two parts to Ms Tucker's amendment. The first part is to get us to review those things. I have left that in my amendment and said that we will do so. The second part is to bind us to the view that we should not make a pragmatic decision. We must be able to make a pragmatic decision. There has been too much delay already and people who are in great need are missing out.

MR CORBELL (4.42): Mr Deputy Speaker, I am very happy to respond to some of the points that Mr Moore just made in this debate. Really, what does it come down to? Does it come down to making a pragmatic decision, as Mr Moore suggests, or is it something else? Is it perhaps what we should be aiming for in the delivery of public housing? Is it about what we aspire to achieve with public housing? Is it about what we believe should not be accepted because that would lead to a diminution of those aspirations?

That is what this government has said today. They have said, "We are not going to aspire to that any more. We are not going to aspire for a public housing sector that meets the needs of all who need to use it. We are going to cut back on that and we are going to go for the people in the lowest socioeconomic group who face the greatest need for public housing."

That is a simplistic way of viewing this issue. It is, quite frankly, a sell-out on public housing provision in the territory. It is a sell-out because it says that the government does not accept the philosophy of what public housing is about, that is, about providing security of tenure, about providing for people to live in security and stability to build up their circumstances knowing that they are not going to have the carpet ripped out from underneath them That is the big difference between what Mr Moore is saying and what the rest of us are saying in this Assembly today.

Mr Deputy Speaker, I was reading through the government's response to the select committee's report and three great words, "agreed in principle", kept coming up. "Agreed in principle", as we all know, can often be code for: "We do not agree at all, but we are not going to say that." But we all know what "agreed in principle" means in relation to a number of the recommendations dealt with in the government's response.

Turning straight to recommendation No 1, the committee recommended that security of tenure for public housing tenants be maintained and that, if the government wished to proceed to remove security of tenure for public housing tenants, it first undertake a comprehensive assessment of the people likely to be affected and that the issue be brought before the Assembly for debate. The government's response was that it agreed in principle.

But you have only to go down to the very next sentence to see the government saying that it cannot support continuing to offer security of tenure to those tenants whose circumstances have changed since entering public housing and who no longer have a need for public housing. According to whom, Mr Moore, do they no longer have a need for public housing?

Mr Deputy Speaker, when you have families which have had security of tenure and been able to consolidate their position financially, economically, socially and emotionally because they know that they have a place that they can call their home and stay in and then they find out that that is all going to change because they are earning a bit too much money, according to Mr Moore's perspective on the issue, does that really mean that they will be better off when they leave or does it mean that actually they will be going backwards as they will be losing that security that meant that they were able to advance their position in society, advance themselves and their children, and all of a sudden they are back into that old endless cycle of struggling to survive rather than knowing they have some security of tenure? The government's response to recommendation No 1 really is quite appalling.

In recommendation No 2 the committee recommended that security of tenure be available for community housing tenants. Again, the government said that it agrees in principle with that, but it cannot force this recommendation upon community housing providers. Why not? They provide housing services as part of the Commonwealth-State Housing Agreement. There is a relationship between those providers and the ACT government. Surely security of tenure is an absolute, not an if, a but or a maybe. We all understand how important it is and how fundamental it is. Yet the government says that because you get housing from a particular provider you are not guaranteed that security. Members of this Assembly have every right to feel unhappy about that response.

Moving to recommendation No 7, relating to the rental bond loan scheme, again the government said that it agrees with the recommendation of the committee that the government continue to provide such a scheme, but then it said that it is no longer necessary to allocate rental bond loans through ACT Housing and that it would only provide a small emergency fund. We all know that the rental bond loan scheme is rarely used, even though it could serve as an enormous help to many people moving into the private rental market, yet they are saying that they are not going to expand or improve the provision or even the access to that scheme. Again we have an example of the government's words as against the government's actions. I think all members can make a fair judgment about which is reality and which is just hype.

Mr Deputy Speaker, the other issue is that the ACT's private rental market is one where it is extremely difficult to get low-cost accommodation and where, on frequent occasions, the quality of the low-cost accommodation is very poor. In that context, we all know that the market in Canberra is a landlords' market and they can demand very high

rents for even very modest lodgings; yet the government thinks that it is reasonable for people to be able to shift from public to private accommodation.

My concern with this matter is that public housing provision is not just about targeting those with the lowest incomes and highest need. It is about lifting the standard for everyone. I was interested to read some comments making the point that, if we pursue the government's objective here of the lowest incomes and the highest need alone, first of all we will lose those 15 per cent of tenants who do pay market rent and who account for 35 per cent of the rental income of ACT Housing.

Mr Moore: That is not true.

MR CORBELL: The minister says that that is not true. He can get up and rebut it, if he likes, but I have it on very good authority that that is the case. The question that has to be asked is: where will this money be found in light of diminishing funds from the Commonwealth? That is another issue that the government fails to address in its response to the select committee's report.

Perhaps even more important is the viability of public and community housing and the social mix within public and community housing. Do we really want to create a distinction, a division, between those in private accommodation and those in public accommodation? Do we really want to say that it is only those on the lowest incomes who will be in public housing? Do we want to create a stigma associated with the increasing divide between those in public housing and those not in public housing, or do we want to see it as a broader mix of tenants from a broader mix of backgrounds and a greater degree of variety in terms of income levels or employment? Do we want those things to be taken into account as well so that public housing does not have the stigma associated with it that increasingly it is having?

I think that the issues raised by Ms Tucker are valid and important and the Labor Party certainly will be supporting her amendment.

MR RUGENDYKE (4.53): Mr Deputy Speaker, I do not necessarily endorse the reforms that the government is introducing for housing, nor do I necessarily accept things the way they are. It is quite clear that we have been brought to this position because successive governments have allowed the public housing sector to run down, to the point where perhaps drastic action has to be taken to bring it back into line.

It seems that the government is quite intent on pressing ahead with its reforms to public housing, despite what this Assembly might say. This issue is a vexing one, as you have said, Mr Deputy Speaker. It has gone to a committee and the committee has reported. The government has responded to that report. It is quite clear that the philosophical views on how public housing should be handled are vastly differing.

At the end of the day, I believe that it is a government's job to implement policy and survive or otherwise by way of the electorate's view of how that policy is implemented, managed and delivered. No matter what we say here today, the government does have the right to put up its policies. I think that we need to ensure that we have assurances from the minister that the matter will be treated with compassion, that the counter staff, managers and policy makers will treat people with compassion, dignity and respect.

I am concerned that the department allows outrageous arrears to accrue and the government does not seem to be able to arrest the outrageous arrears that some people accrue and we are seeing those people being penalised for the government's inaction in recovering debt. That is the sort of thing on which we need to see compassion, caring for our most vulnerable.

I make note that housing has now come under the Health and Community Care Committee. It will be incumbent upon the minister to be fully frank and open with the committee, which will no doubt have a desire to oversight the reforms in housing as they occur and to maintain a watching brief over how housing reforms are implemented in the near future.

On balance, while there are totally opposing philosophical views on this issue, I think that it is the right of government to implement its policy and show us how it works. For that reason, I will be supporting the amendment by Mr Moore in which he has agreed to take back the government response and rejig issues that can be rejigged and to rework, reconsider and consult again, where possible. As I say, at the end of the day the government must put up its policy and survive or otherwise the implementation of that policy. I will be supporting Mr Moore's amendment to the amendment.

MR STANHOPE (Leader of the Opposition) (4.59): Mr Deputy Speaker, I do not want to take up too much time. This issue has been particularly well canvassed by a number of members. I just want reiterate some of the main issues here and the basis on which we have come to this debate. It is a fact that we are debating a report of a select committee of the Assembly. On the select committee were a representative of the government, a representative of the opposition and two representatives of the crossbench, Ms Tucker and Mr Rugendyke. Was that not the case, Ms Tucker?

Ms Tucker: No, he was not on it.

MR STANHOPE: I beg your pardon, Mr Rugendyke. There was a member of the government, a member of the opposition and a member of the crossbench. The report was a unanimous report. I think it is fair to say that the report represented a very strong view of this Assembly. A number of issues have been canvassed today. We have heard the views of members of the opposition, we have heard the government's firmly put views, and we have heard views from the crossbench.

One view that we have not heard directly is the view of perhaps the strongest of the advocacy groups within the community in relation to the rights of tenants, namely, the view of the Welfare Rights and Legal Centre Ltd. I think we would all acknowledge it as the community organisation within this town that has been for the last 15 years, with the Tenants Union, the main voice for the major clients of the housing service.

In that context, it is probably relevant and moot that we should have some regard to the views of the Welfare Rights and Legal Centre. Their views have been expressed today in relation to the issue we are discussing. Their views go very much to the position put by the minister and are very relevant to the amendment that he put. In that regard, I will read some of the views of that organisation.

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

MR STANHOPE: As I said, these views are of the group which has most rigorously defended the rights of tenants and the position of tenants, the people whose lives and whose capacity to participate fully in the community we are debating now. I quote:

> Despite reassuring claims this week by the Minister for Housing, Michael Moore, the proposed changes to public housing will not succeed in helping those in greatest need.
>
> According to Welfare Rights and Legal Centre which has specialised in ACT tenancy law for over 15 years, the reforms will only add to the misery of those most deserving of our public housing.
>
> The reforms come 18 months after Budget proposals to change the Public Rental Housing Assistance Program prompted such community concern that a Select Committee was formed to examine their likely impact. The Select Committee's recommendations, released in May this year, called for a serious redrafting of the proposals.
>
> The official government response to these recommendations, tabled this week in the Legislative Assembly, states agreement in principle with almost all of the Select Committee's recommendations.

I digress to say that the point has been put most strongly by Ms Tucker that to that extent the government's response is simply misleading. I quote again:

> Yet, according to Welfare Rights, its substance mirrors the very proposals which originally sparked the need for the Select Committee. With an implementation date for the proposed reforms of 1 January 2001, Welfare Rights now expects that the amendments to the Program which were drafted 18 months ago and which caused such community concern will be wheeled out again in the New Year.
>
> If this happens, says Welfare Rights, the government is set not to change the face of housing in the ACT …
>
> The draft amendments to the Program contain provisions which Welfare Rights believes will contribute to greater transience, overcrowding and dislocation among the public housing population.

To digress again, those are the views of the people on the ground, the people who deal on a day-to-day basis with the tenants of public housing, the people most in need of an advocate and advocacy services. Those are the views of that group. This is the tenants speaking. It is interesting to note the extent to which the government misunderstands a number of these issues. It is interesting to note the extent to which it misunderstands the issue of overcrowding, for instance. The new arrangements that the government proposes simply do not understand the dimension of overcrowding that will occur under the arrangements that are to apply.

In practice, it is more the case that people have obtained a larger house because a larger number of people have been involved. There are particular groups within the community that are particularly affected by overcrowding. We are probably aware that it is often the case that members of the indigenous community are people who, because of arrangements within indigenous or Aboriginal families—some cultural issues about family relationships—will occupy a house in greater numbers than non-indigenous members of the community. That applies as well to other groups within the community for a range of reasons.

The arrangements or proposals which the government now has in place will, when the pressure of that overcrowding eases or ceases, lead to some of those people being granted and accepting smaller houses. But then again, there is a cycle in this form of behaviour in relation to some of these groups. People will go from a larger house when the overcrowding dissipates and move into a smaller house but, through a cycle of circumstances, the overcrowding will again occur.

Under these new arrangements, those people who moved into a smaller house because of a lessening of an overcrowding circumstance will find it virtually impossible to move again into a larger house to meet their particular needs at the time. It will be virtually impossible for those moves to be made. The rules that have been constructed simply do not understand or accept the nature of certain family relationships or other relationships that lead to some of these particular issues.

I quote again:

> Increases in rent charged based on the income of other members of the household (including children) and increased power to force transfers to smaller accommodation will all add to the pressures on struggling families and others most in need. And so-called "streamlining" of the waiting list is effectively the segmentation which the Select Committee specifically recommended against.
>
> As well—

I think that this is one of the most significant points to be made—

> removing security of tenure for future public housing tenants whose income exceeds the government's strict limit by 10 per cent will be a damaging disincentive for those tenants wanting to break free of the welfare cycle.

Another issue in relation to the deemed security is that the change to tenure will also apply to current tenants if at some time or stage circumstances require them to enter into a new tenancy agreement. The government, in its explanation of the new arrangements, again denies the force of this point. It seems not to understand the dynamic nature of families or relationships; they change all the time. It is as if, through these arrangements, the government does not accept that there will be a range of circumstances in relation to which particular households will change in nature, that they will break up, that some people will leave, that they will fracture in some way or other as a result of which people will wish or be forced to move out of the particular accommodation that they occupy.

Where will those people be? They simply do not fit within the government's need categorisation of who will be affected by the change. They simply do not fit within the government's characterisation of what makes up a particular household, family or form of relationship. They will be severely disadvantaged by these new rules; they simply do not fit. It is like the John Howard mindset of the Australian family.

Mr Moore: That is crap, Jon.

MR STANHOPE: Here is the opportunity, Mr Speaker, to apply the new rules in relation to the warning of other members; your first opportunity.

MR SPEAKER: I was talking to Mr Wood about something.

MR STANHOPE: What a pity. So was Mr Moore.

MR SPEAKER: He was not interjecting.

MR STANHOPE: He was.

MR SPEAKER: Loudly.

MR STANHOPE: Oh, the guidelines and the criteria go to the loudness of the interjection, do they, Mr Speaker? Is that a part of the new criteria?

MR SPEAKER: Not really.

MR STANHOPE: I was just concluding—over and above Mr Moore's constant interjections, I might say—that the government simply has not understood the range of relationships that do apply and the extent to which these new rules will severely disadvantage a whole category of tenant; there is no doubt about that.

Ms Tucker's amendment should be supported. It is not as if the amendment actually puts off forever the opportunity for the government to implement those changes that are acceptable. It simply asks the government to go away and have a rethink about a number of responses that are simply unacceptable to the Assembly, unacceptable as reflected through the select committee's report and unacceptable as represented through the very strong views of the Assembly. That is all the amendment does. The dire consequences that the minister predicts as a result of the passage of Ms Tucker's amendment are simple nonsense, simple humbug; that is what they are.

MS TUCKER (5.10): I wish to speak to Mr Moore's amendment and respond to some of the points that were raised. Mr Moore claimed on several occasions that what was being asked for here was going to create a total crisis for the people in urgent need of housing in the ACT. He said that we are suggesting that we would allow people on a healthy income to sit in their public houses for life, that that was somehow an incredibly unjust and undesirable situation and that that is what we are going to see.

I need to remind Mr Moore that the committee was told by the government that the average length of tenancy in public housing is currently between four and five years. The median duration of tenancies is 765 days; that is, half the tenancies last for less than

765 days and half last for more than 765 days. For many tenants, therefore, the introduction of three and five-yearly reviews would have no impact on the length of their tenancy. The government pointed out that three and five-yearly review periods also offer substantially more security than the six to 12-month leases usually offered in private rental accommodation. That is what the government said: the median duration, the average length, is between four and five years, not a lifetime.

We had Mr Moore saying that we have a situation where there are people who will stay longer and that he is of the view that the government is justified in saying that they know through this segmentation that the most needy will be looked after, which is the government's responsibility. Mr Moore has not explored at all who will no longer be eligible for government housing. Who are those people who do not move on after four or five years, Mr Moore? We asked you to do that work. The select committee said, "Please give us an idea of who the policies would impact upon before you progress with them."

I think Mr Moore just misled the house when he said that, basically, the government has agreed with what the committee recommended. He did not even acknowledge half of the first recommendation, namely, the part where the committee said, "Please go and do the work." The committee did not say, "You are absolutely wrong to change this system." The committee said, "Convince us. Do the work. Do the analysis, bring it back to the Assembly and we will debate it." He has not done that. But he stands there, without having done that work, and says again to this place that he is absolutely confident that what he is doing is going to ensure that the needy people in our community will be looked after.

Paragraph 2.7 on page 10 of the committee's report reads:

> The difficult situation of many low-income people is further exacerbated by the ACT's private rental market. For example, figures from the 1996 census indicate that the ACT's median weekly rental costs were $150, compared to an Australian weekly figure of $123.

We know that it is really hard to get private accommodation. It is very hard to rent a private house as the competition is huge for any private rental accommodation. We have this extra high rent and we have a very tight market. The government's submission to the committee also noted that 20 per cent of the applicants for public housing are not on Centrelink payments, but they are still on a very low income, within the two lowest ABS quintiles. This means that they will not be receiving Centrelink's rental rebate payments. They will be in a poverty trap of the kind described in the poverty taskforce's report.

It might be a good time now to go to the poverty task force's report. Of course, it is just the first one that I am referring to, which was about telling the story. I have not yet had time to read the quantitative analysis. The qualitative analysis tells the story. There was reference there to housing. It was said that, throughout the consultation phase, participants identified the resources that they considered necessary to survive. For example, survey participants were asked to identify what poverty meant for them. There was agreement by 73 per cent that poverty meant an inability to afford food and shelter and having to make choices between basic necessities. That means that they have to choose between paying the rent and eating.

At the moment there are people who are going to have real affordability problems. They are No 3 on the segmented waiting list at the moment. The experience of other states and territories is that that third category does not get a look in. So what we have now is a group of people in our community who are not acknowledged by Housing's policy section. They used to be, but now they are not. The government says, "It is okay; we are focusing on those who really need our help and we do not think the other two groups are that important." That is what will happen and that third group is where you will see more people thrown into poverty. That is why the response in the community from people who know about these issues is one of outrage. I understand that Mr Moore is new to this area. That is why I am so disappointed with the fact that he has taken it on with the enthusiasm that he has. People with expertise in the field say that this is a very dangerous policy.

Mr Moore referred several times with great emphasis to an amount of $400 million. I want to see the breakdown for that. I was hoping to see it circulated so we could understand where that figure came from because it would be useful to have it in an informed debate. I quickly got out the budget and found that the output for housing assistance payments was $35 million, and housing assistance is what we are talking about. But if you are looking at assets, you are looking at the cost of the buildings and you are into $500 million-odd in the capital works booklet.

My guess as to where that $400 million came from is that Mr Moore is imagining that suddenly he is going to build all these houses. We would like more houses to be built. We know that there is a real problem with that as Mr Wood talks about it in this place quite often. Because of the refurbishment of existing flat complexes there has suddenly been a reduction in accessibility for accommodation. We know that there is a need for more houses to be built. We think that it is a primary responsibility of government to be taking that on.

Of course there is a problem with finding the sort of money required, but this government should be taking a long-term strategy and looking at this matter in a realistic way, instead of spending $70 million on a stadium and $20 million on a car race. You will have assets if you are building houses. It will not be a recurrent problem, as the government likes to say in justification for spending money one-off on silly things such as car races and sports stadiums, although there is a $45 million asset there, even though we only wanted a $12 million asset.

Unfortunately, Mr Rugendyke seems to have misunderstood what Mr Moore's amendment is saying. Mr Rugendyke is saying that it is okay as Mr Moore is saying that he is going to go and do the work again, but what he is going to do is to implement the very reform agenda that is the result of this response—

Mr Rugendyke: No, I did not misunderstand.

MS TUCKER: Mr Rugendyke says that he did not misunderstand.

Mr Rugendyke: You did not listen to my speech.

MS TUCKER: I did listen, and you said that you thought Mr Moore had responded to the concerns by saying the he would work on rewriting the response, which he should do because it is misleading and it is ridiculous. It says that the government agrees in principle, which is absolute lie. They do not agree in principle. They say straightaway that what they are doing is what they always said that they would do. It is just ridiculous, but we have already had that discussion.

Mr Rugendyke has now made it quite clear—I have had the feeling for some time anyway—that he thinks that his role here basically is to let the government do what it wants to do because the electorate will make a decision on it at the end of its term. It is fine if that is his position. I am just glad that it is out there in the public. Some of us who sit on the crossbench think we are here to scrutinise what the government is doing and actually represent the view of the people who have voted us in here and who may not agree with what government does. If they really agree with what government does all the time, why did they vote for us? *(Extension of time granted.)*

In summary, I have to make it quite clear in my response that basically Mr Moore's amendment is saying that the government want to proceed as they always have. They will rewrite the response in some way. There might be some little alterations around the fringes, but fundamentally what they are doing is changing the approach that the ACT has taken to public housing. They are removing security of tenure for people and do not understand the implications for those people of that action. Also, we have not seen the work done which the committee required.

I am also interested in the technical issues here. I was interested in the part of the Welfare Rights and Legal Centre's media release which said:

> With an implementation date for the proposed reforms of 1 January 2001, Welfare Rights now expects that the amendments to the Program which were drafted 18 months ago and which caused such community concern will be wheeled out again in the New Year.

I would like clarification of that from Mr Moore. I think he should, at the least, do that for this place and explain exactly the mechanism for this. Is it the draft amendment to the housing assistance program that we saw 18 months ago? I would like to know that. I am interested in whether that is going to be pursued. Clause 11(1) of it says that the commissioner may periodically review whether a tenant remains eligible for and should be allocated continued assistance, having regard to the criteria set out in the subclauses listed. The language used here is "periodically review". It is not saying every three to five years. I want to understand and I think this house wants to understand, what that actually means. I want to understand exactly when the reviewing of people is going to start.

Does this mean that the six-month reviews for so-called bad tenants are going to occur in six months? What does "periodically" mean? I believe we need to have a clear explanation of that from the minister. I am also interested in that aspect of the bad tenants issue, too. The government's submission said that these people would be reviewed every six months, which would be extremely stressful for them and would not necessarily assist them to move out of what can sometimes be quite chaotic situations.

We know that stability in housing gives people a chance to begin to address some of the chaos in the rest of their lives. I would like to see a government that claims to be caring acknowledge that fact.

MR SMYTH (Minister for Urban Services) (5.24): As always, Mr Speaker, we are preached to by Ms Tucker on what we believe. It is interesting to note that Ms Tucker believes that she knows better than anybody else what they believe, what they stand for and what they care about. I have to say, as the minister for housing for the last 2½ years, that I took my responsibility very seriously. You have no right to preach to me and to tell me what it is that I believe.

Here is the proof of the pudding, Mr Speaker. We are told that we don't care, yet we have got rid of two of the three worst housing sites in the ACT, and we are working on the third—Macpherson Court, Lachlan Court and Burnie Court—because we know that that sort of housing is no longer acceptable. We did not stop there. It started with Bill Stefaniak. I followed it through, and Mr Moore will complete it through the multi-unit plan and the big flats strategy. We got ecumenical housing to tell us what was wrong so that we could fix it. That is happening. Something like $60 million will be spent in coming years to get rid of the worst sort of housing in the ACT. So don't tell me I don't care.

Mr Speaker, for the first time in years and years we are going to lift the level of assets that people can bring with them into ACT Housing because we know things have changed. The limit is being lifted from $20,000 to $40,000. So don't tell me that we don't care.

They are saying that we do not provide services in ACT Housing. Well, it is curious that evictions have gone down under this government. We work with our tenants. You have to congratulate the housing staff for the good work that they do. We have put in place procedures to try to take the angst out of it. We now fund debt counselling. We have moved to direct debit so that tenants avoid getting into trouble.

Mr Stanhope made the amazing assertion that we do not understand the changing nature of families. He ought to open his ears. He should have listened to Mr Moore's recent announcement that, unless in special circumstances, we will not be building one-bedroom flats because we know that two-bedroom flats are better because they meet the needs of the modern family. We will be looking at relaxing the guidelines for split families, where the custody arrangements for children mean that the children move backwards and forwards, so that they have adequate accommodation when with one parent and then the other. Both sides of the family can enjoy a real family circumstance instead of being locked into inappropriate one-bedroom flats. We are doing that. What did Labor do? What is their record on this? Where are the shining examples that they bring forward to show that they cared about public housing? There is nothing. They are mute about their own record. I am sick of being preached to.

Ms Tucker says it is illogical in a tight market to force people out of public housing. We are not forcing people out of public housing. What we are saying is that those who do not need to be in public housing and can survive reasonably in the market should vacate premises when their circumstances change in order to free them up for these people who

are unable to rent in a tight rental market and cannot currently get accommodation because all the houses are being used.

Let's look at the houses. We still have the shortest waiting lists in the country, with the exception of the Northern Territory where there are different circumstances. We have the shortest waiting list. We have some of the quickest turnarounds. Our waiting times are measured in months whereas in other states it is years and years. We are addressing the fact that we have inadequate stock. We know that we have the oldest stock. We have the wrong sort of concentration and we have the wrong types of housing. We have the plan in place to change that. These reforms are part of that plan so that we can look after people better and so that we can look after those most in need first.

Mr Corbell condemns Mr Moore for not having an aspiration. An aspiration is not going to keep you dry in the wet or warm in the middle of a Canberra winter. The ACT Housing staff deal with real people, not aspirations. What they deal with is the need to put a roof over somebody's head now. We are endeavouring, where we can and where it is reasonable, to free up some accommodation in order to look after those most in need.

Mr Speaker, I could go on and on. Mr Corbell made the point that the government's response is misleading because we say we agree in principle and then further on in the paragraph we say something different. Well, that is why you write "agree in principle". If we said we agreed and we didn't agree, and we wrote that further on in the paragraph or the sentence, that would be misleading. Where we say we agree with the principle except in the context of what we are doing now and why we cannot carry it out, then that is an appropriate way to go. You actually have to read both bits together. If you want to take a simplistic approach and say, "They said they agreed in principle but they didn't really," then you are dismissing the way that it is written. You really should look at the qualifications we put against the criteria.

Mr Speaker, I could go on and on. There is some criticism that we don't care. Who says we don't care? Ms Tucker says we don't care. I reject that. She is wrong.

Mr Corbell talked about the stigma of being in public housing. I know that Mr Stefaniak worked against the stigma of public housing, as I did, and I know Mr Moore will continue that work. The press are willing to get up and bag unmercifully that occasional tenant who for whatever reason is unable to maintain their property, or for whatever reason doesn't live the way that we would normally expect housing tenants to live. They bag all public housing tenants. I have been very active, and I know Mr Moore will be active, in refuting that claim.

You do it in a couple of ways by disavowing them of their own prejudices and the biases in the reports when they get it wrong, such as when they criticise somebody with a mental health problem or when they criticise somebody with inadequate living skills for not living to the norm. Some of it is terrible and it looks appalling, but you have to go deeper and find out why. That is where you get to the housing staff who do a good job in endeavouring to manage an enormous array of different circumstances. We want to get rid of the stigma.

It is great that through things like the tenant of the month and the tenant of the year we highlight those wonderful tenants out there, some of whom have been with us for 20, 30, 40 and 50 years. Bill Stefaniak is to be congratulated for this. Some of these tenants have been with us for short times, others have been with us for decades and decades. This just says to the public that, like the majority of people in your street in private accommodation, most of them are good. There are the occasional tenants who perhaps need to lift their game, but some people like that are in private accommodation as well.

How are we trying to beat this stigma? By putting out examples of the good tenants and praising them because they deserve the praise. How are we doing it? By breaking down the concentrations; to salt and pepper around the city in appropriate sorts of accommodation so that you don't even know that it's a public housing property, and by setting up examples of best practice.

Condamine Court has won awards because it is considered best practice. I understand that Macpherson Court has just won a national community housing award, as has, I understand, Havelock House for the way that they operate. So we do have best practice here in the ACT, and the government supports that.

Mr Speaker, this is about looking after those most in need first, and that is absolutely and entirely appropriate. This government will do that. Why? Because we know what we are doing. Why? Because we have looked at ways of making it work better. Why? Because we are putting in the money to look after these folk. We are making sure that the counselling services are there. We are making sure that we are providing them with other options so they do not get into trouble. You can look at the evidence of that, such as the way the eviction record has gone down under this government.

One of the initiatives that Mr Moore is working on is how we treat outstanding debt from couples who have separated. Often the bloke scarpers and the woman who is left with the children is picking up the combined debt of the couple whereas she, in the main, may be innocent of that. We will look at that because these are the people who are most in need, and this is the government that understands and is out there building up social capital through the public housing system.

Mr Speaker, it is appropriate to make these changes. It is about caring. We continually get patronising words from Ms Tucker. Look at the patronising nature of the motion. Some members misread the government's response and try to portray it as something that it is not. That is unacceptable. This motion must go down, and the government will be supporting Mr Moore's amendment.

I believe that Bill Stefaniak did a very good job as housing minister when he started the big flat strategy because we looked at the problems. I am very proud of my time as housing minister and the work that has been done, such as the way that we are now progressing the housing stock, the way that we are progressing the management of the stock, and the way that we are going to change the nature of the stock. We need to change these criteria. Mr Speaker, we will be supporting the amendment. We will not be supporting Ms Tucker in what she is attempting to do here today.

MR BERRY (5:34): Mr Speaker, I wasn't going to enter this debate until that contribution by the former minister for housing. I found that insulting, given the issues that have been raised in this debate in relation to public housing. All we heard was a stream of honeyed words and rhetoric which seemed to be driven by some sort of well-off, middle-class values from a minister who really didn't want to deal with the issues that have been raised in the debate today.

Earlier on I heard mention of issues which have been raised by the Welfare Rights and Legal Centre. This minister has not even attempted to deal with them. Why didn't the minister tell us how the government's proposals were not going to contribute to greater transience? Very clearly the experts in the matter who represent the community have a firm view that it will create greater transience. They have another view that it will create over-crowding and dislocation amongst the public housing population.

Mr Moore: Why didn't you give us a bit of time to be able to respond instead of springing this on us?

MR BERRY: Minister, why didn't you address that issue? Because you have no answer to the proposition. The proposition is sound, it appears. I heard the earlier debate and I was convinced by this claim made by the Welfare Rights and Legal Centre: that greater power to deny people housing will result in those most difficult to house, due to a multitude of problems, being refused housing altogether.

Another claim was that increases in rent charge based on the income of other members of the household, including children, and an increased power to force transfers to smaller accommodation will add to the pressures on struggling families and others most in need. All of these claims are serious issues in this debate which are not being addressed by the government. So-called streamlining of the waiting list is effectively the segmentation which the select committee recommended against. I understand that everybody on the committee had that view.

They also raise this issue of removing security of tenure for future public housing tenants whose income exceeds the government's strict limit by 10 per cent. The reason the government has gone for future public tenants is because they do not want howls of derision from existing tenants over this issue. The future tenants are not yet there to protest. According to the statement by the centre, and I have been quoting liberally in relation to their release, this will be a damaging disincentive for those tenants wanting to break free of the welfare cycle. How can this Assembly support those sorts of moves with such criticism being made in relation to the matter? The change to tenure, they say, will also apply to current tenants if at some stage circumstances require them to enter a new tenancy agreement. So there's a trap in there, as well.

Mr Moore: What sorts of circumstances?

MR BERRY: You are the minister.

Mr Moore: Yes, and I know it.

MR BERRY: Of course, Michael knows.

MR SPEAKER: Order, please!

MR BERRY: What did you say? Mr Moore interjected. I wondered what it was and whether it was worth responding to. Mr Speaker, they also expressed some concerns in the general sense that the government's moves will further entrench poverty in the ACT. The centre has to be regarded as one expert in relation to community concerns. It is not an expert that agrees with Mr Moore, so therefore it is not an expert. If the centre says that this will further entrench poverty, I would like to see an argument. I would have expected that an argument would have been presented, not a bunch of weasel words. I mean something sensible in relation to the debate.

The fact is that neither minister has been able to put a convincing argument for their case in relation to this matter. They do not deserve support for the amendment which has been put forward by Mr Moore. All Mr Moore wants to do is gut what has been put forward by Ms Tucker in a most callous way. I just think this a callous move to ignore the proposal which has been put forward. I urge members to support the motion moved by Ms Tucker, as the Labor Party will be.

MR MOORE (Minister for Health, Housing and Community Care) (5.39): Mr Speaker, I thought about responding to each and every one of those issues, but I think what has become very clear to members is that the debate is ideological. What we are interested in doing in government is making sure that we can use the resources we have to deal most appropriately, first and foremost, with those most in need. I would love to be able to have the ideological freedom of Ms Tucker or the Welfare Rights and Legal Centre. We do not have that. I do not have that choice. I do not have that level of money. I do not know where we are going to get it. That, Mr Speaker, is the choice that we have in front of us. Do we continue with the ideology or do we look after those most in need? If we continue with the ideology, I would have to say that under the current circumstances those most in need are going to be missing out, and that is something that I will not preside over. I could not do that in conscience.

Mr Speaker, I hear people say I don't care; that I am just steamrolling over these things because I don't care about people in need. Nothing could be further from the truth. They say that I am just new to this issue. Nothing could be further from the truth. I went and looked in the *Hansard*. The first time I talked about issues in terms of public housing was on 30 May 1989. That was the first time I raised issues in this Assembly to deal with these sorts of matters. I have done so many times since then.

Ms Tucker: So there is no excuse then.

MR MOORE: There have been many times since then, Ms Tucker, so don't you say to me that in some way I am new to the issues and new to the areas. Am I new to the portfolio? Yes, of course I am new to the portfolio, and yes, I now have the responsibility of making sure that I look after those most in need first. That is why the amendment is important. I have not ignored what you have sought to do. I have said okay; you clearly want me to go back and have a look at the way I have responded to the select committee. The fact that I have moved the amendments means that I will do that. Otherwise I would have to vote against Ms Tucker's amendment. But I have to look after those who are in greatest need now because they need our help.

Question put:

> That the amendments (**Mr Moore's**) to Ms Tucker's proposed amendment be agreed to.

The Assembly voted—

Ayes, 10	Noes, 7
Ms Carnell	Mr Berry
Mr Cornwell	Mr Corbell
Mr Hird	Mr Hargreaves
Mr Humphries	Mr Quinlan
Mr Kaine	Mr Stanhope
Mr Moore	Ms Tucker
Mr Osborne	Mr Wood
Mr Rugendyke	
Mr Smyth	
Mr Stefaniak	

Question so resolved in the affirmative.

Amendment (**Ms Tucker's**), as amended, agreed to.

Original motion, as amended, agreed to.

DISCHARGE OF ORDER OF THE DAY

MR MOORE (Minister for Health, Housing and Community Care) (5.45): Mr Speaker, pursuant to standing order 152, I move:

> That order of the day No 1, Executive Members' business, relating to the Government Contracts Confidentiality Bill 2000, be discharged from the notice paper.

Mr Speaker, that relates to the debate we had this morning. That legislation is now redundant.

Question resolved in the affirmative.

HEALTH AND COMMUNITY CARE—STANDING COMMITTEE
Report No 7 of 2000

MR WOOD (5.46): Mr Speaker, I present the following report:

> Health and Community Care—Standing Committee—Report No 7—Cannabis Use in the ACT, including a dissenting report, dated 5 December 2000, together with a copy of the extracts of the minutes of proceedings.

I move:

> The report be noted.

Mr Speaker, with my colleagues, I found this an absorbing inquiry. It was really very interesting. I am one member of that committee who had his views modified somewhat as a result of all that we heard and learned. I came to understand that cannabis is a drug not without harmful effects, and that had not been as clearly impressed on my mind beforehand. In future I will certainly pay more attention to research about the health impacts of cannabis use, especially potential negative impacts consequent, particularly, on heavy usage.

I think it is fair to say, from what we heard and read, that the impacts of cannabis use are not yet fully understood. Long-term research is needed to make accurate assessments of that impact. It is a very complex drug. There are many compounds contained in it, and it has many different effects.

It is also more difficult to assess the effects on health because of the sanctions against its use, so it is not easy to get the research data. Also, cannabis is often used with other drugs such as alcohol and tobacco, and sometimes with harder drugs. So there remains a dispute about the effect, compounded again by the complex nature of people themselves. That means that each person's reaction may be a little different from someone else's.

The report summarises what we find to be current knowledge of the health effects of cannabis. Our committee was quite interested in any relationship of cannabis use to schizophrenia. Obviously, this would be an area of concern, and there is a deal of anecdotal information in the community about the effects or otherwise. There seems to be some suggestion that cannabis use might worsen schizophrenic symptoms in some people. If the tendency was there, cannabis use might exaggerate that and worsen those symptoms. Yet, on the other side, there is also some comment that some sufferers find that cannabis use reduces the intensity of some of their symptoms. The most obvious health risk has to do with respiratory factors because you are inhaling smoke.

There is much work to be done yet on the health effects of cannabis. It seems clear that some people do fall into a dependence on cannabis. Some people are quite heavily reliant on it, and we found as we spoke to various groups that some people want to get off that dependence. One of the groups we saw was the ACT government's Effective Weed Control Group. I thought, and I think my colleagues did too, that they seemed to be pretty well switched on. They could use the language of users. They seemed to be able to touch their users. It seemed to us that the program they were running was a pretty effective one. We have a recommendation for some evaluation of that service, and we would think, in the end, some expansion of it.

There is a view in some areas that cannabis might be a gateway drug; that is, it leads people on to taking more serious drugs, such as heroin, for example. We gave careful thought to that. I certainly did. It is the case, no doubt, that some people will try anything and everything. If that is the case they would well try cannabis and move on to other more harmful drugs.

It is also the case that about 40 per cent of the population has used cannabis at some stage, but nothing like 40 per cent of the population is addicted to harder drugs. I think something like 5 per cent of the population may have tried heroin. I do not think you can claim that cannabis is necessarily a gateway drug. I don't think the argument is there to sustain that.

What is important is to separate cannabis use, if we can, from the heroin scene. It is the case, as we heard, that more commonly today you can find people who deal in both cannabis and heroin, and it is very important that we separate out, if we can, that cannabis user from that harder drug scene. It is highly desirable that any person's source of cannabis should not also be the source for heroin.

To go back to another one of the recommendations on those health effects, we recommend that there be much more in the way of education programs pointing to the potential negative health impacts. Perhaps there is a view in the community that cannabis is not so harmful. That was certainly my view at the outset. It may well not be as harmful as heavy tobacco use or heavy alcohol use, but it is not without harm, I repeat, and we need to see that there are programs in place to make sure that the community better understands those potential negative health impacts. I might say that we passed through and by suggestions of positive benefits of cannabis use as claimed by some people, such as people with HIV and some other symptoms. We didn't get heavily into that area and we have made no comment about it.

On the subject of separating out cannabis use from the heroin source, we point out the effect of the SCONs system, the simple cannabis offence notices. That was established to keep cannabis users out of the criminal system. That was the reason for it. It is the view of the committee that we support the continuation of that SCONs scheme to try to keep cannabis users out of the criminal system, to keep them away from the harder drug users and not to give them a record that is more detrimental to them. One point made—I do not know whether we quoted it in the end in the report—was that the effect of any legal sanction should not be worse than the effect of the drug itself, so we are really keen to see that that SCONs system should continue. It is not necessarily the ideal or perfect way to go, because perhaps there is no perfect way, but it is a better way to go if we can keep people out of the criminal area and not have a criminal record against their names.

One of Mr Rugendyke's great concerns was the use of the word "decriminalised". It is said that cannabis use has been decriminalised. We all agree that that is misleading. There is a view in the community that "decriminalised" means legalised, which, of course, it doesn't. There are still sanctions against cannabis use. For that reason I think we also need the education campaign that is one of the recommendations. The public should be brought to understand that cannabis is still not a substance that is legal and that you are subject to penalties if you are seen to be using it. We must get rid of that misconception about the word "decriminalised".

As we looked at the SCONs we discovered—Mr Rugendyke knew this from his police days—that currently about half of them are paid. So we have a system that is not really effective. If people out there know that they are not paid, that does not seem to be much of a disincentive. So we have made some recommendations about that. We want to see that those collections are at 100 per cent, because in that way it is a more effective system. We would like to see the system or the paperwork improved so that some steps

are triggered automatically to make it easier to follow a process to reclaim when people are not paying. We want to propose some consideration to cancellation of licences if notices are not paid, not that everybody has a licence, of course, and, as an alternative to penalties, we would like to see some consideration to the expiation of the notice through community service.

There is quite a number of other recommendations. I believe members will find the report interesting. I think we have come up with a sensible report. It's mostly a consensus. Mr Rugendyke has differed in some areas from the report, but I think it is fair to say that in general the report has been agreed, with some exceptions. I thank my colleagues for their good nature and support during the inquiry, and Mr Skinner for his hard work as secretary. I believe this is a successfully produced report.

MR HIRD (5.57): Mr Speaker, I, as deputy chair, concur with the chairman's outline of the report. I urge members to particularly take note of recommendation 11 which spells out a series of procedures which will require examination and amendments. I urge the minister to take the suggestions in recommendation 11 into consideration when looking at the report and to give us an answer. There are 12 recommendations in all following the detailed examination undertaken by the committee.

Mr Rugendyke argued his position soundly from personal experience with the traumas that drugs, even cannabis, can cause, particularly to the young and the not so young in our community. I respect his position, Mr Speaker, just as I respect the position put by many people who put submissions to the inquiry, and those who appeared before it.

I also recognise, Mr Speaker, that the figures demonstrate that 72.6 per cent of Canberrans believe that criminal sanctions should not apply to cannabis. Whilst I would personally do all I can to discourage our young people and other members of the community from becoming involved with this drug, or any illicit drug, I am prepared to give my full support to this report.

I would also like to join my chairman and my colleague Mr Rugendyke in thanking the witnesses who appeared before the inquiry, not only in the territory but also in South Australia and Western Australia, and the departmental officers made available by the minister, Mr Moore. Their assistance was invaluable. They provided briefings and information, particularly to our secretary, Mr David Skinner, in order to put this in-depth report together. I commend the report to the house, together with the dissenting report of Mr Rugendyke.

Debate interrupted.

Sitting suspended from 6.00 to 7.30 pm

ADJOURNMENT DEBATE
Suspension of Standing and Temporary Orders

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

> That so much of the standing and temporary orders be suspended as would prevent the adjournment debate extending beyond the 30 minute time limit.

HEALTH AND COMMUNITY CARE—STANDING COMMITTEE
Report No 7 of 2000

Debate resumed.

MR RUGENDYKE (7:33): I rise to support the majority of this report. It was a very exciting and interesting inquiry, and it was a privilege to be part of the committee that looked at the vexing issue of cannabis use, particularly among our youth. The genesis of this inquiry was the legislation I tabled some time ago to do away with the SCON system. I saw that as a practical remedy for a problem that I could see in practice as a police officer. Firstly, the SCON system gave the wrong message, in my view. The word "decriminalised" gave the wrong message. In fact, young people around this town have come to believe that using small amounts of cannabis is legal. That is something that I believe should be totally discouraged.

From this inquiry I learnt a great deal that I had not known or understood about cannabis and its problems. I have come a long way in changing my view on this issue. I now believe that to retain SCONs as a sanction is a good and useful tool, provided that there is a penalty. By that, I mean that the offence notices should be expiated in a way that shows young people that there is a consequence. For example, they should pay a fine, perhaps lose their licence for a time, if they have a licence, or perhaps do a little bit of community work to honour the sanction of the fine.

I was unable to fully support the majority report and provided a dissenting report on some issues that came out of deliberations. The chairman and I have a lot of similar views on this matter, but on a few issues we have some differences. One of those is the discretion that police use as a way of doing their work, something that I could not abandon.

There were other recommendations that I was unable to agree with. The key one of those is recommendation 11. I think it is very complex and unwieldy to attempt to deal with cannabis in the way the majority report recommends. From a practical policing perspective, I see the simple measure of five plants or 25 grams to be a very useful and simple-to-understand way of calculating cannabis. I agree with the South Australian experience of bringing the number of plants back to three. But the majority report had a different view that I was unable to support.

I could not agree either that hashish oil and hashish ought to be brought under the umbrella of the SCON system. It is my view that that type of cannabis substance is more for trafficking or high THC or heavy use, which I do not believe the SCON system would be useful for.

As well as those dissents, I have added other comments, not in disagreement but to add to the report.

Mr Speaker, I congratulate the committee. I thank the chairman for the tolerance he showed to my position and his respect for the view that I came to the inquiry with. I believe that the report we came down with, both the majority report and the dissent I added, is a very comprehensive and useful report for people in the industry and for others who may wish to read it to decide on how best to deal with cannabis use in our young people. I thank the committee for its assistance. I enjoyed this inquiry immensely, and I look forward to other inquiries of this calibre.

MR MOORE (Minister for Health, Housing and Community Care) (7. 38): So that I can get under way in implementing the excellent improvements recommended by the committee, I move:

> That the debate be adjourned.

Question resolved in the affirmative.

Debate adjourned to the next sitting.

JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE
Report No 11 of 2000

Mr HARGREAVES (7. 39): Mr Speaker, I ask for leave to present Report No 11 of 2000 of the Standing Committee on Justice and Community Safety.

Leave granted.

Mr HARGREAVES: I present the following report:

> Justice and Community Safety—Standing Committee—Report No 11—Committee visit to Western Australia, the Northern Territory and South Australia: Third interim report in the prison series, dated 6 December 2000, together with a copy of the extracts of the minutes of proceedings.

I move:

> That the report be noted.

A quick look at this report will make it clear that the trip Mr Kaine and I undertook with our committee support was anything but a junket. Indeed, had the minister done such a trip, perhaps we would have less to argue about.

I would like to address in detail only one recommendation, recommendation 1. The phrase “in the absence of any alternative competitive model proposed by the soon-to-be-commenced prison consultancy” overly complicates the recommendation, in my view. Essentially, the jurisdictions of Western Australia, South Australia and the Northern

Territory (all non-Labor jurisdictions), Queensland and Victoria all said that since the ACT does not have either model—that is, public or private—it cannot create a competitive environment and thus ought to establish a prison in public ownership. The reference to the announced consultancy changes nothing in the recommendations from the experts, notably Professor Harding, one of the top two experts in the country.

It was obvious that these other jurisdictions have taken a strategic planning approach to prisons. The announcement that the Belconnen Remand Centre is to be fast-tracked shows that this government does not have a strategic approach to the prison system. It ought to address the Belconnen Remand Centre separately in the two years that we have to provide for a prison. Now that a consultancy has been announced, it is hoped that the instructions to the company will be clear and the timeframe is based on strategic imperatives, not on political grandstanding.

Mr Speaker, we have been waiting for 12 months for this government to go to the first stage—the appointment of the consultancy—and finally the minister has announced the appointment of Rengain. Rengain is a very welcome addition to the process of developing our new prison. Members may not know, but the principals are a former minister for corrections in Queensland and a former director-general of corrections in Queensland. These people have immense experience in the establishment of prisons around the country, both private and public. They bring no preconceptions. They are not connected with any private company, and they are not connected with any private construction company, so we can expect an independent report.

Mr Quinlan: Have they met John Walker yet?

MR HARGREAVES: They have met John Walker but, as most sensible people would, they ran away quickly. I welcome the appointment of Rengain. I think the minister and his advisers have made an excellent choice.

Mr Hird: Hear, hear! As a member of the committee, I concur.

MR HARGREAVES: I congratulate Mr Hird too, because he knows the calibre of this consultancy.

On the trip, we received consistent advice that the facility should be in public ownership. Tasmania, geographically, requires two prisons. We might be in a better position, but we are not, and we are never going to be, so we need to be aware of what they have said.

None of the jurisdictions could see how we could get out of it more cheaply over 20 years by private financing. The other jurisdictions were aware of our AAA credit rating. As I understand it from something the Chief Minister and Treasurer said the other day, it is the highest in the country. They did not believe that we could buy a prison on hire purchase and get private financing over 20 years cheaper than if we borrowed ourselves under our AAA credit rating. Their advice was that, whilst the rates applicable to major international companies borrowing money would roughly the same as we could get ourselves, the significant difference was the imperative that these private companies would have to return something to the shareholders. That, of course, could passed on to the ACT taxpayer when we buy the prison back.

Western Australia completed the Acacia project from start to finish in the time we took to establish the consultancy. While we have had to drag the government kicking and screaming to give us any information at all, the Western Australian government put their request for tender and the contract holus-bolus on the Internet. There was no such thing as commercial-in-confidence in relation to that contract. Right now, if we feel like it, we can get on the Internet and look at the contract for running Acacia prison.

South Australia said that major financial benefits of the private system are linked to public ownership. The believed that as long as the Mount Gambier prison was in public ownership they could use the competing forces of private management and funding to offset one another, remembering that that prison is surrounded by a series of public prisons and therefore competition exists.

South Australia also said that transfer of risk to the private sector is a dangerous concept. That is what the Chief Minister has been holding up as his major reason for wanting to explore private financing and private ownership. Officers in South Australia were emphatic in saying that that state is prepared to carry the financial risk associated with ownership.

For those members who need to refresh their memory, the government's preferred model is known as the BOOT model. "BOOT" stands for "build, own, operate and transfer". That means that the company will own the facility for 20 years and that at the end of that 20 years, when it is paid off, they will give it to us, probably in a state of ill repair, and we will have to cough up to maintain it and to extend its life. It is accepted around the country that the life of a prison is 20 years. Its value at the end of 20 years will be nil, and the company will not want it, because it will cost them money. Why would you want something that was going to cost you money? That is what the South Australians were saying.

I commend the report to members. Its detail about prisons in Australia will add to the previous report the committee has done on this matter. I suggest that the committee did the government's job for it in respect of this project. At least the considerations are on the public record and available for public scrutiny, which is absolutely imperative. This is a very big social leap forward, and we need to take the general public and the community at large with us when we do it.

We still await the cost-benefit analysis. The request for tender documentation says that the consultancy will do a cost-benefit analysis. But I note that the me line is at least nine months away. I find waiting for 2½ years a little bit too much when it is not necessary. Looking back at my papers, I notice that a cost-benefit analysis was done by Treasury very quickly in preparing for the decision on whether to build a new remand centre or to upgrade the current one. The government have the benefit of that cost-benefit analysis in making its decisions. Treasury officers had the skills to do that. Those same skills have not been employed in this case. I find that unacceptable.

A read of this report should convince the government of its folly about private financing. I urge the government to have a close look at this. Five out of six state jurisdictions have said to us, "Do not go down the road of private financing." We will stand a very real risk of being an island of stupidity in an ocean of sanity.

One of the things which impressed the committee was the professionalism with which the state public sectors provide services in corrections. In the request for tender for the next stage—that is, the awarding of a contract to build a prison and to manage it—the government has said that the public sector means other state governments. That is not the public sector. The public sector is something which is paid for out of ACT coffers, and the government has said it will not allow the public sector in the ACT to submit a bid to run our prison. They have said that we do not have the expertise to manage it or to monitor it. I was first told that by the government three years ago. Three years ought to be plenty of time in which to go and find the expertise.

South Australia's thinking on restorative justice is particularly advanced. This government has had plenty of time to do some headhunting in South Australia and to create a bureaucracy which could not only oversight the process but also physically manage the programs which should go on in our prison, but it has sat on its hands for three years and allowed the project to wallow. We have two years to go before the building opens. That should be plenty of time for this government to get the expertise to do the analysis. I reject the view that ACT corrective services cannot have the expertise to do it. I cannot accept that for the life of me.

I also reject the view that we ought to put the prison in private hands because the private sector are the only people who can do it. In the last two years almost every private prison in Australia has had significant problems and deaths in custody and has been subject to scrutiny. So it is not as obvious as it was when we embarked on this investigation three years ago.

Members of the committee would remember that I have been constantly in favour of public ownership but have been prepared to be convinced about the private or public management of it. The trip around the country convinced me that if we have to go with private management at the end of a five-year term, then it will be a rather nasty indictment of the government's inaction in respect of its own bureaucracy. It could have taken that time to create one that did work. It could have done some headhunting. There are some excellent people around the country. We met Roger Holding, the fellow running a private prison in Mount Gambier. Steve Green got a human rights award for his work at Lotus Glen in Queensland, a public prison. If, as I suspect to be the case, the government is rather enamoured of the South Australian system, it could have done wholesale poaching in that state rather than paying profits to that state in asking them to run our system on contract, of course with a profit imperative.

I hope I speak for the committee when I say that the committee has no determined position on private or public management at this point. It believes that the best management must be provided. A tender process may—and I reiterate "may"—show who is best placed to manage our prison. But it is a shame that the government has not done anything in the past three years to allow the ACT public sector to compete and as a result keep the profits here in the ACT.

I express appreciation to Fiona Clapin, our committee secretary, who did an incredible amount of work in compiling the report and stitching together the thoughts of myself and Mr Kaine on the trip. *(Extension of time granted.)* I also express appreciation to Matt Gamble, who deputised for Fiona when we went to Western Australia. He did an excellent job for us.

I would also like to have the record show appreciation to the governments of Western Australia, the Northern Territory and South Australia for their hospitality and the freedom with which they dispensed their information to us. I would also like to express my appreciation to Mr Kaine. It was a long trip. It was a very involved trip. We did a lot of work and we were given a lot of information, and the information that we shared enabled us to come up with this report. Finally, I commend the report to the house. It is a damn good read.

MR KAINE (7. 56): I need to speak only briefly. I think Mr Hargreaves has made the salient points about this report. All I need to say is that what we have here is a distillation of opinion from people in South Australia, Western Australia and the Northern Territory, both corrections officers and bureaucrats, with some input from the political level. We went on our visit particularly to look at prison philosophy, to look at whether private prisons or public prisons, however you define them, were preferred and the reasons why, and to look at the question of the interests of female prisoners. We had reached the conclusion in our earlier visits that, for the ACT, the care and custody of female prisoners was going to be a problem because of very small numbers. Indeed, the number of women in any prison system in Australia is very small relative to the total prison population.

We found, by and large, that women in the prison system, as perhaps women would say in the community generally, are marginalised because of small numbers. Prisons are generally designed and operated and run for the majority of their population—men. To the extent that there are opportunities in prisons and in the prison system, those opportunities are not equally available to women and men. How we treat our women prisoners, how we house them, how we manage them, how we make resources available for rehabilitation and the like are matters of some concern here, even more so than in the states, where female prison populations are greater than ours.

The prison just south of Darwin was an interesting example of a limited number of women prisoners. They housed them outside the main cantonment, outside the main fence, in a smaller enclosure, in what looked like, and indeed may at one time have been, a motel. They put a large fence around this motel-type accommodation, and that seemed to serve the purpose very well for the number of people they had to accommodate there. Because they were adjacent to the main prison, they came under the same administration, but they had a separate manager and, even with a small number of prisoners, were able to develop programs especially for them. In this matter I think we learned something of interest to the minister and to those people who are going to be designing and running our prison.

I can only commend the report. I do not think I need to traverse the same ground as Mr Hargreaves did, but for my part the trip was well worth while. We were exposed to different opinions about all of the matters that we went to look at. This report is our interpretation of what was said to us by a large number of people from three different jurisdictions—from corrections officers and bureaucrats, with a little bit of levelling from politicians.

There are some lessons to be learned. The government needs to be careful about relying entirely on the input from consultants. They obviously need to use consultants because, as they have admitted, they do not have a lot of in-house capacity. They need to take the input from consultants and do some in-house analysis of it and derive from that their own courses of actions rather than blindly following what the consultants recommend to them.

We are dealing with people. We are dealing very largely with disadvantaged people, many of them with drug dependency or involvement in some way with drugs. There is a very high incidence of drug usage associated with crime. We are dealing with a special class of person here. If we hope that these people, at the end of a sentence, are going to come back into the community and be better citizens than they were when they went to prison and make a contribution to society, then we have to look at the material we are working with and, within the prison system, devise for them programs that affect their way of looking at life and modify their behaviour, their attitudes towards work, their attitudes towards education—the whole spectrum of human behaviour.

I do not know how easy that is going to be. But if we are just going to have a prison, put people in it and, as somebody said, turn the key and throw the key away, it is not going to be very beneficial to the prisoners and it is not going to be very beneficial to the community. This is not going to be cheap. It is going to cost us a good deal of money.

I commend the report not only to the Assembly but to the minister. I would hope that the minister would give careful regard to the things that we brought back from other jurisdictions, which he might find interesting, just as we did.

MR OSBORNE (8.03): I did not take part in the trip. I was a little bit nervous about some of the recommendations. I appreciate what they must have gone through when they put the Magna Carta together. This whole process felt somewhat like that.

Mr Moore: No consultation; they just wrote it.

MR OSBORNE: They just wrote it. I felt like that at stages too, Mr Moore. Nevertheless, the goal of the committee in this whole prison project is to continually provide as much information as we can to the Chief Minister on this issue. The one issue I was a little bit nervous about is recommendation 1, but with the modification I am quite happy with it. The government had given a commitment to come back with some information.

I, as an individual, am not prepared to make a substantive recommendation on public versus private, although there is much in this report that I do agree with. Many of the arguments put up by Mr Hargreaves and Mr Kaine are very good ones, but I prefer to reserve my judgment until we get more information from the government.

It is very clear that the committee, especially Mr Hargreaves, has a very strong commitment to this prison. In fact, Mr Hargreaves drives me crazy about it sometimes. I have told him that. All of us have different issues that we are very passionate about, and it is pretty clear that Mr Hargreaves is passionate—sometimes I have used the word "obsessed"—about this prison. He is a great source of information, and I am sure that he will take great pride in the prison when it is finally opened.

All our trips have been about gathering information and providing it to the Attorney-General. I hope he sees this report in that light.

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

DAYS OF MEETING—2001

MR MOORE (Minister for Health, Housing and Community Care) (8.06): Mr Speaker, I move:

> That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2001:

February	13	14	15
February / March	27	28	1
	6	7	8
	27	28	29
May	1	2	3
June	13	14	15
	19	20	21
August	7	8	9
	21	22	23
	28	29	30

There has been a significant amount of consultation on this. I have seen Ms Tucker's circulated amendment. Rather than getting back up again, I might explain now why we did not put Ms Tucker's proposal in the motion when her office raised this idea with us. The proposed sitting pattern includes the week of 7, 8 and 9 August. There is only a single week break then before the sittings on 21, 22 and 23 August.

Ms Tucker's office approached my office and said they would prefer to sit a week earlier than 7, 8 and 9 August. As part of the assessment process, we checked that with a range of people both in the Assembly and outside the Assembly. The general consensus was that what we have in our motion was the right way to go. We understand where Ms Tucker was coming from. There is an advantage in getting a two-week break. The downside to that is that it would shorten the winter break for some people and therefore make the winter break less flexible for them. On the other hand, we can see the advantages from Ms Tucker's point of view.

The government will oppose the amendment. This is an on-balance decision following wide consultation.

MS TUCKER (8. 08):I move:

> Omit "August 7, 8, 9", substitute "July 31, August 1 and 2".

I am not going to die in a ditch over this amendment, but we thought the Assembly should consider in more detail how the sitting pattern will work in practice next year and how it interacts with the election in October. The sitting weeks in February and March are quite compressed, with four sitting weeks over seven weeks. Then there are the usual three sitting weeks in May and June to deal with the budget, a further three sitting weeks in August and a seven-week campaign period before the election. We are concerned that those three weeks in August are quite compressed.

I think we should be a bit easier on ourselves and provide a two-week break before the last two sitting weeks so that we will all have time to fully consider the likely rush of legislation and motions that will need to be finalised in those last two weeks before the election. It will be too late then to adjourn any outstanding items of business. There is already a long break in July before the August sitting weeks, so my proposal is that we push back that first sitting week in August to provide a bit more time before the last two sitting weeks.

Question put:

> That the amendment (**Ms Tucker's**) be agreed to.

The Assembly voted—

Ayes, 7	Noes, 10
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Quinlan	Mr Humphries
Mr Stanhope	Mr Kaine
Ms Tucker	Mr Moore
Mr Wood	Mr Osborne
	Mr Rugendyke
	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

Amendment negatived.

Original motion agreed to.

CENTENARY OF FEDERATION—CENTENARY MEETING OF THE COMMONWEALTH PARLIAMENT

MR MOORE (Minister for Health, Housing and Community Care) (8:14): I move:

> That this Assembly:
>
> (1) noting the intention of the Commonwealth Parliament, at the invitation of the Victorian Parliament and the Victorian Government, to return to Melbourne to commemorate and celebrate the centenary of the first meeting of the Commonwealth Parliament which occurred at the Royal Exhibition Building on 9 May 1901 and the first sittings of each of the Houses of the Commonwealth Parliament which were held in the Legislative Council and Legislative Assembly chambers of the Victorian Parliament respectively on 10 May 1901;
>
> (2) resolves that the Members of the Legislative Assembly for the Australian Capital Territory should join with the members of other Australian State and Territory legislatures to be present at the historic centenary meeting and sittings of the Commonwealth Parliament in Melbourne on 9 and 10 May 2001.

Mr Speaker, I think this is an extraordinarily important motion, not so much for this Assembly in one sense but in the sense of our part in recognising the important history of Australia, because with the centenary of federation we mark 100 years of the way our democracy runs across this country.

It is interesting to watch the United States at the moment, Mr Speaker. I am sure all of us keep a close eye on the presidential election there and recognise just how effective our system of democracy is here in our federation in Australia by contrast. There are times when we have had long counts following elections. Certainly, the five members who were elected in the first election know that well. The other people who were candidates in that election also recognise that issue.

Mr Speaker, the Council of Australian Governments established the National Council for the Centenary of Federation to oversee the centenary of federation celebration and commemorations. In each state and territory there are committees charged with delivering the opportunities for participation and involvement for all Australians. I have noticed how many members over the last few years have been wearing their federation of Australia badge. It is a very striking badge, Mr Speaker, and one that I notice that overseas visitors are always attracted to. I wear it with great pride because I think that our centenary of federation marks an important part in our democratic processes.

In the ACT, as the national capital, there will be a number of celebrations, including one from 10 to 12 March, which will not only celebrate the centenary of federation but also the naming of the capital on 12 March 1913 by Lady Denman, the wife of the then Governor-General, and a series of other things. Along with our celebrations here in the ACT, there will be celebrations right across Australia in different jurisdictions. These will come to a head, Mr Speaker, when we commemorate that first meeting of federal parliament which occurred in Melbourne in 1901.

In May the focus will be on Victoria. It will be a national focus. On 9 May there will be a very significant event to mark 100 years of nationhood and the centenary of the Commonwealth parliament, the commencement of the journey of our parliamentary democracy. On 9 May 1901, at the Royal Exhibition Building in Melbourne,

12,000 Australians gathered to celebrate the launch of the Australian democracy. On 9 May 2001 over 7,000 Australians will be invited to gather to commemorate and celebrate the centenary of democracy.

There is to be a very special celebration that all members of all parliaments in Australia have been invited to. All mayors in Australia as well as other notable people from the public will also gather. First of all there will be a sitting of the federal parliament in Melbourne. Then there will be a celebration involving all members of legislatures to commemorate what happened 100 years.

Mr Speaker, this takes us to a time when we need to think beyond just the ACT and beyond the politics of it. Somebody might not be happy if members go down there. I do not expect that every member of this legislature will attend, but I think it would be important for a good-sized delegation from this legislature to be part of that history of Australia. Of course, a motion like this cannot force every member to attend, nor should it force every member to attend. I neglected to point out, Mr Speaker, that members will be invited—their spouses will accompany them of course—as was done in 1901. I think this is an important opportunity for us to celebrate our history. We can show to the people of Canberra just how important our democracy is and we can celebrate 100 years of democracy here in Australia. It is a great opportunity.

I will say one other thing, Mr Speaker. In looking through the program, one of the things that struck me was the number of celebrations the Labor Party is having parallel to the other celebrations. Members of the Labor Party have seen the program with those celebrations on it. You can see that there will be things of particular interest. This ought not be seen as a partisan approach. We ought to be taking a collective approach and say, "Yes, this is important for Australia." I encourage each and every member to support this motion.

MR WOOD (8.20): Mr Speaker, the opposition has some reservations about this and shortly Mr Stanhope will be moving an amendment to Mr Moore's motion. I have not heard yet what it is proposed that 7,500 councillors, aldermen, mayors, members, senators and others will be doing once they get there. Perhaps I just have not paid attention. Maybe there is a good program spelled out already. I have some reservation about an invitation which invites every representative in Australia, and I do not fully understand the reason for it. Maybe someone will tell me this during the debate.

My own view is that this Assembly ought to be represented. I do not think there is any doubt about that. I think there are appropriate people to represent the Assembly, but I will leave the detail of that to Mr Stanhope's amendment. To repeat, I simply have some reservations about a blanket attendance by all 17 members.

MR STANHOPE (Leader of the Opposition) (8.21): Mr Speaker, the Labor Party does not disagree with any of the sentiment that Mr Moore has expressed. We acknowledge and accept that the centenary of federation is a most significant event in Australia's history. We are celebrating 100 years of federation, 100 years since the states joined to form the Commonwealth of Australia. I do not think we need to have a debate now about our commitment to the Commonwealth, our determination to celebrate the Commonwealth, our determination to celebrate the fact that the states did federate in that great coming together 100 years ago.

Of course, there is a whole range of things that it would be appropriate to discuss and to debate now. One of those would be the extent to which it is now very much past time, after 100 years, for us to take the next great step in the development of this nation, namely, the determination of our will to become a republic. There is a whole range of issues that it would be appropriate for us to discuss now.

The question of how this territory, this parliament, should be represented at the centenary of federation celebrations is one that we could argue and dispute. We are fully supportive of the prospect of members of this Assembly representing the territory at those celebrations. We do believe, however, as my colleague Mr Wood has said, that this motion is too open-ended in that in paragraph (2) it says that members of the Assembly of the Australian Capital Territory should join in the celebrations in Melbourne. It is a suggestion that all 17 members of the Assembly might be funded by the public purse to participate in this celebration. It would almost certainly be the case that the 17 members would choose to attend the celebrations, but we think that we here today should not be passing a motion which signals that we believe it is appropriate for every single member of this parliament to be in Melbourne for the centenary of federation celebrations. We think that is not something that would be welcomed, applauded or supported by the people of Canberra.

So, as foreshadowed, I have circulated an amendment to paragraph (2) of Mr Moore's motion saying that a delegation of members of the Legislative Assembly, comprising the Chief Minister, the Leader of the Opposition and the Speaker, represent this parliament formally at the centenary of federation celebrations. We believe that that would be appropriate. That is the amendment that I circulate. We believe that that provides a significant and very senior level of representation of this parliament at those celebrations. We believe that that is an appropriate level of representation. We believe that to pass a motion here tonight suggesting that all 17 members of the Assembly be supported by this parliament as delegates to these celebrations simply would not be supported by the people of Canberra. Therefore I move the following amendment:

> Paragraph (2), omit "resolves that the Members of the Legislative Assembly for the Australian Capital Territory", substitute "resolves that a delegation of three Members of the Legislative Assembly for the Australian Capital Territory being the Chief Minister, the Leader of the Opposition and the Speaker".

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (8.25): Mr Wood asked why we were being asked to go to Victoria? What is the point of the exercise? Why is it important that we all attend? Perhaps to some degree the problem with this motion arises from the fact that not all members have yet received the briefing from the Centenary of Federation Committee that was designed to illuminate members about the process to be used here and the purpose.

The purpose, as I understand it from what I have been told, is a symbolic act. Australia was formed as a nation in slightly precarious circumstances. Members know that there wasn't unanimity among Australian colonists at that stage to come together to form a nation. Indeed, I think Western Australia voted at one point against being part of the federation and it took another effort to get them to come in on day 1 as an originating

state. So the question of Australian nationhood was a bit dubious and doubtful 100 years ago today.

In the time since then the concept of Australia as a united nation, as a community of people bound together by common traditions, language and other things, has become a much more established concept. The idea of having a celebration not just of the federal parliament and its members in the Exhibition Building in Melbourne on 9 May, but rather of all the members of all the Australian parliaments, representing the leadership of the entire Australian nation, was that we should symbolise that unity as a nation; that we are together embracing today, unambiguously and without qualification, the concept of Australian nationhood.

The expression there is also that Australian nationhood is not just about the forming of a series of entities or bodies which is the Commonwealth, but rather the formation of a people together. So a gathering of the representatives of all the people in all the states and all the territories, and representatives of Australians at the municipal level, has been engineered. This is a major national exercise. This is the highlight of the centenary of federation celebrations. It is the centrepiece of that celebration.

As far as I am aware, Mr Speaker, the impression I obtained from the briefing that I received from the Centenary of Federation Committee was that every Australian parliament was likely to take up the offer that was being made. I would have the greatest regret, in leading a delegation down to Melbourne in May, to discover that every other Australian parliament was generously if not unanimously represented on that occasion.

Mr Wood: You have not been attending to the debate.

MR SPEAKER: Labor or Liberal, minister?

MR HUMPHRIES: I beg your pardon, Mr Speaker?

MR SPEAKER: Irrespective of party?

MR HUMPHRIES: Yes, irrespective of party, Mr Speaker. It is a question of accepting and taking up this invitation in the spirit in which it has been offered. As I understand the process from here, in late March of next year formal invitations from the Prime Minister, the presiding officers of the Commonwealth parliament, and the Premier of Victoria will be issued individually to each member of every parliament in Australia who is expected to be holding office on 9 May 2001. The invitations will entitle members to be accompanied by their spouse or partner. At around the time of issue of the invitations, extensive briefings on all the details of the involvement will be provided. Importantly, the organisers have negotiated a very extensive accommodation guide which offers attendees a discount on accommodation in order that all the members should be able to attend this occasion. They should all be able to attend. It is meant to be a huge national celebration.

Mr Speaker, there is a very important reason why the ACT Legislative Assembly should be represented, if possible unanimously, at that celebration. The ACT parliament, and indeed the ACT itself, is the child of federation. We would not be here, sitting in this place, originally a cow paddock, if it were not for the decision of Australians 100 years

ago to federate in one nation and to put aside a special place to be their national capital. We are here for that reason, Mr Speaker. We are the child of—

Mr Wood: Did you get a briefing about this?

MR HUMPHRIES: Yes, I did. I did get a briefing.

Mr Wood: You propose a motion and introduce it without any reference to anything.

MR HUMPHRIES: Mr Speaker, to answer Mr Wood's interjection: I did receive a briefing. I was invited to a briefing for me and you, Mr Speaker, by the centenary of federation representatives visiting the ACT who have been travelling around all of Australia. They undertook, as I said, that there would be extensive briefings of members of all the parliaments closer to the event—that is, the early part of next year.

Mr Wood: Why wouldn't you present arguments at the beginning? Why do we even need this motion? Is this motion essential?

MR SPEAKER: Chief Minister, may I simply say on the question of briefings that we attempted to have one earlier for members. We propose to have one in the new year.

Mr Wood: Now we are told.

MR HUMPHRIES: Mr Speaker, my understanding is that an earlier briefing had to be cancelled because either the members were not available or the people making the briefing were not available. However, they have asked every parliament to pass this motion in this form.

Mr Speaker, if anyone is listening, I would appeal to the Labor Party to respect the spirit of the request that has been made to us and to pass this motion in this form tonight unamended. If it appears that other parliaments are taking a different approach from the one recommended by the Centenary of Federation Committee, I believe it would be appropriate to come back in the first sitting of next year and change the position that the Assembly might take. That would be appropriate. If, however, it does appear to be the case, as I have been told it is the case, that all the parliaments will be sending more or less all of their members to Melbourne for this celebration, the ACT would look foolish indeed to be sending just a delegation of three people—foolish indeed.

Mr Quinlan: You can hear them saying, can't you, "Hey, the ACT only sent … What do you think?"

MR HUMPHRIES: Well, I can only say, Mr Speaker, that I think this is a matter we should embrace in the spirit of the celebrations next year. It is an important national celebration. We have an obligation to play our role because we are in a particularly special position in terms of federation. We are the child of federation. I think it would be churlish and inappropriate for us to be potentially the one parliament in Australia not to pass this motion, particularly given our position. If we do not want to go to Melbourne there is nothing to stop any member of this place not going. I guarantee, Mr Speaker, that I, as Chief Minister, will not point a finger across the chamber and say, "Look, the Labor Party is not going," or, "So and so Independent is not going; they are not pulling their

weight," or, "They are not doing the right thing." I will not say that, Mr Speaker, nor will any member of my government.

Mr Wood: Oh, come on! Do you think anybody would miss me?

MR HUMPHRIES: Perhaps not, Mr Wood. Perhaps they will not miss you. They might not miss you, Mr Wood, but please do not say to other members who might wish to take up this invitation that they should not be attending. It would be quite inappropriate and quite unfortunate. I think it is just cultural cringe, Mr Speaker. We do have a role to play in that celebration. It might be a small role. No-one is going to say, "Look, the ACT is here," when we roll into the Exhibition Building. I do not see why at this stage we should make a statement of the kind which the amendment would make. I appeal to members to pass this motion unamended.

MR KAINE (8.35): Mr Speaker, I will be quite brief. Quite frankly, I do not know what all the hoo-ha is about. I think the sentiment of this motion is acceptable. If there is to be a celebration of federation of the type that Mr Moore outlines in the first part of his motion, it is appropriate that those of us who wish to attend should do so. The motion does not oblige anybody to go, as Mr Humphries just said. It says that members of the Assembly should join with members of other legislatures. I think that is a healthy sentiment on the celebration of federation. I will decide for myself whether I wish to go or not. As the Chief Minister suggests in his case, I will make no judgment about anybody else who makes the decision either to go or not to go. I think it is foolish to do other than accept the motion put forward by Mr Moore because it allows each of us to then decide for ourselves what we want to do.

I would urge Mr Stanhope to withdraw his amendment, pass the original motion, and then exercise his choice, and that the members of the Labor Party do likewise, as to whether they go or not go.

MR RUGENDYKE (8.36): Mr Speaker, I was quite excited when I received the notification of this event from your good self. In fact, a couple of weeks ago when that notification arrived, I marked the relevant days in my diary for next year, giving no thought as to whether or not I would be able to go or may go or may not go, since I had yet to consult with the minister for home affairs, war and finance, so I am pleased to see the word "should" rather than "must". Mr Speaker, I intend to drive down with at least my wife and perhaps a couple of kids, and if I decide to do that—

MR SPEAKER: Order! Keep your voices down, please. Mr Rugendyke has the call.

MR RUGENDYKE: If I decide to do that I will, irrespective of the nature in which this motion ends up being passed. Even if the wet blanket of this amendment is thrown over the lot of us, I will get underneath it and drive down myself.

Mr Speaker, the centenary of federation is a great opportunity for us all to join in the celebrations and I am looking forward to it immensely. It will be a great opportunity to display my 1952 Lister stationary engine that helped build this great nation of ours by driving a shearing shed out in the west of New South Wales all those years ago. It is beautifully restored in my own garage. It will be an opportunity to show it off. Here in the ACT we will have events that will enable us to do this sort of thing—to wear our

Akubra hats and our Driza-Bones with pride, as we should. On 9 and 10 May I hope to be in Melbourne with my wife and maybe a couple of kids, enjoying the festivities down there.

MR HIRD (8.38): Mr Speaker, this matter is of great importance to this great nation on a number of accounts. I was shocked to see Ms Tucker waltzing around this chamber while this matter is being debated. In 1901 the very same arguments had taken place to progress us to a situation where we became a nation. Ms Tucker, who earlier this evening raised a matter on housing, would not have been able to do that had those arguments not taken place. I find it appalling that Ms Tucker turns her back on something that is so important.

I, like you, Mr Speaker, and Mr Kaine, have come the long road to self-government. We have been the brunt of criticism from parliaments around Australia. We, the citizens of this Australian Capital Territory, have always—

Members interjecting—

MR SPEAKER: Order, please! The house will come to order. Mr Hird has the floor.

MR HIRD: Thank you, Mr Speaker. We have borne the brunt because we have been kicked about boondoggling or whatever it was. You know what I'm talking about, Leader of the Opposition.

The fact is that they don't give tuppence for the ACT. The fact is that your federal leaders and my federal leaders don't give a tuppence for the ACT. They have turned their backs. They have turned their backs as you did, sir, on the $20 million. I will go into that another time. The fact is that this is an opportunity, Mr Speaker, for us to be part of federation and the celebrations. It is not only the 17 members in this chamber who should be part of the celebration; it is the 311,000 people here who are citizens of Australia. Their forebears had a part in the federation of this great country.

Mr Quinlan: Let's send them all.

MR HIRD: You may joke about it, Mr Quinlan. You may joke about it, but Mr Kaine will tell you that a lot of your former colleagues put a lot of hard work into getting us into this chamber, and it was not easy.

Mr Quinlan: So I am going to go on a junket for them.

MR HIRD: You may laugh and set aside—

Mr Moore: Sorry, Harold, I am going to take a point of order. Mr Speaker, it is not that often that Mr Hird delivers a speech with such passion. I realise that he is needling the opposition some of the time, but I think we need to have less interjection so that we can hear Mr Hird.

MR SPEAKER: Thank you. I uphold the point of order.

MR HIRD: Thank you very much, Mr Speaker. Let me just say, Mr Quinlan, that a lot of the people who were in this parliament and the people who were in the advisory body—

Mr Corbell: I raise a point of order, Mr Speaker.

MR SPEAKER: Order! You have just come in.

Mr Corbell: Mr Hird really should address his remarks to the chair.

MR SPEAKER: Thank you. I uphold the point of order.

Mr Berry: Would you mind getting him to start again? I missed the first bit.

MR SPEAKER: You sit down too. Order!

MR HIRD: Today I will tell you something, Mr Speaker, which will enlighten these rogues across the way. One Jim Fraser gained the opportunity in 1966 to be a voting member in the House of Representatives. He did so with a great deal of dignity and a great deal of effort against his own Labor members and also the then Liberal Party. Today these people tend to forget history. What we are talking about in this regard is history. The former Chief Ministers, Rosemary Follett and Kate Carnell, will be invited to the celebrations.

MR SPEAKER: Relevance please, Mr Hird.

MR HIRD: I am being relevant, sir. I cannot understand, for the life of me, why Mr Berry, a good unionist of 100 years—

MR SPEAKER: Order! Mr Hird, please; we are discussing the centenary of federation.

Mr Berry: You forgot Mr Kaine.

MR SPEAKER: Sit down.

MR HIRD: Mr Kaine, as a former Chief Minister, will be invited. It just shows you that they are relevant sometimes. I urge members to support the motion. I would ask the Leader of the Opposition, in view of the hard work of the former Labor Party, to withdraw his amendment. We are the youngest parliament in the Commonwealth of Australia. Not all members will wish to go, but those of us who were in the Advisory Council, those who fought hard and long to achieve the fruits of today, should be there to celebrate as part of the nation. We should not be there as some isolated group of people. On behalf of 311,000 citizens of this territory, we should be there, sir, and you should not deny us the ability to be able to go.

MR OSBORNE (8.45): After that, Mr Speaker, I've forgotten what I was going to say. I think I will support Mr Stanhope's motion.

Mr Moore: Because you have counted the numbers.

MR OSBORNE: Because there could be the impression that this trip down there could be a junket.

Mr Moore: That word should never pass your lips. I have told you that many times.

MR OSBORNE: Sorry. The last time I suggested that I got into a lot of trouble, Mr Speaker.

Mr Hird: Hey, Ossie, are all the standing committees junkets?

MR SPEAKER: Order! Members will come to order, please. It's strange; whenever we have a late night—

MR OSBORNE: It's Christmas.

MR SPEAKER: Yes. Members will come to order.

MR OSBORNE: Mr Speaker, the great thing about tonight has been the passion shown by some members on this matter. Mr Hird, don't wave a red flag. Don't talk about harm minimisation to Mr Moore because he just completely goes off. And don't talk about the prison to Mr Hargreaves because he completely goes off. Don't you dare try to stop Mr Hird going on his trips because he completely goes off. You know, I love you, Harry.

The CC man here just can't say no to anything. He goes to the opening of an envelope. He won't miss out on his trip.

Seriously, Mr Speaker, my view on travel is that individual members have to make a decision on whether they want to take the taxpayer funded trip or they don't.

MR SPEAKER: Um.

MR OSBORNE: Don't worry, Mr Speaker, either way you'll be right. Okay?

MR SPEAKER: I'm simply agreeing with your comments.

MR OSBORNE: Either way you are looked after there, pal; don't worry. I would like to nominate Mr Kaine. I see that Ms Tucker has an amendment here to represent the crossbenchers.

Mr Quinlan: He can go in the back of Dave's van.

MR OSBORNE: Mr Kaine can go on the aeroplane and Kerrie and I will go in Dave's car with his—

Mr Moore: You should take Kerrie's car—it's on natural gas.

MR OSBORNE: Natural gas, yes. I caution members always to take care when it comes to travel at taxpayers' expense. I have to say that of all the things that have come before my committee, and I suppose other member's committees, I would reckon that in the order of importance this would probably rate at just about the bottom.

Nevertheless, I will support Mr Stanhope's amendment, with Ms Tucker's foreshadowed amendment, because there is a little bit of suspicion there that some people might put their hand up as an Independent. We just need to make a distinction by way of Ms Tucker's amendment.

MS TUCKER (8.48): I move:

> Paragraph (2), omit "three members of the Legislative Assembly for the Australian Capital Territory being the Chief Minister, the Leader of the Opposition and the Speaker", substitute "four Members of the Legislative Assembly for the Australian Capital Territory being the Chief Minister, the Leader of the Opposition, the Speaker and a Member representing the crossbench Members".

I respect Mr Hird's passion on this subject and that of some other members, but I am not comfortable with Mr Moore's motion. I did get a few phone calls made from my office today just to see what other parliaments were doing. I did manage to get on to Tasmania. They had a similar debate and they resolved just to send a delegation. They resolved to send two Labor, two Liberal and one Independent. For the relative size of the Assembly, well, that sounds reasonable.

I have moved to amend the proposal that Mr Stanhope has put to include a member of the crossbench. I must say that when I see these sorts of motions I am wary off them. I think if people want to go there that's fine, but they should be well able to afford to go there. Okay, we can send an official delegation if that is the will of the parliament, but the whole lot should not be getting paid to go there. You should be able to manage that yourself if you really want to go.

This is a good compromise. It has come from Mr Stanhope and I have corrected the slight oversight. There are actually people other than the major parties here, so the crossbench is now represented as well.

MR MOORE (Minister for Health, Housing and Community Care) (8.50): Mr Speaker, I am somewhat disappointed that the motion has not been accepted in the spirit that it was put. It was put as a general indication that we are supportive of sending people to Melbourne. In the end individual members will make their own decision. That is why the government will be opposing the amendments that have been circulated.

Amendment (**Ms Tucker's**) to Mr Stanhope's amendment negatived.

Question put:

> That the amendment (**Mr Stanhope's**) be agreed to.

The Assembly voted—

Ayes, 8	Noes, 9
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Osborne	Mr Humphries
Mr Quinlan	Mr Kaine
Mr Stanhope	Mr Moore
Ms Tucker	Mr Rugendyke
Mr Wood	Mr Smyth
	Mr Stefaniak

Question so resolved in the negative.

Amendment negatived.

Original motion agreed to.

DISCHARGE OF ORDER OF THE DAY

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (8.55): Mr Speaker, in accordance with standing order 152, I move:

> That order of the day No 1 Executive business, relating to the Gaming Machine (Amendment) Bill 1999, be discharged from the notice paper.

Mr Speaker, this essentially is the earlier version of the bill which was passed earlier this week and therefore is redundant. It should be removed.

Question resolved in the affirmative.

PSYCHOLOGISTS AMENDMENT BILL 2000

Detail Stage

Bill as a whole.

Debate resumed from 5 December 2000.

MR SPEAKER: The Assembly is debating Mr Stanhope's amendment which seeks to insert a new clause in the bill.

MR STANHOPE (Leader of the Opposition) (8.56): The debate on this matter was adjourned on Tuesday of this week after both Mr Moore and Mr Stefaniak, the ministers with responsibility for the issues covered by the debate, had made some points that I believe showed a significant fundamental lack of understanding of the proposals. Both

admitted that the Psychologists Act 1994 does not apply to government sector employees. Despite Mr Moore's claim that his amending bill was not designed to give to the board controls over a group previously exempt from the legislation, that is precisely what it does. Government sector employees, and we are talking about a far wider group than school counsellors, have not been required to register under the act at any time in the past. They have never been required to register under this legislation. They will be required to register on passage of Mr Moore's amending bill.

I have said that we support the need for that, that we are in agreement on it. We supported the bill in principle on the basis that we agree with the need to do that. However, despite what the minister says, government sector employees have not had a transitional period in which to sort out with the board what qualifications they require. This is so because those employees have never had to be registered previously. The point is that the employees we are talking about here have never been required to be registered, as a result of which they have never taken steps to sort out their registration.

It may well have been the intention of the 1994 act to require government employees to register, as Mr Moore says. Mr Moore made quite a big play on that. Mr Moore says it was always the intention that government employees should register under the 1994 act and that that is the statable claim of intention of it, but that is not what the legislation requires. As a matter of law and practice, they did not have to and many of them did not, and that is the fundamental point. There was an intention, apparently, that all psychologists register; but the law, the act, did not specifically require them to do so, so many of them did not.

Why would they go to the trouble of seeking registration, paying registration fees and subjecting themselves to the discipline of a board that was concerned only with the private practising of psychology? The argument Mr Moore propounded when we debated this matter previously that it was the intention of the legislation is a nonsense. The government should have defined that that was the intention, but did not; therefore, too bad. But that is simply not acceptable. The intent of the law was not achieved in its provisions, in the law that was passed, and this particular group of counsellors and psychologists did not register. They did not register because they did not have to register.

Why would they have registered? There was absolutely no compulsion on them to register. Any reasonable person thinking about this matter would acknowledge that, because there was no legal requirement, it is ridiculous now to expect that they would have gone out and done it just to comply with or to meet some expectation that apparently was in the ether, that this is what the legislation was intended to achieve. The legislation might have been intended to achieve a range of things, but that is not what the legislation in its form did.

Mr Moore, after concentrating in his speech on the apparent intent, went on to talk about the opening of the floodgates, arguing that if we do not close it off now we will simply open the floodgates and expose our children to unqualified people. He said that we should not allow persons such as career counsellors and human resource officers to seek registration under these provisions. But these people, despite their titles, may be qualified psychologists practising psychology within the territory.

We cannot be expected to know the whole content of their jobs. That is a matter for the board to determine in relation to each person who applies for registration. The amending legislation is not limited to school counsellors, as Mr Moore and Mr Stefaniak seem to think. Commonwealth departments employ psychologists to practise psychology. Of course, there might be this concentration on school counsellors because it was the school counsellors' success in the AAT under the old transitional provisions that prompted their removal from the act.

The fact that a person is employed by a government under some title other than psychologist is immaterial. The important question is whether they are practising psychology. If so, and the AAT certainly thought school counsellors do, they should be registered. My amendment simply gives them time to do so. All the amendment does is give these psychologists, however described, time to do so.

The new part I am seeking to insert into the bill clearly defines a government psychology employee as someone who is employed by any level of government in the territory on the day before the new provisions commence. The temporary exemptions from the requirements of the act apply only to government psychology employees as defined.

Apart from any other test in my amendment, registration—this is a fundamental point—can be obtained only if the board thinks that the person is competent to practise psychology. The only basis on which persons can obtain registration is if the board thinks that they are competent to practise psychology, and only in that circumstance can they gain registration.

How can these provisions be opening the floodgates to registration, as claimed by Mr Moore in his speech, when only people who, in the mind of the board, are competent to practise psychology can be registered? That is a complete furphy. The point is that they cannot be registered otherwise, not even if the person seeking registration takes up government employment after the provisions commence. Where the board grants registration on the basis of a person's practical experience and competence rather than academic qualifications, it can impose conditions on that registration. Such conditions could include—and this is important—one that if the person ceases to be a government psychology employee their registration lapses.

The amendment is about providing equity and fairness to a group who will be affected by the need to be registered for the first time. That is what this is all about. It is to protect and to provide equity and fairness to a group of psychologists, a group of people practising psychology but not registered, who now need to be registered for the first time. The situation that is achieved by these amendments is precisely what was provided when the act was passed in relation to psychologists practising in the private sector.

All it does is transport the 1994 provisions for a transition period for psychologists practising in the private sector to next year to allow psychologists practising in the public sector to be given or granted that same transition period, that same amount of time, to achieve or attain the registration which they require. How can you argue against according to public sector employees the exact same conditions, entitlements and rights that were accorded to private sector employees? You cannot justify the distinction.

I do recall arguments made by Mr Stefaniak about the need to ensure that the people that we have practising as school counsellors have the appropriate qualifications. Of course we need to ensure that, but surely the minister is not suggesting that those people who currently work as school counsellors are not appropriately qualified, that there is some risk. If so, why were they employed? They should not have been employed in the first place if there is any doubt about their competence, so any arguments about the competence of existing employees and the need to ensure that we have appropriately qualified and competent people is another furphy.

If there are any doubts about their competence, they should not be there anyway. All we are doing is allowing people practising in the public sector as psychologists, however described, the same rights to a transition period to get their qualifications in such an order that the board, in its will and discretion, will register them. That is all this amendment does.

The opposition of the ministers really does raise for me questions that I simply cannot answer in terms of why it is that the government is so vehemently opposed to this amendment. What is it about the school counsellors and what is it about other public sector psychologists that this government really is concerned about? What is the real agenda here? There must be another agenda, because there is nothing in what they have said that is not simply a furphy, a demonstrable furphy. None of their arguments adds up. The arguments which each of the ministers has put forward in relation to this issue simply do not stand up to scrutiny.

MR MOORE (Minister for Health, Housing and Community Care) (9.06): That is not correct; the arguments do stand up to scrutiny. The most important thing is that we are not saying for one minute that counsellors do not provide appropriate counselling services. They will remain as counsellors, they will be employed as counsellors and they will continue to be employed as counsellors, but they will not be able to claim that they are psychologists. Counsellors do an excellent job in our schools, a very effective job. Psychologists do a whole range of other things that are much more important.

What is the whole point of having an act like this one? The whole point of having the act is, first and foremost, to protect the public. That is what we are trying to do. In this case we have focused primarily on school counsellors. That is where the request has come from. Those people are the ones who took this matter to the AAT—

Mr Stanhope: And they won.

MR MOORE: And they won.

Mr Stanhope: And now you are trying to knock them off.

MR MOORE: That is correct, Mr Stanhope, they won, and now we are trying to protect the public. What we are saying is that school counsellors should not present themselves as a psychologist unless they are qualified to be a psychologist. If they are qualified to be a psychologist, they can go to the board right now, at this very minute, and say, "I have the qualifications to be a psychologist. Will you recognise me as a psychologist?" If that is the case the board will tick them off.

Transitional provisions are normally in place to protect the job that somebody is doing now. The job of these school counsellors is not at risk at all. They can continue to be school counsellors, but they cannot become psychologists. They cannot say to a parent bringing a child in that they are psychologists and, for example, do the series of tests that a psychologist does in order to understand what is driving the child.

I think it is worth keeping this debate in perspective. Mr Stanhope is correct in saying that he is putting in a transitional provision. It is a transitional provision and I do not disagree with it. There is some protection whereby the board still makes the assessment; but, of course, the board's decision is always subject to challenge and we have seen these people making these challenges, which is why we brought this legislation into place.

The purpose of the board and the purpose of the act is to protect the public and to protect our children. That is what this is about. It is important to understand that we are not taking anything at all from these counsellors. We are not taking away a single thing. The transition period simply is unnecessary. It is worth stating that everybody in the ACT understood not only that there was a transition period under the Psychologists Act but also that the transition period was for five years, recognising that some people would need to go to university and upgrade their qualifications, as I understand some did, to be recognised as a psychologist.

Interestingly enough, counsellors will still be able to say that they can provide psychological services, as I understand it. It is simply the case that it is not necessary to include transitional provisions in the act. School counsellors will not lose their livelihood and they will not be required to register as psychologists in order to work as counsellors because school counsellors will work in every school as counsellors as they always have. There is no intention on the part of the government or the board to change the law to regulate a group of people who have previously been unregulated. That is when you use transition periods. That is unnecessary. It is intended to ensure that those persons who are registered as psychologists and work within the public sector are subject to the same provisions of the act, which does not require counsellors to seek registration.

MR KAINE (9.11): I thought I understood the issues until the last 10 minutes, but now I am not even sure towards whom this piece of legislation is directed. If it does not relate to school counsellors, why are they even involved in the debate? If they were employed as school counsellors and are school counsellors, if they are not required to be psychologists and not required to be registered as psychologists, if this bill in no way affects their status, why have they even been included in the debate?

Mr Moore: Because they want to be called psychologists.

MR KAINE: I have listened to Mr Stanhope and I have listened to the minister, and I have not heard the answer to that question. The minister might like to tell me by interjection, but he has had the opportunity to tell me and he has not done so. Assuming that there are other people in the ACT government service who are supposed to be psychologists, have been practising as psychologists, have been paid as psychologists and have been recognised as psychologists, although they are not registered or qualified to be psychologists, and this has been going on for five years, how then in all fairness can the government say arbitrarily that as of tomorrow they are not psychologists?

Mr Moore: No, we are not doing that.

MR KAINE: In fact, you are if you do not pick up Mr Stanhope's amendment. I understand the effect of this bill to be saying to them, "You are no longer psychologists; you cannot be employed."

Mr Moore: No, it does not do that.

MR KAINE: Then you have not made the purpose of this legislation clear. As far as I am concerned, there is a thing called fairness and equity and I understood that there was no problem from the government's viewpoint because those people who are employed as psychologists all knew, had all been counselled, had all been told some time in the past, that if they did not rectify their position there would come the day when they could no longer be employed as psychologists, and this is the day.

If that is not the case, can the minister explain to me what this legislation seeks to do, and to whom does it relate? On balance at the moment, I would have to be persuaded in all fairness that Mr Stanhope's amendment deserves my support, otherwise the bill will affect the employment opportunities of people who have been secure in the knowledge that they were employed as psychologists and would continue to be, despite some legislation that was passed five years ago.

If they have not been counselled, if they have not been told specifically, personally, one-to-one at some time in the past that their status has now changed and they must correct the position and get themselves registered as a psychologist, otherwise their service in the public service cannot be maintained, then you cannot just head them off at the pass, chop them off, and say, "That's it; you have had your chance." I do not think they have if they have not been given the information that they needed in order to make a decision.

The minister has not explained any of that. To me, there is eminent logic in Mr Stanhope's proposal that these people, if their livelihood is going to be affected, should be counselled. They should have been counselled a long time ago, but I have not heard any evidence that they were. Therefore, my inclination is to support Mr Stanhope's amendment and give these people a fair opportunity to do what the government seems now to expect of them.

MR MOORE (Minister for Health, Housing and Community Care) (9.15): I think it is fair to say that Mr Kaine does misunderstand the legislation. I have just gone back through my introductory speech.

Mr Kaine: The legislation is 1½ pages.

MR MOORE: It is a very simple piece of legislation, Mr Kaine. I should have said that you misunderstand the impact of the legislation. The legislation does not take from anybody who is recognised now as a psychologist the ability to be recognised as a psychologist.

Mr Kaine: Are you employing people who are not recognised psychologists?

MR MOORE: We are employing people now as school counsellors—

Mr Kaine: Have they been counselled that they are in trouble?

MR MOORE: They have been counselled, Mr Kaine; they are counselling themselves. There has been a five-year—

Mr Kaine: No, the law has been in place for five years.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Minister, address your remarks to the chair. Mr Kaine, stop interjecting, if you would, sir.

Mr Kaine: I take a point of order, Mr Temporary Deputy Speaker. If the minister cannot satisfy my problems, I will support Mr Stanhope's amendment; it is as simple as that. He can spend the rest of the night talking; but if he does not convince me of the things that I am concerned about, he will not have my support. You can stop me interjecting if you want, but I am seeking information.

MR TEMPORARY DEPUTY SPEAKER: There is no point of order. The minister has the call.

MR MOORE: Through you, Mr Temporary Deputy Speaker, it is very important to understand that nobody's job will be affected by this legislation.

Mr Berry: Not yet.

MR MOORE: Mr Berry interjects from outside the chamber, and that is correct. I say to Mr Kaine, through you, Mr Temporary Deputy Speaker, that there are a number of counsellors who believe that they ought to be recognised as psychologists and who do not have the qualifications to be psychologists. A letter from the Australian Education Union pointed out that currently there are 63 school counsellors and approximately 40 of those counsellors registered by choice with the board and were recognised as being able to provide psychological services. The remainder chose not to go down that path and went through a process with the AAT where they challenged the original piece of legislation, the clear intention of which was to ensure that those people who were providing psychological services had to meet certain criteria set by the board.

Even Mr Stanhope realises that that should be the final outcome. What he has said is that we should put in a transition period. What I have said is that they have already had a transition period and this bill will allow some people who are not qualified as psychologists to be recognised as psychologists. It means that there is a choice between giving these people effectively an extra recognition or making sure that parents taking their children to somebody who is providing services as a psychologist know whether that person is a qualified and recognised psychologist. That is why we established the registration board in the first place.

It is similar to recognising as a solicitor a law clerk who can manage quite a number of things in terms of the law. There is a different qualification, there is a different need and there is a different recognition rate as to what is required and we would not dream of putting in a transition period to allow a law clerk to be recognised as a solicitor, nor should we in this case.

MR STANHOPE (Leader of the Opposition) (9.19): I am concerned at the confusion that has been created in relation to this bill and I will just speak again shortly. I concede that my notes were prepared by the AEU, but I endorse them absolutely. There are a number of questions that need answers. I will provide them just for clarification.

Does the current Psychologists Act require public sector psychologists to be registered? The government's legal advice is that the current act does exclude psychologists employed in the public sector. Whether or not this was an inadvertent omission from the original legislation is completely irrelevant.

Mr Moore: That is what we are trying to correct.

MR STANHOPE: No, you are not. You are not going back to where it was. That is the break in your logic. You are trying to return to a 1994 situation where everybody had to be registered, but in 1994 you provided a transition period which you are now seeking to deny for public sector employees. You are not going back to 1994 and saying that you want to correct the inadvertent omission that you now recognise occurred in 1994. If you were doing that, there would not be a problem, but you are not. You are transporting to the year 2000 a requirement that all people practising as psychologists be registered, but you have removed the possibility of seeking registration in a transition period. That is the big difference and it is unsustainable and unsupportable.

MR TEMPORARY DEPUTY SPEAKER: Order! The Leader of the Opposition will come to order and address his remarks to the chair.

MR STANHOPE: I am.

MR TEMPORARY DEPUTY SPEAKER: I understand that to be the case, but I just remind you.

MR STANHOPE: Thank you, Mr Temporary Deputy Speaker. It is true that many public sector psychologists have chosen to be registered in the ACT. It is also true that many have chosen to register in other jurisdictions—the minister has not addressed this point—and some not to register at all, as is their existing legal right. They have not been required to register up till now. Some of them might be able to be registered but they have chosen, as is their legal, right not to register. However, from the date that the government's bill is gazetted that legal right changes and they must all register and cease to provide a psychological service until they are registered, which is appropriate and we support that.

Why should public sector psychologists be given an opportunity to register under transitional provisions similar to the one given to private sector psychologists in the original act? Public sector employers providing a psychology service have had until now the choice to register or not. The government's bill removes that choice and mandates their registration.

When the original act was created and private sector psychologists were required to register, it was deemed appropriate to recognise previous experience in lieu of qualifications, so here we have another difference. Back in 1994 previous experience

was recognised in lieu of qualifications. Private sector psychologists could have previous experience taken account of. Public sector psychologists, under the government's bill, are now being denied that opportunity.

It is equally appropriate, however, and obvious to all members that if public sector psychologists are to be required to register they be given the same provisions. Why would you discriminate? The amendment that I proposed clearly defines a government psychology employee as a person employed by the ACT or Commonwealth to provide psychology services immediately before the date the part comes into operation. It simply cannot be interpreted to apply to private sector psychologists.

The transitional provisions, importantly, require the Psychologists Board to assess the competency of each government psychology employee prior to registration. They must be assessed by the board. The board still makes the decision; the board is the arbiter. Clearly, the process protects the public against any person being registered whose professional standard is not at an adequate level.

I have another question. What is the implication of passing this bill without my amendment? This comes to the crux of the matter again and puts the lie to some of the claims being made by the minister. From the date the government bill is gazetted it will be illegal for a government employee who is not registered with the Psychologists Board to provide a psychology service within the ACT.

Without this amendment, any employee of the Commonwealth or of the territory who provides a psychology service within the ACT must cease to do so unless they are registered with the board. That is the case regardless of the competence of the individuals or of their existing registration in other jurisdictions. That is the situation we have and this is not what Mr Moore just said.

From the day the bill passes, no school counsellor, for instance, can provide a psychology service irrespective of whether they are registered in another jurisdiction or they have the competencies required. If, for example, you provide a psychology service as a Centrelink, hospital or court employee but have chosen not to be registered in the ACT, the government's bill requires you to stop doing so immediately the legislation is passed. There is no transition either; you go cold turkey.

In the case of school counsellors, 23 employees will have to cease performing the full range of their duties—this is the point that Mr Kaine was interested in—from the date of gazettal of the bill. Of those 23 people, the government believes that 13 are eligible to be registered but require time to do so. There is an impact for you: on the day of gazettal, 23 school counsellors could not fulfil the range of duties they currently perform.

Thirteen of them could be registered if they applied, but they would still require time and they are being denied the time. They are being told by this government that they are to be discriminated against vis-a-vis their private sector colleagues of six years ago. As the minister said, approximately 40 school counsellors have chosen to gain registration from the ACT board. The board permitted this to occur on the basis that school counsellors provide a psychology service.

The basis on which the board registered them was that they provide a psychology service, and the board registered 40 of them. It is therefore clear that the other 23 counsellors will be required to register, unless the government changes their duties to exclude anything which may be considered a psychology service. The government will have to rewrite their duty statements or sack them. As only the Psychologists Board has the power to determine what is or is not a psychology service, that will again take time and cause unnecessary disruption. It is up to the board; those 23 people must apply to the board.

In essence, this discrimination will create a two-tiered system of school counselling whereby only registered counsellors will deliver the psychology services and the unregistered counsellors will perform what would be seen to be the less professional duties. We all know that that is what the government is heading for. There are industrial implications for that as well as implications around plain, basic fairness. Those are the facts of this matter. The government's arguments in relation to this matter are a furphy. They are a sham designed to achieve some other agenda in relation to the school counsellors; there is no doubt about that.

MR MOORE (Minister for Health, Housing and Community Care) (9.26): There is no other agenda. It has been neatly pointed out by Mr Stanhope—

Mr Stanhope: How many times are you going to speak?

MR MOORE: I can speak as many times as I like as it is my legislation. Mr Stanhope suggested that of the 23 people outstanding, 13 may be qualified to be registered and that 10 of them, to use my words, are unregistrable within the area. But what is the criterion on which he said that they would be registered? It was on the ground, effectively, of grandfathering that they provided psychology services, not on the ground that they were qualified to provide them. That is what the transitional arrangements provide.

We are interested in protecting our children. It is really important, wherever we can, to protect the workers; but when you have a choice between protecting the workers and protecting the children from somebody who provides psychological services without the proper qualifications and experience, there are problems.

Mr Stanhope: Why did you employ them? What are they doing now? Are they a danger now? Is that what you are saying?

MR TEMPORARY DEPUTY SPEAKER: The Leader of the Opposition will come to order. The minister has the call.

MR MOORE: Yes, that is why it is that we wish to protect the public. We want to protect our children and that is why it is that we should take this action that is required. It is not a furphy.

MR BERRY (9.28): Mr Temporary Deputy Speaker, there was an interesting revelation in the course of that debate. Mr Moore responded to the interjection, "Are the children in danger now" by saying yes. What! You are saying in here that these school counsellors are endangering children. What do you think about that, Mr Minister for Education?

Mr Stanhope: What are you doing to protect them?

MR TEMPORARY DEPUTY SPEAKER: I call the Leader of the Opposition to order. Mr Berry has the call. Address your remarks to the chair and do not bait the minister.

MR BERRY: Mr Temporary Deputy Speaker, if you want to enter the debate, come down here.

MR TEMPORARY DEPUTY SPEAKER: I do not need to enter the debate. Stick to the standing orders, Mr Berry.

MR BERRY: You can talk about what you think about a minister who says that children are being put in danger by school counsellors and you can ask a question of the Minister for Education as to what he is doing about it. I do not believe it. If there are employees out there who are endangering children, something ought to be done about it, but if there is a process which is—

Mr Moore: That is what this legislation is about, Wayne.

MR BERRY: This legislation is not about that.

Mr Moore: It is.

MR BERRY: No, no. I have heard your dissembling on several occasions before, Mr Moore, and this is no different from the usual style. These people are providing psychology services out there. It is not as if they are going to be registered just because they are providing psychology services or that they are going to be grandfathered into the profession. No, that is not going to happen at all. As I understand it, they will have to apply for registration like anybody else, and so they ought to, and it will be up to the board to make the decisions. It will be up to the board, not Michael Moore, this Assembly or anybody else.

A fully professional board made up of registered psychologists, fully qualified, will receive all of the applications from potential psychologists who would be doing the job that they have been doing in the past and consider them against all the professional criteria they have to consider them against. Minister, it is misleading in the extreme for you to say that it will be any different. If you and the education minister have any sense of responsibility about what is going on in our schools, you should climb to your feet pretty shortly and tell us why these children are in danger and what it is you have done about it, not what you are doing about it now with this piece of legislation. What have you done about it in the schools. If you think that they are in danger, what have you done about it? I want to know.

MR MOORE (Minister for Health, Housing and Community Care) (9.31): We have all heard Mr Berry stand up in this place on many occasions and argue that black is white. The argument that I have put is that the whole reason for having a psychologists act is to protect the public. How does that protect the public, in particular our children in this case? It protects them because it makes sure that when somebody is practising as a psychologist they are not practising without the appropriate levels of qualification to be

able to interpret the information they have got and make sure that that information is used in a positive way with a child which has psychological difficulties.

So what is the danger to our children? The danger to the children is that we have a counsellor doing these psychological tests and misinterpreting them. That is the sense of the danger that I am talking about. What is the concern? It is a concern that Mr Stanhope talked about: the grounds under which the board will be required to register somebody in the transition period, including the grounds that they have been providing psychological services. That is the concern that we have.

What action have we taken? We have brought this legislation to the Assembly in order to ensure that that does not stop. How will this affect somebody's employment? It will not because we employ school counsellors to do counselling services. We also have, as Mr Stefaniak will explain, a range of people who provide counselling services and psychological services. Some counsellors call in psychologists to assist them at the appropriate time. Of course, that will continue to be the case because in many primary schools, for example, there is not a need for a psychologist, but there is a need for a school counsellor. Sometimes there is a need for a psychologist, not full time, and such a person is brought in to assist the school counsellor. That is what this legislation is about. That is why it is that we want to be able to move on it in order to remedy this anomaly.

MR STEFANIAK (Minister for Education and Minister Assisting the Attorney-General) (9.34): This amendment really is a bit of a nonsense. I think I said earlier that there are about 10 school counsellors who are not about to be registered as psychologists. There are about 40 who are already psychologists, 13 who are able to be—I could be corrected on that—and about 10 who cannot. Mr Moore mentioned the analogy of a law clerk and a solicitor. He also mentioned that no-one will be losing their job, and no-one will be losing their job.

We have had a transition period under the old act of about five or six years because we are talking about 1994 legislation. I believe that Mr Stanhope's amendment would simply extend it for another 18 months. I just think that that would be rather pointless because the reality of the situation is, firstly, that no-one will lose their job and, secondly, all of the people in our schools do their job very well and the fact that we have about 10 who are school counsellors as opposed to psychologists really is neither here nor there.

A similar position applies with law clerks. I know a few law clerks. I have known some law clerks here who have practised for 30 years. I would rather go to them, quite frankly, than a lot of the solicitors in this town, even though they do not have the formal qualifications.

Mr Stanhope: Do they get paid as much?

MR STEFANIAK: No, they do not get paid as much as solicitors in many instances, Mr Stanhope; do not show your ignorance. The fact is that they do a very good job and many people are quite happy with that. However, on occasions they will say, "I cannot do that because I do not have the formal qualifications. You need to do that through a solicitor."

My wife goes to see a herbalist or something else who is not a doctor but does a wonderful job. She prefers that to going to a doctor. There are certain things that that person cannot do and will send her to a professional medical practitioner with a degree simply because that has to occur, but that is not to say that the initial person who does a wonderful job cannot do all the things that my wife needs other than what a formal registered medical practitioner does. That is very similar to the position with a school counsellor.

I think that this amendment is an absolute nonsense. All Mr Stanhope is doing is extending for another 18 months or so a transition period that has been there since this act started. It is not going to matter one jot, really, in terms of what happens at the coal face. We value our school counsellors, whether they are or are not psychologists. They do an excellent job. There are lots of other analogies through other professions, as I have mentioned. Really, I think there are lots of furphies in what Mr Stanhope is proposing. Mr Moore is simply doing what everyone anticipated and knew would happen when this legislation first came in many years ago.

MR HARGREAVES (9.37): I have a question of Mr Moore, through you, Mr Temporary Deputy Speaker. I just heard Mr Moore say that children are really badly in danger with these people and I heard the Minister for Education say that nobody will lose their job. Does that mean that both ministers are condoning maintaining these children at risk or do they admit that there is no risk and therefore nothing to be gained or lost by concurring with Mr Stanhope's amendment?

Question put:

> That the amendment (**Mr Stanhope's**) be agreed to.

The Assembly voted—

Ayes, 9	Noes, 8
Mr Berry	Ms Carnell
Mr Corbell	Mr Cornwell
Mr Hargreaves	Mr Hird
Mr Kaine	Mr Humphries
Mr Quinlan	Mr Moore
Mr Rugendyke	Mr Osborne
Mr Stanhope	Mr Smyth
Ms Tucker	Mr Stefaniak
Mr Wood	

Question so resolved in the affirmative.

Amendment agreed to.

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

Bill, as amended, agreed to.

SUSPENSION OF STANDING ORDER 76

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

> That standing order 76 be suspended for the remainder of the sitting.

PUBLIC SECTOR LEGISLATION AMENDMENT BILL 2000

Debate resumed from 30 November 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR BERRY (9.43): Labor will be supporting the Public Sector Legislation Amendment Bill 2000. This bill reinstates access to appropriate appeal mechanisms which would have been taken away if the sunset clause, which had been inserted some time ago, was allowed to expire. We will therefore be supporting the bill.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (9.44), in reply: I thank members for their support of this bill, which is essentially about extending beyond 31 December this year the application of the Commonwealth merit protection review arrangements to ACT public servants. Given that alternative arrangements are not yet in place, it is quite appropriate and necessary to ensure that that occurs. I thank members.

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 2000

Debate resumed from 30 November 2000, on motion by **Mr Moore**:

> That this bill be agreed to in principle.

MR WOOD (9.45): The opposition will be supporting the Health Legislation Amendment Bill 2000. The bill provides that a non-dental person may be appointed to the Dental Board. In principle it is sensible that on all such professional boards there be at least one person who is not a member of that profession. This has happened before and I think all boards should accept such an arrangement.

In this case the Dental Board has experienced protracted difficulty in attempting to deal with one of its members and legal intervention and other matters have made this a long running problem. I am advised that the appointment of a lawyer to the board will help

resolve one of the problems that the board faces. I look to future occasions when members of a different profession may join boards not just for specific purposes, as in this case, but to provide a perspective different to that of the professionals that normally serve on boards.

MR MOORE (Minister for Health, Housing and Community Care) (9.46), in reply: I thank members for their support. Mr Wood may be aware that we are preparing omnibus legislation to cover all boards. I hope to be able to circulate at least a draft version of that in the not too distant future, perhaps even before the next sitting, so that we can take into account the issue that you have just raised. Thank you for your support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CONSTRUCTION PRACTITIONERS REGISTRATION AMENDMENT BILL 2000.

Debate resumed from 18 October 2000, on motion by **Mr Humphries**, on behalf of **Mr Smyth**:

> That this bill be agreed to in principle.

MR HARGREAVES (9.47): The opposition will be supporting the Construction Practitioners Registration Amendment Bill 2000. The bill changes the professional indemnity insurance required to be held by private building certifiers registered under the Construction Practitioners Registration Act 1998. The insurance is intended to allow private certifiers to meet their potential liability for negligence. Ambiguities exist between the requirements of the act for insurance and the further details that appear in the Construction Practitioners Registration Regulations. The bill will remove the details from the act.

The regulations will be altered to change the details of description of the insurance and remove any implication that the insurance covers every negligent action by a building certifier or plumbing plan certifier or that an insurer who begins to provide building certifiers with insurance is unable to stop doing so. Furthermore, they will make it clear that a building certifier who has been insured by one or more insurer can only make a claim for an event under one insurance.

Also, the regulations will ensure that the scope of the insurance is limited to building certifiers' statutory obligations and that only one insurance can be applicable to a building certifier's actions. It is noted that the bill was written in consultation with the Insurance Council of Australia. I would like to express my appreciation to the minister's officers who gave me a very extensive briefing on the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

TREASURY AND INFRASTRUCTURE LEGISLATION AMENDMENT BILL 2000

Debate resumed from 18 October 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (9.50): The opposition will support the Treasury and Infrastructure Legislation Amendment Bill 2000—we are getting boring, aren't we, after all we have been through in the last three days. The amendments to three separate pieces of legislation are framed in this omnibus bill. It is a reasonable format and a sensible way to clean up a couple of minor matters.

The first act to be amended is the First Home Owners Grants Act. The change will simply include New Zealanders in the eligibility definitions, and I understand that the Commonwealth has agreed to fund any shortfall as a result of the change. Since New Zealand is rapidly becoming the seventh state of Australia, we think it is a reasonable move.

The second act to be amended is the Gaming Machine Act and the amendment is merely a tidy up in relation to GST.

The third act is the Rates and Land Tax Act. This straightforward amendment will ensure that if a rental property changes hands and is re-rented, the new owner must inform the commissioner. I presume that that will ensure that we maximise revenue collection in terms of land rent. So all the changes are of a machinery nature and the opposition supports the bill.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (9.51), in reply: I thank Mr Quinlan for that support. This bill is significant in that it tidies up a number of loose ends within in the taxation and treasury areas. I trust that the passage of this bill will ensure that the entitlements of a number of citizens are addressed as appropriate.

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (9.52): Mr Temporary Deputy Speaker, I move the following amendment circulated in my name:

> Clause 2, page 2, line 3, subclause (2), omit the subclause, substitute the following subclause:
>
> "**(2)** Section 4 is taken to have commenced on 1 November 2000.".

I present the supplementary explanatory memorandum to the amendment. The effect of this amendment is fairly simple. It is to ensure that these changes take place from 1 November this year. Members might recall that we passed the Goods and Services Tax (Temporary Transitional Provisions) Act earlier this year, which allowed adjustments to be made pursuant to the advent of the GST. The effect of that legislation ended on 31 October. It was the intention of the government originally to enact the provisions taking up on a permanent basis the changes to be made post-GST. But, of course, the October sittings were somewhat disrupted. As coverage under the legislation has not applied for some weeks it is appropriate that the benefits conferred by this bill be backdated to 1 November. Therefore the amendment is of a retrospective nature.

MR QUINLAN (9.54): Mr Temporary Deputy Speaker, that is a fairly plausible explanation for a sloppy bit of work in getting this legislation through, but we will nevertheless support the amendment.

Amendment agreed to.

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

Bill, as amended, agreed to.

RATES AND LAND RENT (RELIEF) AMENDMENT BILL 2000

Debate resumed from 18 October 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR QUINLAN (9.55): We will be supporting the Rates and Land Rent (Relief) Amendment Bill 2000. The primary change proposed in the bill is the extension of the definition of "pensioner" in the Rates and Land Rent (Relief) Act to include those who receive benefits by holding a Department of Veterans' Affairs gold card. This will mean that anyone who served in the Second World War will be entitled to rates relief. The recent removal of the requirement by the Commonwealth that to receive a gold card you had to have seen active service means that many forgotten veterans are now able to receive some return in their old age for service that they gave during what was no doubt a very troubling time.

The remainder of the proposed changes to the act seek to make the language of the legislation more contemporary and modern, and we therefore support them.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (9.56), in reply: Mr Speaker, I thank the opposition for its support and I am sure we all look forward to those veterans receiving this additional entitlement. It is one that I am sure we would agree is richly deserved and will be very welcomed by those particular veterans.

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

STATUTE LAW AMENDMENT BILL 2000

Debate resumed from 30 March 2000, on motion by **Mr Humphries**:

> That this bill be agreed to in principle.

MR STANHOPE (Leader of the Opposition) (9.57): Mr Speaker, the Labor Party is supporting the Statute Law Amendment Bill 2000. The bill aims to improve the statue book by correcting errors, replacing out-of-date references and repealing legislation of apparently no further use. It continues the program of reforming the manner of drafting legislation and developing a simpler, more coherent and accessible statute book for the territory. It is one of those fairly standard omnibus statute law amendment bills which are generally quite mind numbing when one peruses them or seeks to read through them. The legislation does, however, contain a number of significant changes and improvements in relation to legislative drafting. It is an essential piece of legislation and the Labor Party is pleased to support it.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (9.58), in reply: Mr Speaker, I thank the opposition for its support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (9.59): Mr Speaker, I seek leave to move two minor amendments circulated in my name together.

Leave granted.

MR HUMPHRIES: I thank members. I move:

> No 1—
> Schedule 4, page 47, omit "*Machinery Act 1949* No 11".
> No 2—
> Schedule 4, page 100, omit "*Victims of Crime (Financial Assistance) (Amendment) Act 1999* No 91".

I present a supplementary explanatory memorandum. The first amendment to schedule 4 is necessary because the Machinery Act 1949 in fact still has some continuing operation and, I am told, therefore needs to be retained. The other amendment seeks to omit the Victims of Crime (Financial Assistance) (Amendment) Act of last year for the same reason.

Amendments agreed to.

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

Bill, as amended, agreed to.

STATEMENT BY MEMBER

MS CARNELL (Minister for Business, Tourism and the Arts): Mr Speaker, I seek leave to make a statement.

Leave granted.

MS CARNELL: I thank members. Mr Speaker, it is I suppose with great pleasure and also a certain level of sadness that I make this statement tonight as this will be my last day in this Assembly. The last nine years—or nearly nine years—since I was elected in 1992 have been an incredibly important part of my life and the life of my family. I think everybody in this place would say the same thing. They have been a very eventful nine years and a very important part of the history of the ACT.

I would have to say, Mr Speaker, that when I was elected in 1992 I did not anticipate for one moment that I would be Chief Minister; I did not anticipate for one moment that I would be Leader of the Opposition; and I certainly did not anticipate for one moment that I would be Chief Minister for 5½ years. It just sort of happened. It was great fun because we on this side of the house, and the whole Assembly, have had the honour of being able to represent the people of the ACT through some pretty difficult and important times.

When we were elected to government in 1995 the unemployment rate was 7.1 per cent and the economy was bubbling along reasonably well. But soon after being elected, the Howard government, in an attempt to address a very significant budget black hole, went down the path of very significant public service cuts. Some 7,000 jobs were lost in about 15 months. Of course, as we know, the ACT economy was plunged into what was very nearly a true recession. In fact, at one stage we had, at least on paper, three consecutive quarters of negative growth. The Australian Bureau of Statistics later revised those figures to make it two consecutive quarters, so I suppose we never actually reached the

three quarters, but it was close. Our unemployment rate went up significantly to over 8 per cent and things did not look all that great for Canberra and for Australia's national capital.

I would ask all members to remember what the ACT's budget looked like at that stage. When we came to government in 1995 we had an operating loss of some $344 million. We had a budget situation where we did not know what anything cost. Yes, there had been some improvements in the way the budget was put together during the Labor years. We had got to a stage where I think we knew how many cars we had. I think Mr Kaine will remember the real difficulty in those years of getting figures on paper of what the ACT budget situation actually looked like.

We had a situation where the federal government was reducing funding to the ACT. In fact, our funding was almost cut in half over those initial years. So we had a budget that had a significant operating loss. We had the federal government significantly reducing employment. As I said, our major employer had cut staff by some 7,000. The ACT was in a position where it had to cut staff as well to address our budget situation and the federal government was cutting funds. It is easy to forget just how tough things were those few years ago.

Well, we took a positive approach. There were two ways you could go. You could sit on your hands and whinge and complain and blame the federal government or you could say, as we did, "Let's make a difference; let's change the ACT; let's ensure that our kids can get jobs in this city even though they most likely will not be in the public service; let's make sure that this city does have a diversified business base and a very real future that is not totally reliant on the federal government."

We put in place a whole range of policies. We started, of course, with a set of policies to encourage business and to create jobs. I think members will remember Youth 500, a program that we put together to encourage ACT businesses to put on 500 young people. At the time that seemed like a huge number but in partnership with the private sector Youth 500 became Youth 1,000. It was one of the most successful job-creation schemes that have ever been run, not just in the ACT but Australia-wide, because when we did a 12-month assessment of that program we found that over 75 per cent of those jobs were still there. And, of course, that is a very unusual scenario in those sorts of job programs.

I think everybody on this side of the house—and I hope everyone in the Assembly—was really proud of the way Canberra was rallying. Canberra business people and Canberrans were saying, "No, we are not going to let this get to us, we are going to make our economy work. We are not going to allow federal government cuts to undermine the future of our city." And they did not.

ACTBIS, a program to encourage businesses to grow and to set up in the ACT, has created something like 2,000 jobs since we first set it up back in 1996-97. The problem, Mr Speaker—and I do not plan to be terribly negative at all in this speech; I want to talk about the good things that have happened—is that when you look back, a whole range of those programs were opposed. Programs such as ACTBIS, our program to encourage businesses, have been constantly opposed in this place. And yet they have worked. They have worked because we have had the guts to take the calculated risks that go with really

taking steps forward. Without calculated risk, no government can achieve the sorts of ends that the community expects, and that is real leadership and taking the economy and society forward.

We also decided in those early days that the sorts of industries we wanted were the clean, green industries, the sorts of industries that would create the jobs we wanted for our children—information technology, advanced technology, research and development, tourism and retail. We wanted those sorts of jobs. We wanted jobs in the wine industry, jobs that were sustainable but did not pollute our environment. We wanted jobs that fitted in with Canberra as one of the great cities, the great planned cities, with the best environment in the world.

Mr Speaker, we have now got very close to 800 IT companies in this city. They are not just any old IT companies. They are companies that are performing better than any other IT industry in Australia. They are companies whose profitability is significantly better than that of the average IT companies around Australia, so they are growing, they are growing fast and they are employing.

During those days it was tough putting a budget together, and I am sure many remember that. It was tough because we had an operating loss, because we did have to cut expenditure, but I think we took some very sensible and, again, very courageous decisions. We decided that, no matter what, we would not cut education spending. I have to say that Mr Moore helped there, too. But it was a decision that cabinet made and would have made regardless of Mr Moore's position. We decided we would not cut education spending because we had to plan for the future and because if we were to have information technology companies growing in this city, if we were to become a little silicon valley in Australia, we were going to have to have a well-trained workforce.

So even when we were pulling back quite significantly on the reins of the budget, education funding went up every year. In fact, education funding increases exceeded the CPI every single year. Also, during those times we took some very good strategic decisions with regard to education. As members will know, we were the first government in Australia to ensure that all of our full-time teachers had computers and training. These were not just computers that we lobbed on their desks. They were computers that are renewed every three years and that are backed up by sensible training.

We also decided to take what I suppose was a pretty unusual approach by offering teachers quite significant pay increases in return for significant steps towards extra professionalism by way of regular assessment of teachers' professional capacity. We did that without any industrial action and I think Mr Stefaniak should be very proud of that. I am very pleased that Mr Moore has taken the same approach just this week with regard to nurses. That runs absolutely counter to the approach that has been taken in just about every other state in Australia, particularly in New South Wales where the level of industrial action amongst nurses and teachers has been quite remarkable. We have taken a proactive approach, an approach I believe that has been in the best interests of the community generally.

Mr Speaker, there is no doubt that we are a Liberal government, but we did not take a conservative approach when it came to social policy—areas such as drug law reform, sensible laws with regard to the sex industry, laws with regard to same-sex couples,

surrogacy, and the list goes on. All of those approaches, those policy directions, were taken because they were right. I think that when you have a look at the sex industry in the ACT, when you look at our X-rated video industry, you will see that they are well regulated, are on the right side of the law and are performing very well from a social perspective, and I think we can all be really proud of that. But it took guts. It took guts because there are lots of people, even inside our own party, who did not agree with us. But we took, I think, pretty courageous positions and they have proven to be very right.

We have also taken some very definite steps that I am sure the government will continue with in areas such as our new research and development fund. That is an important next stage of our business incentive scheme—to encourage companies to come to the ACT to do their research and development, to commercialise here and to grow their business in Canberra rather than in Melbourne, Brisbane or Sydney. That is our future.

We have also changed the attitude of a lot of corporate boards around this country. We have spent a lot of time doing that. I do not like to think back to how many boardroom lunches I have had around Australia over the last 5½ years trying to convince corporate leaders that Canberra is a good place in which to invest—in fact, not just a good place but a very profitable place in which they should put their money for the future. That has started to happen. It is great to see that there have been some very significant sales over the last 12 months, where significant investors have moved into the ACT, have bought up property and are investing in business and a whole range of different areas. It is great that we now have our own venture capital company here in Canberra. People are willing to invest in business start-ups in the national capital, something that previously would not have been heard of.

The health area was a bit similar to education. We could have done what some other states did and pull right back on our health budget. But we did not. We believed very strongly that what really mattered about Canberra was a good education system—in fact, the best education system in Australia—and a health system that we could be proud of. Yes, we have gone down the path of attempting to make our health system work better and bringing down our costs in areas where we were over spending. But our health budget has never been reduced—in not one year has it been reduced.

At the same time we set up the adolescent unit at Canberra Hospital, something that had been promised for years prior to us coming to government. We established the cardiac surgery unit—again something that had been promised for years. We upgraded the aged care area and the rehabilitation areas at a time when our budget was in big trouble. I am proud of that and I know others are too.

When our budget started to improve a bit we found we could invest in other areas. I refer to areas such as Civic, with the Civic upgrade of the city heart. I believe that Canberra's central area is looking better than it has ever looked. It is really starting to get some vibrancy. It is starting to be a place to which families want to come again, where they feel safe, and where they can enjoy this wonderful city. It is starting to get a real cosmopolitan feel.

Members will remember that when we came to government there was an extraordinary amount of unease in our suburban shopping centres. In 1995 a significant petition was presented in respect of the save our shops campaign. We went down the path of

upgrading many of our suburban shopping centres with a program called helpShop and with, of course, our precinct management. Well, guess what has happened, Mr Speaker? The turnover at those local suburban shops has actually increased. According to the last figures I saw, it has increased by something like 15 per cent at a time when local shops are still dying around the country. That is pretty good.

Mr Speaker, we now have a wine industry that we can be proud of. BRL Hardy has opened in Northbourne Avenue and is planting a significant number of hectares of vines around Canberra, the ACT and the region. This is a major industry. It is an industry that is growing very quickly and a wide range of people apart from Hardy is getting into the industry. The good news about the wine industry, of course, is that it is a major employer. It is employing people with different skills to those used in the IT industry but it is an industry that is growing and is providing real jobs.

In the arts area, we built the Playhouse, something that had been promised when the casino premium was first put on the table. The Tuggeranong Arts Centre was opened. CMAG, the Canberra Museum and Gallery, was finally refurbished and opened. The arts community can be very pleased that those projects finally got off the drawing board—or, I suppose, off the promise sheet—and became a reality. I certainly hope that in the next few years we see the precinct finished with the link upgraded as well. This is something that I would like to put on the table as a challenge. The Canberra National Multicultural Festival has gone from strength to strength to be one of the major multicultural festivals in the country.

Mr Speaker, you could go on with all the things that have been achieved. Our unemployment rate now at 4.4 per cent is the lowest in the country. Our growth rate is the highest in the country. We have the fastest growing IT industry and the fastest growing retail industry. Our tourism industry is doing better than the industry in any other part of Australia—not second best, but the best.

Those opposite regularly say, "Oh yes, but it is nothing to do with you. It is to do with the economy generally." The reality is that that is not the case. We are doing miles better than New South Wales or Victoria in all of these areas. If it was a matter of what was happening to the national economy then we would just be tracking along with New South Wales or Victoria. That is not happening.

In fact, the fall in our unemployment rate has been significantly greater than the fall in the national unemployment rate. So it is not a case of us just doing the same as everybody else—the federal government, the New South Wales government or the Olympics. The fact is, the ACT is doing better.

The question then, Mr Speaker, is: why? It is because we have a great city. It is a wonderful place in which to live. We have a well-educated workforce. We a have a range of opportunities and, I suppose, benefits here that simply do not exist in some of the bigger cities. But we have got to maintain them, and I will speak more about that in just a moment.

Mr Speaker, there are things that I am disappointed we did not do. Of course, for me a couple of the very important ones lie in the area of drug law reform. I believe very strongly that if we had got the heroin trial up we would have saved lots of lives by now.

I know that you, Mr Speaker, and others do not agree but I strongly believe that one day we will have a heroin program that will save the lives of people we are not getting to with other programs.

I was disappointed that we could not put in place the SIP, the supervised injecting place, at this time but it will happen. Let us ensure that we do not let those projects or other innovative approaches to the drug problem in this community go by the wayside simply because they are too hard. Yes, they are hard and, yes, we will end up with significant community division. But we need leadership and courage and we must continue down that path.

I am really disappointed that the very fast train has not been given the nod by the federal government at this stage. I certainly have not given up, and I am sure nobody has, but I am disappointed that the federal government has not had the courage to say, "Well, yes, let's give it a go."

I am also disappointed that we have not been able to reach an agreement with our local indigenous community with regard to Namadgi National Park. I think that would have been an enormous positive for reconciliation generally, and I believe that it would have brought our local indigenous community together. But I know it is something that Mr Humphries and the government will continue to attempt to achieve.

Mr Speaker, I am disappointed because I do not think we have come to grips with what is sustainable development or what a sustainable city actually looks like. I think the debates over the last few weeks have shown categorically that we are still as an Assembly—I have to say that those opposite are the major offenders here—very good at saying no to everything and not saying yes to anything. We have not reached a view on what a sustainable city actually is or what it looks like.

We know that from an environmental perspective, from a liveability perspective, we simply cannot sustain a continued expansion of our city into greenfield sites. It is not just about cost. It is about energy. It is about the huge environmental toll of continuing to build further and further away from workplaces. Such expansion is not sustainable and it is not appropriate for any community. Some people will want to live in these areas and we must as an Assembly ensure that people have a choice.

It is very naive to assume that Canberra looks like it did in the 1950s, with mum and dad and a couple of kids who want to live on a quarter-acre block with a Hills hoist. A lot of people want to live in medium-density developments. A lot of people want to walk to work. A lot of people are single and are in separate houses. Canberrans are getting older and they do not necessarily want to live a long way away from their friends and from their families. If we are to achieve that sustainability, both from a people perspective and from an energy perspective, we are going to have to change our views on urban infill, heaven forbid, or to use Ms Tucker's words, urban consolidation—and for the life of me, I cannot see the difference.

Mr Speaker, I think it is a bit tragic that we have almost stepped back from that really important issue for Canberra. Governments in the future are going to have to be able to afford to run this city and they will have to do it at times when the economy is not as good as it is at the moment. They are going to have to be able to afford to run a bus

system. I do not know how they will do this if this city gets bigger in terms of distances let alone energy costs. I do not know how we are going to be able to afford to continue to build schools further and further out in newer suburbs when we cannot close ones in the inner suburbs simply because this Assembly will not allow hard decisions to be made in those areas.

Yes, I am being critical but we do have to have the guts. And yes, we are a minority government and without the support of the Assembly we cannot do it. So if we keep going the way we are, we will spread further and further out. We will have to build more schools and provide longer bus routes and more services that are further away from major centres. Members of our ageing communities will be living away from their traditional places of residence and that will mean more services will have to be provided. Mr Speaker, how will we be able to afford to pay for that? I do not know.

The only way that we can continue the business growth in the city is to ensure the tax burden on businesses, and on the community generally, is not higher than it is in New South Wales. We all know that but it is a question that this Assembly has to come to grips with.

So, Mr Speaker, when you look at what we still need to achieve, from my perspective the major thing is to come to grips with what sustainability actually is. We need to look at what hard decisions need to be taken. Government cannot do this on its own. We need the support of others in this place. We need as an Assembly to stop caving in all the time to noisy minority groups. And that is really hard to do. It does not matter whether those noisy minority groups represent anybody—the fact is they know how to use the media.

This is a minority government which operates under a Hare-Clark system. But surely we have a responsibility as elected representatives to have the guts to represent the silent majority, the people who possibly do not write letters to the *Canberra Times*, appear regularly on news bulletins, write thousands of letters or demonstrate outside the Assembly—the people out there who are making this community actually work. That is a challenge because it has not been happening.

The other issues that I believe are really important and that we have to come to grips with are issues such as the digital divide. We hear Mr Quinlan speak regularly, as we do, about a knowledge-based society. That is all very well but we must ensure that the knowledge is available to everybody. That will require a city that is linked up. It will require a city that is at the forefront in areas of information technology, with government services and education online. Knowledge will have to be available to everyone, not just those who are wealthy enough to have computers at home or can afford to link up to broadband or whatever. This is a challenge and I know that the government is taking it very seriously. I hope that the Assembly will take it seriously, too, because it is not going to be simple or cheap to address.

We also have to ensure that as we move into this knowledge-based society we do not leave people—the older people in our society and also families—behind. We have to make sure that we have family-friendly workplaces and we have to ensure that the older people in our community have access to this brave new world. So let us make sure we do it.

Mr Speaker, I could go on for a long time. I have attempted to talk just very briefly about the pretty wonderful things that we as an Assembly have already done and that I have had the pleasure to be part of. I have spoken about making our budget work—we now have a budget in surplus; having the lowest unemployment rate; having jobs for our kids; having a sustainable business sector; and having a bit of oomph and guts in this city to go places, to be different, to be world-leading. It is really exciting.

I have also spoken about the challenges that still exist. We will not be able to face these challenges if this Assembly slips into the sort of pattern we have seen today and over the last little while of being negative to everything, of opposing everything and of not working together or trusting one another. Mr Speaker, this certainly will not happen if we do not share a vision of a better society, a society that achieves the very special things that Canberra and Australia's national capital can achieve.

I would like to finish by speaking about something that I am sure will surprise some people. This Assembly needs to address the question of ministerial responsibility. People may laugh, and maybe I should not bring it up but I am going to. We saw again today what the problems are. We are a minority government. Today we saw a scenario where Assembly committees were saying that they and not the government would decide what inquiries they undertook. That is fine if that is the approach they want to take. But at the same time they are saying to government, "We won't accept your approaches or your responses to our committee reports. You have to do what we tell you." Mr Speaker, who is responsible under those circumstances if things go wrong? Is it the minister, the Assembly or the committee?

We have seen some interesting blurrings of responsibility with regard to the disability inquiry where the minister and the government made clear the approach that we believed was appropriate. But the Assembly took a different approach. That is fine but once the Assembly starts ordering ministers to go down a particular path, who is responsible—the minister or the Assembly?

Mr Speaker, that is not how the Westminster system works. It is certainly true that ministers are responsible for their portfolio areas but they have to be allowed to actually take that responsibility, to live and die by it. This Assembly continues to step over that line. I think that the Assembly has to think long and hard about what is meant by ministerial responsibility.

We have also had scenarios surrounding the Bruce Stadium issue where I, as the minister, was held responsible for issues that happened within the department. If a line is not drawn in the near future this matter will come back regularly to haunt whoever is in government and undermine the credibility of the Assembly.

Mr Speaker, I will conclude by thanking my staff. Simon and Ian—maybe particularly Simon because he is leaving with me—have been absolutely wonderful. They have been my right hand. They have lived and breathed through some really tough times and have always been there for me. All of my other staff—Keith, Megan, Adam, Trisha, Gary, Annette—have just been wonderful. I have been extremely fortunate to have had people who have not just been great staff but great friends. And that runs to the DLOs as well. It is just great to have people who are now good mates.

I thank my Assembly colleagues for supporting me through some pretty tough times and always staying as a team. I suspect that in 5½ years not too many governments anywhere in Australia have never had a leadership crisis and have never had any nasty words or even particularly nasty words said about them. The team operated consistently as a team and as a group of friends who respected each other.

Mr Speaker, the staff of the Assembly also have always been supportive. They have always been there to give advice with a friendly smile. I suppose at times they sit back and look at this place and think, "Oh dear, what are they doing?" They have always been very professional, and I thank them for that.

I would like to finish maybe in an unusual way, and that is to recognise the Ngunnawal people on whose land we are today. Thank you very much.

ADJOURNMENT

Ms Kate Carnell

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (10.35): I move:

> That the Assembly do now adjourn.

In moving that motion I would like to make my Christmas speech this year about Kate Carnell. Mr Speaker, it was the best of times; it was the worst of times; but it was mostly pretty good. It was certainly always an adventure to be at the side of Kate Carnell. Riding shotgun on her stagecoach left one with the overwhelming impression that you were travelling very fast in a particular direction, but it was not always clear, at least in the early stages, what that direction was. Since those early days, the direction became very clear, and the direction was very appropriate.

Kate Carnell holds a number of important records. She is the longest serving Chief Minister of the ACT. She is the longest serving woman head of government in Australian history. She is the longest serving woman to have served in this Assembly. She is arguably the most popular person to have served in this place. She is certainly the most often censured of all the politicians who have sat in this place. She attracted popstar-like adulation on occasions and passionate antipathy. Above all, Kate Carnell did while others talked.

I would point to three of her achievements as the legacies that she has left all of us, whether we like it or we do not. First of all, Kate Carnell made Canberra believe in itself. For all the mocking at the catcalling over the can-do Chief Minister and the can-do capital city, it was a concept which branded the transition of Canberra from a city of government to a city of enterprise, a self-reliant community with a focus on its potential. We were starting to talk for the first time about exporting its skill, its goods, its services. That is a legacy all governments and all chief ministers in this place will encounter.

Secondly, Kate Carnell earned the ACT real respect in national circles. She, in a sense, elevated the ACT for the first time into the club that was the Australian states and territories. I went to a pre-COAG function a few weeks ago, and I was amazed to see there the way that all the state premiers, Liberal and Labor alike, warmly embraced Kate when she turned up at that function. They spoke afterwards in genuine terms about the regret they had at her leaving, and how much they felt she contributed to the COAG process. That was a very telling comment. The strong economic performance Kate spoke about a little while ago helped achieve the elevation of the ACT into the ranks where it was taken seriously.

The third legacy she has left us, particularly on this side of the chamber, is the change to the nature of Liberalism, at least in this territory. She is a true Liberal, not a conservative. In the wake of her success, she convinced many Liberals that an inclusive, contemporary, non-dogmatic Liberalism was not only a system of politics that could work but in fact the only way forward for the Liberal Party of the ACT. Sure, jumping out of aeroplanes, driving rally cars and posing in brothels rubbed a lot of Liberals up the wrong way. But each time she engaged in those activities, she was communicating—communicating something about herself and the party that she led. She did that par excellence.

Her achievements, as those of any leader, will be measured through the filter of time. The passion that she has aroused in the ACT will not be the best way in which to judge her contribution to this community. For its worth, my assessment is that the judgment of posterity goes to those who are bold in execution, to those with such a breadth of vision that they capture a community's imagination and change people's views permanently about the world in which they live.

Today is a sad day in many ways. I will certainly miss Kate Carnell. She is a person whose public and private persona were the same. What you saw is what you got. It was an immense privilege to have served with her in this Assembly, and I thank her for her contribution to the ACT.

Legislative Assembly Staff
Ms Kate Carnell

MR STANHOPE (Leader of the Opposition) (10.41): Mr Speaker, I would like to take the opportunity of this adjournment debate at the end of this sitting and at the end of the year to thank members of this place. A significant number of people are deserving of our thanks. It is always very difficult on these occasions to determine how to create or structure a list that does not seem to be prioritising our thanks or prioritising the work of those who assist us in this place.

I would like very much to thank the Clerk and the secretariat for the sterling work the secretariat does in servicing each of us who work in this building. I am constantly amazed at the efficiency and the professionalism of the Clerk and all the members of his office. I would also like to thank everybody else within the building who provides assistance to us members as we seek to carry out our duties as the elected representatives of the people of Canberra. I would thank also the committee office, the attendants, the library staff, Hansard and all the contracted service providers that assist us and keep this parliament running as smoothly as it does.

I would also like to thank a sometimes unsung set of heroes/heroines who inhabit some of the darker recesses of the place, namely, the press gallery. I am not afraid to acknowledge that politicians cannot exist without the media. Of course, the media cannot exist without us either, whatever else they might think about that. I always take some perverse pleasure in the fact that in community polling on the standing of professions or callings journalists always rate equally as badly as do politicians.

I would also like, Mr Speaker, to offer my thanks to the staff of your office and the offices of ministers, who also play a significant part in the work that each of us does as a member or shadow minister. I would also like to thank my own staff, who slog away tirelessly on our behalf. When I say "our staff", I mean my staff and the staff of each of my colleagues. They are part of the most unsung group in the place. I also offer my thanks to my colleagues for their unstinting efforts over the year, a great year for the opposition and the Labor Party.

I offer that long list of inhabitants of this place my sincere thanks for their help over the past year. I want to take this opportunity to offer them and everybody in this building my very best wishes for the festive season that is already upon us. I hope and expect that everybody will have a relaxing, refreshing, restful and happy time over this season and gird their loins for the undoubtedly interesting year that we will have next year.

Mr Speaker, in finishing, I note the pending departure of Mrs Carnell from the Assembly. I note that she has indeed made a very significant impact on this place and on Canberra, and I wish her the best of luck in the future.

Children's Health
Ms Kate Carnell

MR MOORE (Minister for Health, Housing and Community Care) (10.44): Before I talk about the Kate Carnell I know, I would like to read into *Hansard* a speech that was prepared for me by a young man. It is about health and reads:

> Dear parents
> Some of the reason your child's health is so unhealthy is because you're giving them too much junk food and too much TV and not enough fresh air and healthy food. Four ways to get your child outside.
>
> 1. Take away the video games.
> 2. Tell them to ride their bike.
> 3. Tell them to take the dog for a walk.
> 4. Tell them to play outside.

I appreciate that help, and I am going to send a copy of my speech to the lad.

The first time I met Kate Carnell was at the Academy of Science at a meeting on a heroin trial. That was quite interesting. I want to talk about seven clear memories I have of times I dealt with Kate Carnell. Perhaps she will see through it what Gary Humphries described. I read in the newspaper that Gary said, "Yes, but there is a certain chemistry between Kate Carnell and Michael Moore." I have to say I am very pleased about that. I knew it from the first time I met her at the Academy of Science.

The second time I can clearly remember Kate is when she had her arm around me and giving me a bit of a hug and a rub at drinks in the Speaker's office. I learnt not to take that personally. I noticed that almost everybody had to get used to Kate being rather tactile. It was a little shock at the time, but we all learnt in one way or another to deal with that—and to enjoy it as well.

The third occasion I remember was when Kate came to my house—it is a shame Mr Kaine is not here—to talk about the fact that there was going to be a move on the then Leader of the Opposition. She had talked to her colleagues about it, and she wanted somebody from outside to discuss this issue with and ask whether she should move, because she really did not want to move on Trevor at that time. What Trevor would not understand is how difficult that decision was for her. I know he never forgave her for that, and I think she understood that that would be the case. But the nature of politics is such that when the opportunity is there you grab it and you go for it. Thank goodness you did, Kate, because you were able to contribute so much to Canberra.

The fourth time I recall is when I made my decision that I would not support Rosemary Follett for Chief Minister; I would support Kate Carnell. I had voted for Rosemary on two previous occasions, but I thought we needed somebody with more drive. That is not to undermine Rosemary Follett, who made a significant contribution to this territory in her way. I believed it was time for a change and a time for a stronger leader and a different style. Boy, did we get a different style, and I am sure Rosemary would be very happy about that too.

The next occasion I remember is a fairly public occasion when Kate reiterated what she had said on many occasions and said, "Michael, why don't you join the ministry? You know I would like you to join the ministry." I do not know why it occurred to me, but I turned and said, "Well, Kate, are you prepared to do away with cabinet solidarity?" There was an exchange of looks and the thought that maybe there was something in that. That was four or five months before the last election.

You know the outcome of that. The outcome was that Kate, having offered me the ministry of health, sat down with me and said, "Michael, there is only one thing I want to ask of you." I remember it very well, I am sure she does. She said, "The only thing I ask of you is that you be passionate." I hope I have delivered on that. I believe I have, and I will continue to do so. That was the only demand that Kate ever made on me from the time I became a minister. It was an important demand, and it is a measure of Kate that she knew what she wanted to ask. She did say, "Actually I shouldn't have said that, because I know you will be." But it was great that she asked.

The seventh thing I mention is the long process I have watched as some people attacked her personal credibility because they knew they could not win an election if they did not do that. I think that has been appalling. I have loathed it; I have hated it. I have watched what it has done to Kate. It is the lousiest thing we do in politics, and it is something I find very distressing.

Finally, in saying merry Christmas to everybody, I would like to acknowledge my daughter Heidi, who is here for the first time watching us talk in the Assembly.

Ms Kate Carnell

MR OSBORNE (10.50): I remember my first touch-up with Kate too. It was my first budget night. It was really late and I was half asleep, when this hand came over, and I thought, "Here we go!" I looked up, and it was only the old boiler Chief Minister. I said, "It's only you. I thought my luck had changed."

Mr Speaker, I have had time over the last few months—in fact, most of the past year or two—to reflect on the former Chief Minister. I am currently reading a book called *What's So Amazing About Grace*. Obviously, with a title like that, you can all safely assume what type of book it is. It is a book about unconditional forgiveness and how difficult in today's world it is for people to forgive.

As I read this book and reflected on what happened to Mrs Carnell, it became increasingly clear how much un-grace—is that a word?—was shown to Mrs Carnell. I am not afraid to admit that I found sitting in judgment of her a most difficult experience. Being a person who has made many mistakes in his life and been forgiven, it is extremely difficult for me now to live with the realisation that no-one here, myself included, was brave enough to show some forgiveness towards Mrs Carnell.

The nature of modern-day politics has a strong tendency to play the man—or, in this case, the woman—instead of the ball. I appreciate that politics at times has a lot at stake. Strong passions can be aroused over issues, and there is nothing wrong with that. However, I think it does us little credit to come in here and win a battle but leave our humanity in the bottom drawer back in the office.

I struggled for a long time over Mrs Carnell's role and responsibility in the redevelopment of Bruce Stadium. The more I saw the personal attacks on her from the gutter and then the sewer, the greater my difficulty in being convinced that I should be the one to cause her to resign.

I recall being at home about 18 months ago when it all started. My daughter, who is an unabashed Carnell fan, saw Mrs Carnell and me on television, and she asked what was going on. I said, "Mrs Carnell has been very naughty, darling". She pondered that for a while, and a little later in the night she said, "I think you should forgive her, Daddy."

In light of that, I would like to make some brief comments about our former Chief Minister. Behind the job there is always a person. I cannot fathom the amount of hatred against her that was so obvious during the whole situation. I may have been less than thoughtful about some of the things I said, and for that I apologise. I know we are not supposed to consider admitting having made a mistake, or to consider forgiving others who may have made mistakes, because we are politicians and to do so would make us appear weak. How sad.

The reality is that from time to time we all make mistakes. We all know that. How foolish to pretend otherwise, and equally how sad to replace an attack on the facts of an issue with an attack on the person. I saw our new Chief Minister on television tonight—I hope he never rubs me up on budget night—making the comment that he hoped Mrs Carnell would be remembered as a person who achieved a lot for this city. I would like to endorse that notion, because it contains a lot of truth.

When I look back on Mrs Carnell's time as Chief Minister, I remember a person who made a huge contribution and a person who has much to be proud of. If she was a footballer, she would be remembered for having played the odd ordinary game. If I think back hard enough, I could probably remember the odd bad game I had. It was not very often. But Mrs Carnell can also look back on a lot more blinders—once again a bit like my career.

I have had a number of disagreements with her over the years. Even though I think she is an extremist on some things and an absolute lunatic on others, I know that she always believed that what she was doing was right.

The most special aspect for me was her treatment of my daughter. I became aware of my daughter's problem a couple of years ago when we played a game called Who Am I? It was a game about the identity of the person. Without fail, my daughter would start by saying, "I'm a lady, I'm pretty and I'm on television." You guessed it. It was not me; it was Kate Carnell. She made my daughter feel very special. My daughter still has doubts about whether I did the right thing by her friend over Bruce Stadium. Nevertheless, I am as responsible as the next person for what happened.

I wish you all the best, Kate, as you move on. I just hope you show us more grace than we showed you.

Ms Kate Carnell
Valedictory

MR STEFANIAK (Minister for Education and Minister Assisting the Attorney-General) (10.56): Mr Speaker, I, too, would like to join in the excellent sentiments expressed so far in farewell to Kate Carnell. Not only was she known in Canberra, she was known Australia-wide. I can recall after, I think, the 1998 election, my 91-year-old aunt Molly from Manly—an incredible monarchist who always criticised Kate, whom she saw on TV, for being a republican—having a go at me for two things. Firstly, she said, "Why did you give that republican such a big hug after you won the '98 election?" and secondly, "My God, you're getting fat. Look at that beer gut on you."

Mr Osborne mentioned his children. My two little children, too, have a great affection for Kate. I was always most impressed with the way my seven-year old Joseph would run up and jump on her at all times. I only found out fairly recently that he also had taken to ringing her in her office about three times a weekend—luckily, not on my mobile but just on my own house phone. She took it in her stride and established a great rapport with him.

Kate, you are a true leader. You have done wonders for the ACT economy. I do not think we would be in the healthy position we are in today were it not for your drive, your enthusiasm and your vision for Canberra. Gary has said you are a true Liberal. Yes, you are. We are a broad church and as part of that broad church you have done some interesting things in the social area.

I suppose I am a conservative. I have not always agreed with you about certain things. I have certainly agreed on things like the brothels and the X-rated videos. But in terms of things like shooting galleries and the interesting discussions we have occasionally had on law and order—you are a self-confessed wuss—we certainly have disagreed. You certainly have strong views on many things. You have great diversity and the fact that you can be, in many ways I suppose, an economic dry and a social wet has helped immensely in terms of your persona in Canberra and what you have actually achieved.

First and foremost, and I think to the very end, you are a leader. You have always shown excellent leadership. There is an old test in the Australian Army which serves us very well. Anyone aspiring to any leadership position in the Army is taught that a leader has to be fair, firm and friendly. These are the three main prerequisites. Kate, you are all those things. A leader has to show vision. You have shown vision in spades for Canberra and as a result of that vision you have made a true mark on this city. Few people can actually say they really do make a difference and leave a place better than they find it. I think you can truthfully say, and be proud, that you have.

A leader listens, and you do listen. You might not always agree with what people tell you. You very much have your own ideas but you have always been prepared to listen. I think you have always shown the ability to take advice. You might have certain positions but you are prepared to change. If people put a good enough argument to you, you had the flexibility and the breadth of intelligence to see a good point and adopt it. I think that, again, is the true mark of a great leader. You have shown flexibility, and that is also essential in a leader—it is something that you have shown consistently in the 5½ years you have led us.

I think it has been a tragedy that you have gone perhaps in such a manor. You yourself have always said that you have I suppose a use by date and that politics was not always going to be your career forever. Thank you for all that you have done for the territory. It has been a pleasure serving with you. We have not always agreed on a number of things but I have always been very proud and happy to serve with you. You have done much for the territory. Thank you for what you have done for our party and thank you for what you have done for this Assembly and the general community of Canberra and indeed the region. I personally give you my very best wishes for the future.

Might I finally take the opportunity to thank my personal staff, my departmental staff, my government colleagues, my Assembly colleagues and the Assembly staff for all their efforts, and wish you all a merry Christmas.

Ms Kate Carnell
Valedictory

MR HIRD (11.00): Mr Speaker, I first met Kate Carnell through another pharmacist and a dear friend of mine. I think at the time Kate was working as a locum at a pharmacy in Dickson. I remember Bob Bugden saying to me, “You want to keep your eye on this lass. She’s going to go a long way.” Little did I know that some six or eight years later I would be working side by side with her.

I recall in 1995, on being elected to this place following a short stint out of politics after having been a member of the advisory body, Kate saying to me, "I have a job for you." I said, "And what's that?" She said, "The Whip." I said, "Being the Whip means nothing." She said. "Well, you've got to do a number of things and one of those things is to keep an eye on the committees." Little did I know that she was going to drop a ton of bricks on me.

Kate, as previous speakers have said, you are a true leader and it has been an honour for me not just to serve but to learn. We have not always seen eye to eye. I recall one occasion when you used a colourful term about my mates. What you said certainly did not land on deaf ears because, as you will recall, I never did it again.

Two legacies will be left by Kate. We all can slap each other on the back and say, "Good job. Well done." But to me the two legacies left by you are, firstly, your chairing of the regional forum, which identified that there was a region, that there were 300,000 people looking for leadership and guidance, and that those people were using our facilities. Just recently, Minister Moore persuaded, through a lot of arm-twisting, the Grants Commission to recognise depreciation relating to medical equipment and facilities worth something like $6 million and I congratulate the minister for doing that under your stewardship, Kate. I hope he is looking for retrospectivity on that money, too, because we can certainly do with it in the health area.

The second legacy to future generations is the international airport. The international airport is going to be something of significance to the region and certainly to the ACT. It will be significant not only in terms of jobs but also in respect of perception. We are not allowed to divulge what happens in the party room, but I remember you making a rainbow with your hand and saying, "It's a matter of perception." The fact is that there is a perception that the international airport will be of significance to the whole of this region. Well done.

I hope that you do not leave us completely. I know you will not. You will be around annoying not just me but hopefully everyone in this chamber, and in particular the Chief Minister. I know you will be there for the good of the region and the territory.

I would now like to say something about Christmas. Christmas is a joyous occasion which we look forward to. I ask the people of Canberra when they are filling their stocking to think of others and help those less fortunate than themselves. I ask them to drive carefully and to be patient. I also ask them to make visitors to our national capital feel welcome.

I would like to thank the staff of my office, of the ministerial offices and also of your secretariat, Mr Speaker. Everyone should take a well earned rest because next year is not only going to be the start of a new millennium but also an election year and, irrespective of which side of politics we are on, we are all going to have to be on the front foot. Merry Christmas to all.

Ms Kate Carnell
Valedictory

MS TUCKER (11.05): I would also like to wish Ms Carnell the best of luck in her new life. I have listened to what has been said tonight by people who have worked with Ms Carnell. I have hardly ever seen eye-to-eye with Ms Carnell, but on the couple of occasions that I have, I have enjoyed working with her. She has a quick intelligence. I can understand why people who have the same world view would be very pleased with how she operates, and I can understand their regret at her leaving.

Paul Osborne's very moving statement made me reflect on the very unnatural working environment of this place. As human beings we all have in some way to deal with what is a very conflictive environment, and I think what Paul said is worth considering. I personally have never felt hatred for anybody in this place. I have felt anger but I get over it. I think as individuals we can work with the anger that we feel—as in the case of Mr Moore today. But obviously the issue is one of getting over it.

I want to make it clear that I sincerely wish Kate Carnell the best in her life. I was obviously concerned about the issues of the Bruce Stadium and so on. I took a position that I felt I had to take for the Greens because of the way I thought a government and Chief Minister should be operating. I would like to make clear that it was on that level that I was responding.

I would like to wish everybody here a good break and a happy Christmas. I know that next year will be very tense. The unnatural environment that we live in here will be even more tense, so let us hope, as Mr Osborne expressed in his speech, that we can reflect on how we behave as individuals.

I would like to thank the staff of all members, the DLOs, and the other people who work in the building—I will not list them but they know who they are. I would like to thank in particular the people who work with me in my office. We are a very tight team and I respect them immensely. They have always been there for me and I hope I have been there for them.

Ms Kate Carnell

MR RUGENDYKE (11.08): I, too, recall the first time I met Ms Kate Carnell. I seem to recall that it was at a charity event of some sort, a fairly brief moment in time where we brushed past each other. Kate's fairly blase words were along the lines: "Dave, when are you going to have a run with us?" to which my equally blase reply was: "Don't be so stupid." I just wonder how history would treat us if our meeting on that day was a little less blase.

I, too, have children who are intense Kate Carnell fans. In fact, my children actually have Kate Carnell clothes. I, too, congratulate Kate on the things that she has done for the ACT in the time that she has been in politics. Everything that has been said tonight is sincere, is true, and everybody who meets Kate is proud to know her.

Above all, I value the friendship that I have developed with Kate over the years. Although over the last few months it has been strained, it is a friendship that I trust will continue. I wish you, Kate, well in the future and congratulate you for what you have done for Canberra.

Ms Kate Carnell
Valedictory

MR SMYTH (Minister for Urban Services) (11.10): Mr Speaker, I guess I have ended up in this place as the new chum of the Liberal Party and primarily I am here because of Kate Carnell. Kate came to the Chisholm polling booth on election day in February 1995 and was just so positive about what might occur. She was certainly the major reason for my thinking, "Well, damn it, I'll give the Canberra by-election a go." And so I had this wonderful introduction to politics courtesy of Kate.

Losing my seat in 1996 was a bit of a downer. Kate said, "Well, that's okay. Come down to where we do the real work, because you will really enjoy it." And she was right. I love what I do and I love being down here, and much of that is because I got to work with Kate. I would thank you for the trust that you have had in me in making me a minister as a new MLA and for all that you have taught me.

A thesaurus of positives would list, under the definition of Carnell, words such as inspirational, passionate, motivated, dedicated, involved, genuine, courageous, supportive, compassionate, caring, thinking and a fighter. I think that tremendous combination of words that you could string together about Kate could be summarised as "great woman, great leader, great friend, great fun, great mum, great lady, great Canberran and great Australian".

It is the great woman bit that I want to finish on tonight. As you would all know, I am the father of teenage twin daughters and when I look around for examples when I say to my girls, "Grow up and be like that," the first person that springs to mind is my mother and the second is Kate Carnell. I say this because on a Saturday morning early in the piece I came into the Assembly with my daughters, who were then 12½ years of age, and a group of their friends. Kate was going off to her next function but she stopped and took the time to talk to them. One of the girls said, "Wow, that's Kate Carnell." What I found really appealing was her ability to inspire young people, particularly young women; that she would stop and talk to them and prove to them that you could be yourself and get on with life and make a difference. As a father I have to say I am very grateful.

It is not so much that Kate has pushed the glass ceiling—I think in most cases she has shattered it. As Gary has said, and as I think we have all said in our own way, in different fields—whether it be in respect of COAG or, in Paul's case, in respect of wooing over young children—Kate has broken and shattered the glass ceiling, and I think for all Australian women that is a tremendous thing to have done. To be the longest serving female leader, to be the longest serving ACT female politician, is something that I suspect generations of Canberra women certainly will be grateful of for many years. I think that at the time of the next election they will not forget what was done to you.

Mr Speaker, it is Christmas and I would like to say and put on the record that the spirit of what Mr Osborne has said is an example for many of us in this place. It takes courage to say what he said and on behalf of us this side of the house, Paul, I would say congratulations and thank you.

To all those who work in the place—the staff of the offices, the DLOs, the staff of the building, the building maintenance staff who service the building, and the personal staff of all the members—I wish you a very merry Christmas and I thank you for all the work that you do. I wish all members a happy and holy Christmas. Enjoy the break. Next year will be exciting. But to Kate and your family, have a great time. Merry Christmas and God bless you all.

Ms Kate Carnell
Valedictory

MR QUINLAN (11.15): Mr Speaker, I have to record that Kate Carnell never offered me a political job—funny, that. Throughout the day I mulled over what I was going to say and I thought that probably the smart thing to do would be to respond to the speech as it came. I have to say, Kate, that the speech is not the speech I expected. However, at this juncture I am not going to debate any of the points that you made. Quite obviously we would not agree on everything. In the main, all members of this place do not necessarily agree with each other but we nevertheless can co-exist and be quite civil and friendly, and I have appreciated that from all the people in this place, including you, Kate.

Personally, I wish you well. I have said this earlier this evening but I will say it again: I thoroughly recommend that you look forward and do not look back. As you are looking forward and making whatever you do next and next after that a success, please be assured that there are people in this place that you have left behind who are positive and certainly there are people in this place that have Canberra at heart. I certainly am one of those people and I have worked for the city in quite a number of ways. So let me repeat that I wish you well in whatever you do.

I wish to record my thanks to the staff of this place. I particularly thank Jeff and Adrian of my own staff. Adrian, who is leaving shortly to move upward and onward in his career, has provided exemplary service to me in my office. Every now and then we speak about the lack of resources that the opposition or the non-government members have in this place and certainly I have had a great advantage in having someone like Adrian working with me and I wish him well.

Lastly, in case I forget to say so in the corridors of this place, I extend to all members the compliments of the season. I wish you and yours the best for the season and the best in most things that you pursue through the course of next year.

Valedictory

MR HUMPHRIES (Chief Minister, Minister for Community Affairs, Attorney-General and Treasurer) (11.17), in reply: To close the debate, Mr Speaker, may I wish all my colleagues and staff in this place a very merry Christmas.

MR SPEAKER: Thank you. Before I put the question may I make a few comments. I would like to thank all members of the secretariat of this building, many of whom work behind the scenes, for their assistance. The presence of the staff of the committee office and the attendants is obvious but there are Hansard and library people, plus others. I would also like to thank the staff of all members for their assistance.

I would like to thank all members but I cannot because you have all been naughty at one time or another in this chamber. Nevertheless, I extend to you the compliments of the season and certainly wish you a happy and prosperous new year.

I would like to conclude by adding a few words to those that have been made about Kate Carnell. As an unrepentant Tory, Kate—and let us face it, we were opposites so far as the Liberals are concerned—I do not think there was anything more honourable from the point of view of a Liberal than the manner of your going, which I thought was extremely courageous and decent. But I think you had to go because there is a bigger world for you out there and much wider horizons than this place. Therefore, I wish you all the very best. To paraphrase Dickens in *A Tale of Two Cities*, it is a far, far better thing you do.

Question resolved in the affirmative.

Assembly adjourned at 11.18 pm until Tuesday, 13 February 2001, at 10.30 am.

ANSWERS TO QUESTIONS

Motor Registry and Department of Urban Services—Fees (Question No 267)

Mr Hargreaves asked the Minister for Urban Services, upon notice:

> In relation to (i) the ACT Motor Registry, and (ii) the Department of Urban Services:
>
> (1) What are all of their current fees and charges; and
>
> (2) What was the price previously charged for each item.

Mr Smyth: The following response was provided to the member:

> Notice was given in the undermentioned Instruments of the Australian Capital Territory. Copies of the Instruments may be purchased from Publishing Services, Legislation and Sales Counter, ACT Government Shopfront, Corner of City Walk and East Row Canberra City ACT.

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Property Revaluations

(Question No 317)

Mr Wood asked the Treasurer, upon notice, on 29 November 2000:

In each of the last two years in which property revaluations have occurred:

(1) How many appeals were lodged; and

(1) How many of these resulted in a variation to the assessed valuation.

Mr Humphries: The answer to the member's question is as follows:

• The total number of objections to unimproved land values lodged with the ACT Revenue Office following the 1999 general revaluation of land was 126. Of these, 39 objections were confirmed and 87 objections were reduced. In addition, 7 lessees appealed to the ACT Administrative Appeals Tribunal (AAT) for the objection decision to be reviewed. Of these, 5 appeals were upheld in full or in part, and 1 appeal was dismissed. There is still 1 matter awaiting to be heard by the AAT.

• During the current 2000 general revaluation, the ACT Revenue Office has received a total of 190 objections to unimproved land values. Of these, 120 objections have so far been completed, resulting in 91 objections being confirmed and 29 objections being reduced. To date, only 1 lessee has appealed to the AAT for the objection decision to be reviewed and this matter is awaiting to be heard by the AAT.

Cork Plantation
(Question No 319)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to the ACT cork plantation:

(1) What commercial arrangement has the government entered into with Amorim to operate the cork plantation.

(2) What are the terms of the arrangement and what conditions are attached to the arrangement.

(3) What financial return will the Territory receive under this arrangement.

(4) Which ACT wine industry partners are involved in the operation.

(5) Which party is responsible for the operational costs associated with the plantation.

(6) What are the details of the management plan prepared by Amorim.

(7) Was a market analysis prepared before any arrangement was entered into with Amorim.

Mr Smyth: The answer to the member's question is as follows:

(1) No commercial arrangements have been entered into by my Department with Amorim with respect to the commercial harvesting of cork from the plantation. However, Amorim, the Canberra District Wine Industry Advisory Group, Chief Minister's Department and ACT Forests have had discussions about the future of the Cork Oak Plantation.

To date, the ACT Government and Amorim have jointly paid for a Portugese cork plantation expert to come out to Australia and inspect the plantation and report on options for improving its health.

(2) No formal agreement has been reached at this time with Amorin.

(3) At this point of time, the financial return to the Territory is unknown.

(4) The Canberra District Wine Industry Association is involved in the project. This is an alliance of ACT Government, CTEC, CIT, vignerons and wine makers. Ken Helm has been representing the region's vine growers/wine makers in this process.

(5) ACT Forests is, and has always been, responsible for the day-to-day management of the plantation. ACT Forests has organised the thinning of the plantation using a capital works allocation. The grant of $50,000 will cover the thinning, chipping of the residue, stacking of the logs.

(6) Amorin has not produced a management plan. Amorin has provided a report based on the Portuguese cork expert's visit. The management plan for the cork oaks has been developed by ACT Forests and approved by the ACT Heritage Council. A part of that plan involved a thinning to improve the health of the plantation. Copies of the report and the management plan are available for inspection.

(7) No market analysis has been prepared as there is not, at this time, a formal agreement with Amorin.

Rental Housing
(Question No 320)

Mr Wood asked the Minister for Health, Housing and Community Care, upon notice, on 5 December 2000:

> In relation to the KLA report into the evaluation of the transfer of 200 ACT Housing properties to Community Housing Canberra:

(1) When will the report be released to the public; and
(2) Why is the Auditor-General looking at the findings of the report prior to its public release.

Mr Moore: The answer to the member's question is:

(1) The report prepared by KLA is an internal report to inform the Government of the outcomes of the pilot scheme to transfer 200 properties from public housing to community-based management and to identify areas for improvement or clarification for future transfers.

The Government has not yet had the opportunity to consider the evaluation of the transfer, including the review report prepared by KLA. As soon as the evaluation has been considered by the Government, I would be pleased to make a copy of the KLA report available to interested readers, excluding of course, anything that discusses financial matters that should not be available publicly.

(2) The ACT Auditor General had requested and been provided a copy of the report prepared by KLA. This was provided in the context of accounting policy matters concerning the transfer of assets that had been raised during the evaluation. These matters required further discussion with the Auditor General's office before the evaluation review could be completed.

Non-government Schools
(Question No 321)

Mr Berry asked the Minister for Education, upon notice, on 5 December 2000:

In relation to the registration of non-government schools:

(1) What applications has the Government received for the registration of (a) new non-government schools or (b) extensions to existing non-government schools in:
(i) 2001; or
(ii) 2002.

(2) Have panels been established as required under the *Guidelines for the Registration of Non-Government Schools in the ACT-1994* to assess these applications and what is the composition of these panels.

(3) Have any panels reported their findings and if so what are their findings.

(4) Has the government approved the registration (a) new non-government schools, or (b) extensions to existing non-government schools for:
(iii) 2001; or
(iv) 2002.

(5) What will be the impact of these new non-government schools or extensions to non-government schools to existing schools, both government and non-government.

Mr Stefaniak: The answer to Mr Berry's questions is:

(1) The Government has received the following applications for:
(a) new non-government schools:
(i) 2001 Blue Gum School
(ii) 2002 Nil applications received: and

(b) extensions of existing schools:
(i) 2001 Orana School—extending to Years 11 & 12
St Francis Xavier College—extending to Years 11 & 12
(ii) 2002 Nil applications received.

(2) Panels were convened for the registrations at Blue Gum School, Orana School, and St Francis Xavier College. These panels were convened in accordance with the Education Act 1937 and the Guidelines for *the Registration of Non-Government Schools in the ACT*—1994. The panels were composed of representatives from the Non-Government Schools Office, and senior members of the Government teaching service and Independent sector. Each of these panels visited the respective schools.

(3) Reports have been prepared for the three registrations undertaken in 2000 and the recommendation in each instance is to provisionally register the schools.

(4) The recommendation to provisionally register these schools has been approved.

(5) At this stage, enrolments have not been finalised and therefore it is difficult to determine the impact of these schools on government or other non-government schools. The actual enrolment numbers will be determined by such factors as the religious affiliation, and educational beliefs of parents and students and the ability of these schools to provide an attractive curriculum package and educational environment.

Planning and Land Management Group—Staff
(Question No 322)

Mr Corbell asked the Minister for Urban Services, upon notice:

In relation to staff in Planning and Land Management Group (PALM):

1. How many people employed in PALM have tertiary planning qualifications;
2. How many of these people are temporary employees or contractors;
3. How many people employed in PALM in 1999 had planning qualifications;
4. How many of these were temporary employees or contractors.

Mr Smyth: The answers to the member's questions are as follows:

1. There are currently 29 people with tertiary qualifications in Town, Urban and Regional Planning.

2. There are currently three contractors.

3. There were 29 people with tertiary qualifications in Town, Urban and Regional Planning.

4. There were two contractors.

In addition, PALM is currently recruiting to several positions, which require Planning and Urban Design or related skills.

Drug Overdose Deaths
(Question No 323)

Mr Stanhope asked the Minister for Health, Housing and Community Care, upon notice, on 7 December 2000:

In relation to drug overdose death statistics:

(1) Who (a) compiles these figures and (b) why does this particular body do it.

(2) How are the statistics on (a) drug overdose deaths, (b) non-fatal drug overdoses compiled and (c) what criteria are used to categorise overdoses.

(3) What assurance is there that the figures published reflect the true position.

(4) How are the statistics analysed to identify emerging trends and issues such as the number of deaths in the Indigenous community.

(5) How much time elapses between the compilation of the figures and their provision to the Minister.

(6) What do you intend to do to ensure that these statistics are maintained and accessible at all times.

Mr Moore: The answer to the member's question is:

1. (a) Statistical information on apparent and confirmed overdoses is provided by the Coroner's Office in consultation with the Police Coroner's Office, who in turn is informed by the ACT Ambulance Service and where appropriate, one of the hospitals.

(b) As each suspected fatal overdose is referred for inquest, the Coroner's Office maintains the information database as a matter of course. This is regularly updated as matters are dealt with by the Coroner. The ACT Ambulance Service attends suspected overdose incidents as a result of a callout to the 000 number. They then contact Police Operations if it is a death, and a patrol car is sent. The Police then contact the Coroner's Officer who notifies the Coroner. The body is then transferred to the Forensic Medicine Centre in Kingston for post-mortem.

2. (a) Where an ambulance has attended a callout for a suspected overdose death, the information is provided to Police Operations and police also attend. In some cases the person may survive the initial suspected overdose and be admitted to hospital. Where a death occurs at a later time, this information is then provided by the hospital to the police and the matter referred to the Coroner. The person's death
may be suspected of being attributable to illicit drugs, but this needs to be confirmed through Coroner's inquest and report. It should be noted that the majority of suspected drug overdoses, and subsequent admissions to hospital, are not a result of illicit drugs, but as a result of licit substances, including prescription drugs, over the counter medication and alcohol poisoning.

(b) Information on non-fatal overdoses is compiled by the Ambulance Service and reflects the number of callouts attended by the Ambulance Service where the person was revived or did not require assistance.

(c) Criteria used to categorise overdoses is death or loss of consciousness resulting in respiratory suppression or hypoxia. In the case of non-fatal opiate overdoses the person will have a positive response to the administration of Naloxone and an increase in respiration.

3. There should be a great deal of caution used in the publication of figures. It is important to wait until the results of the Coroner's inquests are known, even though this may mean a delay of some time. It is too easy to be persuaded that a suspected overdose is attributable to illicit drugs, when this may not be the case. For this reason, in releasing the information, the Coroner's Office provides information regarding suspected overdoses, from both licit and illicit drugs, but gives only firm overdose statistics on those deaths which have been found by the Coroner to have been the result of a drug overdose. Toxicology results accompany the report from the Coroner.

4. A person's ethnicity and indigenous status cannot always be determined without information from next of kin and family. The police make every attempt to record accurately the family background, however, this may not be immediately apparent at the time of death, particularly in the case of people who normally reside interstate. As a consequence, records may be updated at a time following the person's death as information becomes available. ACT data is compared to national trends, both in terms of indigenous and non-indigenous populations. Due to the comparative small number of deaths in the ACT it is not always relevant to look at trends in terms of percentage figures—ie. numbers are so small that no meaningful trend can be identified.

5. This is determined by the time in which the matter takes to come to the Coroner's Court and the time the inquest takes, and that in turn is a consequence of medical, toxicology and police reports. While we are able to access information of apparent overdoses from ambulance and police statistics within hours of the incident, it may take some months for the matters to come to the Coroner's Court. As a comparison, I should inform my colleagues that while information on 1998 national overdose statistics is available, the 1999 national figures have not yet been released. However, in the ACT we already have data which is accurate to November 2000. As the ACT is a small jurisdiction, we are able to access this information in a relatively short timeframe.

6. As stated, following a fatal suspected overdose, the body is transferred to the Forensic Medicine Centre for post-mortem. Investigating Police prepare a Report of Death to the Coroner. In the weeks prior to Coroner's inquest, the police collect statements and complete their investigations. Following a coronial inquiry, information is stored on the National Coroners Information (NCIS) database, Monash University Centre for Coronial Information (MUNCCI).

Funding for the development of an illicit drug coronial database was provided as part of the National Illicit Drug Strategy. The Monash University Centre for Coronial Information (MUNCCI) is being developed as part of the National Coroners Information System (NCIS) and provides improved strategic early warning on trends in drug related deaths.

7. Given the cross-sectorial nature of this issue, my Department has sought a meeting with the relevant areas in the new year to determine protocols for the flow of information and reporting mechanisms. This will build on the excellent relationship in place with the Coroner's Court, who have already developed a new reporting system which provides the Department of Health, Housing and Community Care with electronic updates as they become available. The information provided includes time and place of death, sex of the deceased, Aboriginality, toxicology reports and Coroner's findings.